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## **The Effectiveness of the Indus Waters Treaty 1960: A Case Study of the 1999 Baglihar Hydroelectric Project and 2007 Kishenganga Hydroelectric Plant**

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# **The Effectiveness of the Indus Waters Treaty 1960: A Case Study of the 1999 Baglihar Hydroelectric Project and 2007 Kishenganga Hydroelectric Plant**

## **Abstract**

Pakistan and India have historically been at odds with each other politically, and have fought four wars. Both countries share a water supply via the Indus River, which originates in the disputed territory of Indian-Administred Kashmir. As India is the upper-riparian state it therefore has the advantage to 'control' water supply downstream to Pakistan, the lower-riparian state, an Indus Waters Treaty was signed in 1960 which awarded each country three rivers stemming from the Indus River, each and regulated the flow of water between the two. However, Pakistan has claimed that the creation of hydropower projects in India on rivers which flow into Pakistan have compromised the supply of water to Pakistan, which then lowers the amount available primarily for agriculture, power generation and consumptive purposes. Two such issues were raised in the case of 1999 Baglihar Hydroelectric Project and 2007 Kishenganga Hydroelectric Plant, and for both, different mechanisms under the Indus Waters Treaty were used to resolve the disputes. This article considers the mechanisms of resolution provided under the Treaty, and comments on its effectiveness in doing so, and in the process, suggests reform to the Treaty itself.

**Key words:** Indus Waters Treaty, Pakistan-India Relations, Hydroelectric power plants, hydroelectricity, hydropolitics, international dispute resolution, World Bank, Indus Water Commission

**Authors:** Zahra Gardezi, Andrea Borello, Rabiha Sheikh

## **Introduction**

The Indus river is the largest contiguous irrigation system in the world, and it serves up to 300 million people living in the Indus Basin in Pakistan and India (Adeel & Wirsing, 2017). The water in the basin has been shared between the two countries since partition in 1947 and provides water for domestic, non-consumptive, agricultural and hydropower uses. However, the growing of populations of both countries has led to a rise in the demand for water, which has further complicated an already tense political climate for transboundary water-sharing (Sarfraz, 2013, p. 225).

Since the river originates in India and flows downstream to Pakistan, India is the geographically advantaged upper-riparian state, and Pakistan is thus the disadvantaged, lower-riparian state. This creates space for a potential dispute should Pakistan receive a suboptimal level of water. The geopolitical situation between Pakistan and India at the time of partition, as well as Pakistan's requirement of water downstream from India, prompted the creation of a regulatory framework to administer the sharing of common water supply from the Indus River. This eventually developed into the Indus Waters Treaty (IWT) in 1960, which was mediated by the World Bank and allocated three western tributary rivers of the Indus (Chenab, Indus and Jhelum Rivers) to Pakistan, and the three eastern tributary rivers (Beas, Ravi and Sutlej Rivers) to India (Adeel & Wirsing, 2017, p. 42).

The IWT is considered to be one of the most successful water sharing treaties in the world. In the case of Pakistan and India, it has prevented potential conflict between two powerful neighbouring countries, which have been subject to political tension since partition (Iyer, 2005, p. 3141); Pakistan and India have fought four wars with each other since 1947. Despite its success, the IWT has been subject to dissatisfaction and disputes from Pakistan, due to the development of hydropower projects on Indus River water in India. Pakistan has considered these disputes as violations of the IWT, as India has compromised the level of water supply available to fulfil its growing consumption.

The two most prominent claims of violations have been expressed by Pakistan in the cases of the Balighar Hydroelectric Power Plant (1999) on the Chenab River, and the Kishenganga Hydroelectric Plant (2007) on the Kishenganga River, both in Jammu and Kashmir (Indian Administered Kashmir, hereafter J&K). In these cases, Pakistan followed the method of dispute resolution as

outlined in the IWT. The significance of these cases arose when the elected Permanent Indus Commission (PIC) was unable to resolve the issue. Pakistan resorted to approaching external bodies, such as the World Bank, a Neutral Expert (NE), and the Court of Arbitration (CoA).

These are the only cases in which PIC has been unable to solve the issue, and further methods of dispute resolution underlined in the IWT have been to no avail. Hence, the controversy over Kashmir is relevant to the issue of water sharing between Pakistan and India in this paper for a core geopolitical reason. The Kishenganga River originates in J&K and flows downstream into Azad Kashmir (Pakistan Administred Kashmir, hereafter AK). This article will explore the Kishenganga Hydroelectric Plant (KHEP) - a development on the Kishenganga River in India - as Pakistan has raised it as a violation of the IWT. As India is the upper-riparian state, having control over the irrigation systems in this area has provided India with the ability to allocate river water per its wishes, granting it power and resource advantage over Pakistan. Pakistan has thus been left highly dependent upon canals for irrigation that were controlled by India (Adeel & Wirsing, 2017, p. 42).

