J. Contemp. Politics 2025;4(3):117–121 Online ISSN: 2583-6811

Journal of Contemporary Politics

SYSTEMATIC REVIEW

Leveraging Indus Water Treaty as a Coercive Instrument Against Pakistan's State Sponsored Terror

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ARTICLE INFO

Article history:
Received 10-06-2025
Accepted 08-07-2025
Published 25-10-2025

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https://doi.org/10.53989/jcp.v4i3.25.53

ABSTRACT

The de facto suspension of the Indus Water Treaty, 1960, announced by India on 22 April was one of the series of punitive measures adopted by India in response to the Pahalgam terror attack. Use of water as a weapon is a double-edged sword and it is, therefore, essential to consider the potential pitfalls of its employment so that suitable mitigation measures can planned well in advance. This paper attempts to examine the various technical and legal aspects of the treaty, as also, the diplomatic and strategic implications of India's decision to hold the treaty in abeyance. The waters of the Indus River system are the main reason why Pakistan continues to consider Jammu & Kashmir as its jugular vein and is therefore likely to be extremely sensitive regarding any attempts to dilute the treaty. India, on the other hand, has reasonable grounds for seeking to de-facto suspend the treaty since it was negotiated in good faith, and Pakistan, by using terrorism as coercive instrument of forcing its will on the Kashmir issue, has shown anything but good faith. Moreover, India has valid grounds to ask for the treaty to be renegotiated as over time, our water requirements have grown and giving away nearly 80% of the waters of the Western Rivers is no longer considered prudent. India could use Article 62 of the Vienna Convention on Treaties,1969, which gives out rules and procedures for interpreting, amending or even terminating a treaty on grounds of fundamental change in circumstances.

Keywords: Hybrid Warfare; Water Wars; Indus Water Treaty; Jammu & Kashmir; Op Sindoor; Indo-Pak Conflict; Vienna Convention on Treaties

INTRODUCTION

Pakistan, for the last three decades, has persistently used terrorism as an instrument of state policy to force its hand on the Kashmir issue. In doing so, it has assiduously calibrated the level of violence so as to avoid escalation into a full-fledged conventional war, as the metaphor goes "to keep the Valley boiling at the right temperature". The recent merciless killing of Indian tourists by Pakistan trained and sponsored terrorists in Pahalgam is a new low even for Pakistan's security establishment, given the ruthlessness displayed by the terrorists and the modus-operandi used by them. Among the series of punitive steps announced by India on 22 April 2025, holding of Indus Water treaty, 1960 in abeyance was perhaps one of the most stringent diplomatic moves in recent history, particularly considering the fact that the treaty has weathered three major wars and protracted periods of tense bilateral relations [1].

The treaty, signed after intense negotiations, was an attempt to assuage Pakistan's deep seated fear regarding its water security as a lower riparian state with respect to the river systems originating in Jammu & Kashmir and Ladakh. Pakistan's metaphor of Kashmir as its 'Shah Rug' or the jugular vein originates from this mind-set. The expectation amongst Indian policymakers was that the treaty would address Pakistan's concerns and result in lasting peace and stability in the Sub-continent, however, Pakistan's unrelenting obsession with Kashmir, has resulted in three wars and a period of prolonged proxy conflict waged by Pakistan, which has led to security experts calling for the treaty to be renegotiated or even terminated. [2,3]

THE INDUS WATERS TREATY, 1960

Brokered by the world Bank, The Indus Waters Treaty, 1960, seeks to distribute the waters of the six rivers of

the Indus basin between India and Pakistan. As per the treaty, Pakistan has undisputed rights over about eighty percent of the waters of the Western rivers (Indus, Jhelum, and Chenab Rivers; with India being permitted to create storage capacity for 3.6 million acre-feet of water), while India was granted rights over the waters of the entire Eastern River System (comprising of Ravi, Beas, and Sutlej Rivers). Apart from this, the treaty outlines effective mechanisms to deal with disputes between the two parties. Pakistan has exploited these mechanisms to delay and deny Indian efforts to utilise its share of waters of the Indus River System. Kishanganga and Baghlihar Hydro Electric Projects are examples, wherein, vehement objections by Pakistan over alleged violations of the treaty led to major delays in their execution. India has attempted to manage and resolve these disagreements through a mix of bilateral discussions, neutral expert adjudications and references to the World Bank. However, it has become clear over time that such disruptive behaviour by Pakistan is clearly not sustainable. [4]

Despite disagreements over various projects undertaken by India, the treaty has survived three major wars and protracted periods of frosty relations between the two countries. However, questions on the viability of the treaty have been raised in many quarters in light of the intense proxy war waged by Pakistan over the last three decades. Clearly this step by India does not appear to be a knee jerk reaction but is likely to be a part of a well thought out strategy to deter Pakistan's proxy war strategy.