This article examines how the IWT has provided a legal infrastructure to resolve disputes in water sharing between India and Pakistan, with a special focus on its impact on Pakistan as the lower-riparian state. Thus, we ask the following research question: How and to what extent has the Indus Waters Treaty been upheld? And how can its effectiveness in resolving the disputed cases of Baghliar Hydroelectric Power Project (1999) and Kishenganga Hydroelectric Power Project (2007) be viewed?

### **Methodology and Theoretical Framework**

In order to explore the research question, this article draws upon the following three theoretical inspirations: neo-mathusaianism (realism), water collaboration (libearlism) and law as a process (constructivism), which allows this discussion to reconcile a theoretical approach with real-life situations. The water in the Indus basin is the empirical phenomenon which serves as the starting point of the analysis in this paper. By applying the three different theories, the paper examines water sharing in the Indus by looking through different lenses to understand how shared water resources have affected the relationship between Pakistan and India in recent history, limited to the scope of this article. This article does not aim to test the different theories but rather uses them as lenses through which it becomes possible to ask questions to the case of shared Indus water and

thereby understand the phenomenon from a variety of perspectives. Furthermore, this article employs an eclectic methodology to the study of bilateral relations between Pakistan and India in the context of IWT for a more comprehensive understanding of the shared Indus water. This approach allows the complexity of a certain phenomenon to be examined, since it is not restricted to one perspective.

Through this investigation, the article contributes to the study of the relationship between law and politics within the framework of international regulations regarding natural resources. Further, it sheds light on the settlement of disputes over natural resources and the involvement of third-parties in the process, through diplomacy and dispute-resolution, and utilizes a case-study based approach.

### **Understanding the Water Disputes Between India and Pakistan: A Realist and Liberalist Perspective**

Before moving to the IWT, a few considerations with regards to the international relations between India and Pakistan will be put forward, starting from the exit of British rule and the partition of Pakistan and India in 1947. This will be illuminated in the context of Malthusianism and Water Rationality in order to understand water management and distribution with respect to their relationship with water requirement.

Realism and liberalism present two opposing approaches for understanding the phenomenon of water sharing. Realism considers the state as the primary actor in the international system and seeks to find the *raison d'état* - (the reasons of the state) presented by Niccoló Machiavelli. In the case of Pakistan and India, the shared material resources have impacted their individual power at the international fora, and therefore remain crucial to their foreign relations. The foreign policies of both Pakistan and India have also been formulated in a manner which historically reflects an almost painful awareness of each others' geographical and political presence. Each has incorporated potential threats from the other, including those to national security stability and the quest for regional dominance (Adeel & Wirsing, 2017, pp. 50-51). In a largely hostile environment, the IWT was created and mediated by an international body - the World Bank - to manage and regulate shared water supplies between the two countries, so each would receive its fair share. In this context, we may understand the precariousness and fragility of upholding the IWT, and where disputes do arise, settling them in the manner outlined in the treaty itself.

The causal link between conflict and scarce natural resources has been recognized as a conjunction between a growing population and a decline in agricultural production. In Thomas Malthus' book *An Essay on the Principle of Population* (1798) he predicts how this decline would not only lead to a decreasing amount of food per capita, but also how it would cause other ills such as disease, poverty and war. This conjunction between growing population and an almost constant amount of natural resources is called the Malthusian squeeze (Møller, 2012, p. 4).

Pakistan and India are experiencing population growth, and to sustain them, both countries require an adequate supply of water. In more recent decades, both countries have seen the utility of the potential of using water to generate electricity. As one of the highest-yielding forms of electricity production is water-based, the countries tend to build hydropower plants on fast-moving rivers. However, issues arise when the production of electricity from a water source of one country negatively impacts the water supply available to another country to meet its own domestic and hydroelectricity production needs. Such has been the case with Pakistan and India in which India has built hydro projects on rivers it shares with Pakistan - such as the Kishenganga in J&K (which becomes the Jhelum river in Pakistan). In this case, these hydro projects have compromised the level of water available downstream to Pakistan in the Jhelum River. Therefore, to meet the demands of both countries, both must adhere to the mutually beneficial IWT.

In contrast to the Realist school, the Liberal school sheds a different light. Water Rationality, which falls under the Liberal school of thought and is presented by Undala Alam (1998), indicates that there is international cooperation even between hostile countries, such as India and Pakistan in the case the IWT (Alam 1998, p. i). According to Alam, the success of the IWT can be found in the liberalist concept of Water Rationality. This concept expects cooperation instead of conflict, because states will always aim to promote long-term water security.

In the case of the Indus River, Pakistan and India's agreement to undergo negotiation through a mediation process, resulting in the IWT, reflects a water-rational approach. However, despite the hitherto success of the Treaty in averting conflict, the outcome of water rationality will not necessarily lead to lasting peace (Adeel, 1998, p. 252). Cooperation in the Indus basin, including in

Kashmir regarding rivers, was specific to water supply only, and does not extend to the overall conflict in Kashmir.

The above has presented two theoretical perspectives from international relations theory in Realism and Liberalism in order to get a nuanced view on water management, over-population, water scarcity and the relationship between conflict and cooperation. These perspectives view water management as either a cause for conflict (Realism) or cooperation (Liberalism). This classical approach through two conflicting theoretical perspectives enables us to begin to understand historical tensions and the birth of the IWT. Although this approach enabled a dual understanding, it is simultaneously limited in scope. It can be further supplemented by additional international relations perspectives using an eclectic method, rather than simply a dual method (Kumar, 2013, p. 4). Therefore, rather than concluding which of the two above approaches is right, this article recognizes the inherent conflict in the IWT as a dispute-resolution tool subject to dissatisfaction and disputes and recognizes the possibility of other theoretical perspectives. As an additional perspective, this article explores law as a process (constructivism) later on.

### **The Indus Waters Treaty 1960**

This section examines how the IWT has provided a framework for water distribution and management in the context of power-politics and diplomacy. It investigates how the treaty was founded, institutionalized and structured, and presents the legal framework surrounding it, both within and outside the scope of the treaty. When examining the external structures around the treaty, this section incorporates the research on law and social change by Sally Moore (1973) This helps illuminating the interaction between law and politics, not as stand-alone entities, but rather as inter-related fields.

The IWT, brokered by the World Bank, is split into 12 articles. Art. IX is most relevant to this paper, as it provides the guidelines for settlement of differences and disputes. Furthermore, Art. VI (for exchange of data) and Art. VII (for future cooperation for water sharing) are also relevant, as they are concerned with long-term water-rational behaviour of both countries. The treaty provides guidelines for cooperation and exchange of data, which is found in Art. VI (“waters of the Rivers shall be exchanged regularly”) and VII (“a common interest in the optimum development [...] and

intention to cooperate"). In addition to Art IX, VI and VII, Annex D and E are relevant to this article, since they outline the provisions for run-of-the-river projects and their specifications, and Annex's F and G, as they provide the guidelines for dispute settlements. All these paragraphs remain central in the cases of the 1999 Baglihar Hydroelectric Project and 2007 Kishenganga Hydroelectric Plant, as they were invoked to solve arising disputes, which the case studies in the following illuminates.

Art. IX outlines three steps to settling a dispute, depending on the severity of the case. The first step is to approach the Permanent Indus Commission (PIC). If the PIC is unable to solve the dispute, then either of the two countries can take the second step, which involves either the Pakistani or Indian Commissioners for Indus Water (CIW) requesting a Neutral Expert (NE) in accordance with IWT Annex F, Part 2. If the dispute is still not resolved, the governments may take the third step and enlist the services of Court of Arbitration (CoA) as outlined in Annex G. The meetings are held annually alternating between the two countries, and may be convened with greater frequency should the need arise.

### **External Legal Structures to Indus Waters Treaty 1960: A Constructivist perspective**

The IWT was signed under the principle of mutual cooperation and reflects a high-level of water-rationality as previously explored. Although there is no overarching legal international body, there are legal instruments in place. One such is the Vienna Convention on the Law of Treaties on Diplomatic Relations (1970), which necessitates its signatories to abide by all treaties into which it has entered. However, whilst Pakistan is signatory and therefore obliged to obey the IWT by this means, India is not and would not face legal consequences in this regard, should it choose to abrogate it.