LEGAL ASPECTS

A careful study of the treaty brings out that termination of the treaty is fraught with complications. Article XII of the treaty specifies the termination mechanism through a "duly ratified treaty concluded for that purpose between the two governments," meaning that both India and Pakistan have to agree to end the treaty which, given Pakistan's attitude, is clearly not a practical proposition. In addition, unilateral withdrawal from the treaty puts India at the risk of being perceived as violator of international law, given the World Bank's involvement as a guarantor. [2,4]

However, India has options short of total abrogation of the treaty. After all, the only thing India is asking in return is for Pakistan to give up its support of terrorism and permanently dismantle terror infrastructure within its boundaries, which is a justifiable demand. India has not fully enforced its water rights under the treaty not only for the Western rivers but also for the Eastern ones where large outflows continue to move into canal systems of Pakistan. Enforcing these rights even without abrogating the treaty will, by itself, create severe water shortages in Pakistan and can serve as a viable pressure mechanism. Additionally, India can withhold data sharing under the treaty provisions in response to Pakistan's support for terrorism. Article 62 of Vienna convention on Treaties,1969 also provides a way of withdrawing from or terminating a treaty on grounds of fundamental change in circumstances. Notwithstanding all of the above, India can make the treaty irrelevant by changing the ground position during the period of suspension of the treaty to create infrastructure and present Pakistan with fait accompli. In the world of realpolitik, Nations have withdrawn from binding treaties before and will continue to do so in future too if it suits their national interests. [4,5]

RESTRICTING WATER FLOW TO PAKISTAN

Coercion of Pakistan through the Indus River System would require considerable planning, time bound execution, technical expertise and significant monetary investment. Some key challenges are listed below.

Current and Proposed Projects:

India has executed around ten major river water projects aimed at exploitation of water allowed under the treaty including for generation of electricity (amounting to about 3360 MW). Important Hydro – electric projects under construction/ planning on the Indus River itself are at Ratle (850 MW), Pakal Dul (1000 MW), Sawalkot (1856 MW), Kiru (624 MW), Parnai (37.5 MW) and Kwar (540 MW). While India is entitled to create storage capacity for 3.6 million acre-feet (MAF) of water, capacity for only 0.5 MAF has been created so far. [2,6]

Storage and Flow Statistics:

On an average, total annual water flow in the Indus River System is around 207 billion cubic meters (bcm), out of which Pakistan's share is approximately138 bcm. Out of the remaining 79 bcm, India, under the treaty, has a right to use 33 bcm from the western rivers for non-consumptive purposes. To fully utilize these rights, additional infrastructure for storage of water up to 3.1 MAF would be needed. This will require not only expanding existing dams but also construction of new reservoirs and water management systems. [6]

Creation of Additional Infrastructure:

Estimated cost for building additional hydro – electric and storage projects is estimated to be between ₹8,000 crores to ₹12,000 crores (approximately USD 1-1.5 billion) per project, depending on scale and terrain. For example, Pakal Dul likely to have a cost implication of over ₹9,000 crores. Building this scale of infrastructure would take 10 to 15 years, factoring in land acquisition, environmental clearances, geological surveys, and construction phases. [7–10]

TECHNICAL CHALLENGES

The Himalayan region presents formidable challenges which are mentioned below. [11–14]

Chenab River Basin:

Steep gradients and high sediment load complicate dam construction. The basin is geologically fragile and seismically active, necessitating specialized engineering techniques.

Jhelum Valley:

Tunnel/ boring for projects like Kishanganga has revealed issues with high-pressure zones and unstable rock formations. Construction delays due to landslides and extreme weather are common.

Indus River:

Altitude and remoteness increase logistical difficulties. Temperature extremes, avalanche prone zones, and lack of transport infrastructure hinder progress.

Pir Panjal and Zanskar Ranges:

Meaningful exploitation of Western rivers (especially Indus and Jhelum Rivers) would mean inter-basin transfers across Zanskar and Pir Panjal ranges. It would require extensive tunnelling activity and installation of high-altitude pumping infrastructure which is fraught with technical challenges and cost implications.

The valleys through which Western rivers (especially Indus and Jhelum Rivers) flow have small populations and consequently minuscule irrigation requirements. In order to meaningfully exploit their water, it will have to be transported across mountain ranges to regions with greater irrigation requirement. This would need development of complex and costly river interlinking projects involving massive engineering interventions, extensive tunnelling, high-pressure pumping, and coordination across multiple state and environmental jurisdictions. Notwithstanding the above, the challenges mentioned above are not insurmountable. With adequate funding, political will, and global partnerships, these projects can significantly enhance India's capacity to control water flow if the Indus Water System.