To understand the relationship between law and politics, a social constructivist stand may be used. In *Law and Social Change*, Sally Moore (1973) problematizes law and how it can be understood as a semi-autonomous field with fluid boundaries which are in a constant negotiation with the surroundings, rather than static universalities (Moore, 1973, p. 743). Following from this stand, India's decision to remain signatory to the IWT becomes more understandable. It may choose to abide by the IWT for several reasons. One was prominent during the Kishenganga dispute in 2016: Should India choose to unilaterally abrogate the IWT, Pakistan would have considered the move of an ,act



of war' (Khan, 2016). Moore's theory has helped understanding how law is neither an autonomous nor self-contained field, but is affected by its surroundings and social actors. This suggests that there are different concepts of violation within law and politics, which affect the international relations agenda.

### **Hydrotechnology on Common Rivers: A Cause of Dispute**

One of the most feasible means of production of electricity to meet the growing demand for both Pakistan and India has been through hydropower. This involves high-technology construction of hydroelectric power plants. One of the main challenges in this regard is not the availability of water, but rather the management of it. The Treaty does not have any provision for the development of power projects on any of the water bodies because at the time it was formulated, such technology was not a possibility. However, recent development of the technology has opened up a new forum on the international front: hydropolitics. Though there is no exact definition for the developing field of hydropolitics, it can be understood through the national and international-level interaction of water management and power politics (Alam, 1998). This is evident in the case of the Indian hydroelectric power plant on the Kishenganga River in J&K. In one sense, it may be considered an exercise of hydro-hegemony, and may be extended to be seen as a bargaining tool for issues such as Kashmir (VoNews, 2017). The discussion revolves around whether or not the stronger riparian state (India) needs to participate in cooperative negotiation in the water sharing policy to avoid diplomatic issues (Kehl, 2011).

### **Case Study of Indus Waters Treaty 1960 Violation: The 1999 Baglihar Hydroelectric Power Project**

The effectiveness of the IWT can be explored through a case study of the 1999 Baglihar Hydroelectric Power Plant (BHEP), as it has been claimed by Pakistan to violate the IWT. Having accounted for three different theoretical lenses to understand the phenomenon of water-sharing, this article now moves on to a case-study of the BHEP dispute. This section investigates how this dispute has played out, and how it has been solved through diplomacy and cooperation as provided by the provisions of dispute resolution in the Treaty. The BHEP was a run-of-the-river power project established in J&K. The project was conceived in 1992, approved in 1996, and construction began in 1999. Since 1999,

Pakistan has raised concerns that the design parameters of the dam have been illegal under IWT provisions.

The IWT's Annex D, Art. 3 allows the establishment of run-of-the-river projects with limited reservoir capacity and flow control for feasible power generation. The capacity and measurements are further specified in Annex E, Art. 3. India had built a number of run-of-the-river projects before 1999, which Pakistan never objected to. However, Pakistan opposed the construction of the 1999 Baglihar dam, claiming that the construction violated the parameters in the IWT Annex D and E. Pakistan was concerned that India could potentially cause harm through storage of water from the river during the dry season, leading to severe drought, or cause immediate extreme flooding into Pakistan (Mohanty & Khan, 2005). Furthermore, after the second part of the construction was completed in 2008, Pakistan claimed that water sharing was drastically reduced, and that India had illegally filled the dam (Dawn.com, 2011). Despite a number of talks between the two Commissioners during the period 1999 – 2004, India and Pakistan did not reach an agreement. Pakistan raised six objections to the World Bank in 2005 to enter negotiations as stated in Art. IV, Para 4 in the IWT. The World Bank classified the Pakistani claim as a 'Difference' under Art. II of the IWT: A classification between the less serious 'Question' and the more serious 'Dispute' (1960 IWT, Art. 9, Para 1). To solve the problem, Pakistan opted for the second option in the IWT to settle disputes and asked the World Bank to appoint a Neutral Expert (NE) in accordance with IWT Art. IX. Raymond Lafitte, Professor at the Federal Institute of Technology, Lausanne, Switzerland, was appointed to solve the issue on May 12, 2005.

The disputes regarding BHEP were settled through expert determinations, meetings between the two CIW's, and dialogue - all mechanisms which were embedded in the legal framework of the IWT. The procedure highlights the complexity of both the construction of a plant such as BHEP and the legal framework surrounding it. Owing to its complexity, the IWT and its Annex have required comprehensive interpretations from NE mediators. However, these interpretations and verdicts do not always comply with the wishes of the parties involved. The NE ruled that India may continue its project, with minor changes to the dam construction. Despite these determinations by the NE, Pakistan still considered the dam to be a violation under the IWT, since it still gave India the power to control the water flow downstream.

Whilst there was no Treaty violation in the resolution of the dispute, Pakistan still claimed the verdict to be unjust. The IWT provided a legal framework for solving the dispute in a diplomatic and peaceful manner, and no violent uprising occurred as an outcome of the verdict. However, the dispute was not resolved after the NE verdict. In fact, further disputes arose in 2008 which can be seen in the form of Treaty violations as India failed again to release the agreed volume of water to Pakistan. This suggests that despite the settlement of the dispute, issues may still arise even after the verdict has been reached.

### **Case Study of the Indus Waters Treaty 1960 Violation: The 2007 Kishenganga Hydroelectric Plant**

The second time Pakistan took a claimed treaty violation beyond the Permanent Indus Commission was in the 2007 Kishenganga Hydroelectric Plant (KHEP) dispute. This section examines how this dispute turned out different than BHEP dispute. Construction of the \$864 million KHEP project began in 2007 and was completed in 2016. The KHEP starts on the Kishenganga River in J&K (Indian-Administered Kashmir) and flows into AK (Pakistan-Administered Kashmir), where it joins the Jhelum River and flows into Pakistan. The KHEP is a run-of-the-river project aimed to divert water from the Kishenganga River (Business Recorder, 2013). The issue arises as building the KHEP results in the diversion of water from the Neelum River, thus compromising the supply of water needed by and otherwise available to Pakistan.

With 80 percent of its irrigated agriculture drawing water from the Indus, Pakistan relies on the river for its food and water security. Despite the KHEP storing a limited amount of water and returning the bulk of it to the Indus river basin, Pakistan continues to claim the KHEP will limit water supply and do measurable harm to its agricultural industry. Furthermore, Pakistan alleges that India may use the western rivers for ‘non-consumptive’ purposes (IWT, Art. III), and may therefore construct ‘run-of-the-river’ projects which alter the course of the river. Pakistan considers KHEP to be a violation on two counts: First, it changes the course of the river, and second, it depletes the amount of water which flows to Pakistan (Iqbal, 2018). The severity of the situation was expressed by the Pakistan Foreign Office: “Pakistan believes that the inauguration of the project without the resolution of the dispute is tantamount to violation of the Indus Waters Treaty (IWT)” (News desk, 2018, n.p.).

This case shows how Pakistan chose a different route for conflict-resolution in the case of KHEP compared to BHEP. Whereas in the case of BHEP, Pakistan first approached the PIC, World Bank and finally, the NE, in the case of KHEP, Pakistan took a different route: first the PIC, and then World Bank and final CoA. It is important to note that the verdict of CoA is binding, and is therefore legally enforceable, as compared to the verdict of the NE, which is not legally binding. Therefore, the fact that the KHEP dispute progressed to the CoA shows the severity of the situation, even compared to the BHEP dispute. This shows a potential loss of confidence in following the first path of dispute resolution: Had Pakistan been satisfied with the process and final verdict in the case of BHEP, they would have continued that pattern.

However, having expressed dissatisfaction with the verdict from involved stakeholders the first time, Pakistan reflected a change in priorities and updated strategies, which also reflected in the progression after consulting the World Bank. An interesting development through this case was the World Bank's withdrawal from the case until both sides progressed mutually, leaving the two at a stalemate. This suggests that there has been a change in the way the IWT is being used as a dispute-resolution tool. This will be further discussed in the following section. It may be too early to predict the outcome of KHEP as it is still an ongoing case awaiting Indian approval for inspection of the time of writing this article (May 2019). Time will soon see the lapse of almost a decade since the opening of the case, though still without resolve.

### **Effectiveness of the Indus Waters Treaty in Dispute Resolution**

The above points suggest the need for a potential transformation of the power dynamics between Pakistan and India in the context of the Indus River, and an active engagement in hydropolitics to reevaluate the effectiveness of the IWT. That is, the resolution route taken by Pakistan has changed since 1999, potentially suggesting Pakistan opted for internationally visible methods of dispute resolution as provided under the IWT. Therefore, it may be said that the IWT is no longer sufficient to resolve disputes regarding regulation of waters, as shown in the development from the BHEP case till the KHEP case. To illuminate this perspective, this last section uses the case-study disputes as means to discuss the effectiveness of the IWT. This section investigates whether the IWT is still upheld in practice, or if it has lost implementation enforcement.