Likely Reaction of Pakistan:

Faced with impending water shortage, Pakistan may seek international intervention in order to exert diplomatic pressure on India. It could raise the matter at forums like the UN and the International Court of Justice, leveraging its status as a lower riparian state. Reduced water flow to Pakistan would increase the burden on the people of Pakistan while having limited impact on the it's Military. It could, on the other hand, make the civilian government unpopular and strengthen the Military.

Direct Militarily retaliation by Pakistan is unlikely, however, escalation of proxy war in J&K or elsewhere in India could be a time tested ploy which Pakistan could use to pressurise India. In view of the above, India's India must retain focus on calibrated long term coercion aimed at compelling Pakistan to change its behaviour.

RECOMMENDATIONS

By his remark that Blood and Water cannot flow together, PM Modi has clearly articulated India's will to use Indus Water Treaty as a tool to compel Pakistan to change its behaviour. Having taken this call, we must now see as to what actions are needed to make sure that this strategy succeeds

Winning the War of Narrative:

India must proactively build a global narrative that positions its actions as defensive rather than aggressive. The Pehalgam attack and other such incidents should be showcased as evidence of Pakistan's continued sponsorship of terror. Diplomatic engagements should stress India's enforcement of its rights under The Indus Water treaty 1960, a bilateral treaty that Pakistan has de-facto undermined by its hostile actions. Media campaigns, policy papers, and strategic briefings to allies and international organizations should be deployed to frame the narrative. Think tanks and academic circles should be engaged to advocate India's stance.

Building Infrastructure:

Expediting existing dam projects and sanctioning new ones should be a priority. Creation of enhanced storage capacities must be undertaken, if possible, in the ongoing projects and definitely in ones being planned. Financial and technical support must be streamlined. The government should consider establishing a dedicated "Indus Development Authority" to fast-track approvals and ensure time bound project implementation. Collaborations with international engineering firms, technology partnerships for advanced tunnelling, and risk-sharing frameworks for private investment in hydropower can accelerate this.

Graduated Coercive Actions:

India must calibrate its actions to maintain escalation control. Initial steps could include stopping goodwill gestures under the treaty, reducing data sharing, and intensifying dam construction. Further steps could include reduced water flow based on technical compliance, without breaching treaty obligations. This "compliance-based coercion" would deny Pakistan grounds for international legal action while still ensuring strategic pressure. At all times, India should avoid creating a situation that justifies a conventional conflict. A slow, sustained pressure campaign would be more effective rather than dramatic, high profile standalone actions. Indus Water strategy must be used as part of a "whole of India Strategy" using all instruments of national power to create a force multiplier effect.

Prepare for Escalation in Proxy War:

In an effort to up the ante and create an effective leverage, Pakistan may seek to escalate its Proxy war in Kashmir and elsewhere in the country. It could also exploit linkages with certain elements inimical to India, who have recently got a new lease of life in Bangladesh, to ferment trouble in India's Northeast. India must proactively enhance its counter-terror infrastructure, increase intelligence sharing among agencies and bolster border and hinterland security. Political messaging should clearly link any escalation in proxy conflict by Pakistan to India's action on the Indus water front.

Security of Critical Water Infrastructure:

Pakistan has already threatened to disrupt critical infrastructure used to create additional storage capacities to reduce flow of water to Pakistan. It may do this through proxy actors, cyber warfare or even by kinetic means. India must adopt a layered security approach—physical security including defence from aerial threats, surveillance systems, cyber protection, and contingency protocols to protect critical water infrastructure. It can be signalled to Pakistan that critical infrastructure in Pakistan, especially Mangala and Tarbela dams, can also be targeted if Pakistan tries any misadventure.

Legal and Diplomatic Preparedness:

India should be prepared for lawfare from Pakistan and China and respond proactively to any such attempt including international arbitration/ legal action initiated by Pakistan. Simultaneously, diplomatic channels must be used to keep key allies and partners including the US, France, Russia, and Gulf states apprised of India's rationale and strategic restraint.

CONCLUSION

Indus water treaty was an example of India's responsible behaviour as an upper riparian state to the world. Pakistan's irresponsible behaviour, especially use of terrorism as an instrument of state policy, has belied any hopes of good relations with it. This new strategy, enunciated by Indian Government is likely to create strategic pressure on Pakistan to change its behaviour, given the fact that even a minor diversion of water flowing into Pakistan can be disastrous for its economy. Use of water as a weapon is a double edged sword which must be wielded responsibly. India will have to play a long-term game over the issue, slowly calibrating pressure till Pakistan understands the implications of India's actions in their entirety. We will also need a robust and nuanced information management strategy so that India is not painted as an irresponsible nation waging a war of economic coercion against a poor neighbour.[15–24]

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