India has expressed that the IWT is outdated - that it has not been 'fair' to India's use. One on side, 80% of the Indus River basin was given to Pakistan under IWT, and on the other, India still maintained control over the basin even with only 20% of the surface area, as it is an upper-riparian state. One problem with the Treaty is its struggle to incorporate the new technological development, climate change and new standards and ways in approach and use of waters with respect to the legal framework from 1960. This suggests that the IWT struggles to solve the problems of today with a legal instrument from the past. A new factor is climate change, which was not mentioned as an issue when the treaty was formulated, as it was not a strong concern in the world at the time. Hence, India claims that the one major contributing factor to the problems with increasing ineffectiveness of the IWT is its failure to incorporate climate change (Qureshi, 2018).

A further reason the treaty may not be as effective any longer is evident from a limitation in the preamble of the IWT, which states "rights and obligations for each in relation to the other concerning the use of these waters" (The International Bank for Reconstruction and Development, 1960 a). By outlining this, the IWT fails to take into account the volume of water flowing from the upper riparian to the lower riparian, and does not make provisions for joint management, or create exit clauses (Iyer 2005). In addition to the new factors, the IWT has been strained by hydropolitics and evolving power dynamics between the two countries. For instance, the Ratle power project on the same river as KHEP, and the Neelum-Jhelum hydro-project in Pakistan added to the tensions. In the former, Pakistan felt it further compromised water flowing downstream, and in the latter, the effectiveness of the IWT was questioned. Concerning power dynamics, several issues contributed to the rising tensions between Pakistan and India, which also weighed on the resolution of the disputes. For instance, at the same time as the KHEP dispute, India had also begun construction of the Zojila pass in J&K (also known as the Srinagar Leh Highway). This was a tunnel expected to reduce travel times in the region from three hours to fifteen minutes. Pakistan has raised concerns on this highlighting that it will allow India to monitor progress on the China-Pakistan Economic Corridor, a framework of regional connectivity aimed to connect Xinjiang in China to Gwadar in Pakistan, providing China access to a warm-water port (Kumar, 2020). These tensions further escalated with India threatening to abrogate the IWT, which Pakistan would consider a hostile act against Pakistan or even an act of war (Khan, 2016).

## **Conclusion**

In conclusion, the Treaty has proved effectiveness time and again, being considered one of the world's strongest and longest-standing treaties, and surviving wars between its two parties - Pakistan and India (1965, 1971), the Kargil conflict 1999, an attack on parliament (2001) and the Mumbai terror attack (2008) (Sinha, Gupta & Behuria, 2012). Much of the survival of the treaty can be attributed to the 'water-rationality' of both states, aimed to secure long-term supply of fresh water. The overarching objective in sharing water, whether regulated by IWT or other means, to retain its original purpose of securing water rights, should remain one of providing water to the people in both countries in an equitable, judicious and sustainable manner. As such, it would mean the prohibition of unilateral withdrawing of water resources from the rivers which are shared or flow from one country into another, or diversion of the flow itself, which would disadvantage the lower riparian state. Such a design for supply is not only beneficial for the people reliant on the water, but also to the socio-political stability of the region (Khan, 2016).

Even though the IWT has been seen as a triumph, it is often argued that it was only a triumph of a lesser evil (Alam, 1998). The IWT made the conflict in the Indus manageable, but has not solved the overall conflict between India and Pakistan, for example regarding Kashmir. Thus, the feasibility of the treaty as an overall tool for dispute-settlement can be questioned. Furthermore, the treaty has been subject to dissatisfaction since its implementation. In the most recent case-study, Pakistan looked to a different body than the treaty Commission to solve the issue, which might suggest that Pakistan must avail the maximum provisions under IWT to resolve any disputes, or work beyond the scope of the Treaty altogether. This article contributes to this discussion on the scope of IWT in dispute resolution by assessing the mechanisms through dispute-resolution methods provided within the Treaty itself, and looked at possibilities beyond it where it no longer suffices. In this nebulous field of hydropolitics and Pakistan-India relations, there is a constant need to reevaluate the extent to which agreements still suffice in resolving disputes over resource-rights.

This article has served merely as one step into the ever-evolving and encompassing intersection of law and politics, in the context of water-sharing between Pakistan and India. In light of this discussion, it is important to ask whether the previously discussed 'water rationality' can continue to serve the needs of water sharing between Pakistan and India, or if there is need for further interaction between water-departments in Pakistan and India to formulate new methods of regulation. A way

forward from the IWT may be the reframing of new lower-upper riparian politics to include water scarcity in its discourse. However, it is important to note that no official move has yet been made to alter or override the IWT, for which reasons ideas put forth in this article are merely possibilities in a vast land of speculative hydrogeopolitics.

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