

LEGAL BRIEFS

INDIA'S ACTIONS ON THE INDUS WATERS TREATY - LEGAL ANALYSIS & RESPONSE OPTIONS

NOTE-9/2025

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India's Actions on the Indus Waters Treaty – Legal Analysis & Response Options

Abstract

This brief critically examines the legality of India's unilateral suspension of the Indus Waters Treaty (IWT) in April 2025, evaluating it against the treaty's provisions, the Vienna Convention on the Law of Treaties (VCLT), customary international water law, and international environmental law. The IWT contains no mechanism for unilateral suspension or termination, and India's action constitutes a material breach under both treaty and general international law. By attempting to link water-sharing obligations to allegations of terrorism—an issue outside the scope of the IWT—India undermines a historically resilient agreement that has withstood wars and crises. The invocation of exceptions such as 'material breach' and 'fundamental change of circumstances' is found legally untenable under VCLT standards and International Court of Justice (ICJ) jurisprudence. The brief further explores India's breach of procedural and substantive obligations under customary water law, including the duties of equitable utilisation, no significant harm, and transboundary cooperation. The humanitarian nature of the IWT, ensuring water access to millions, elevates its protection under Article 60(5) of the VCLT and broader human rights norms. Additionally, the paper outlines legal and diplomatic avenues available to Pakistan, including arbitration under the IWT, engagement with the World Bank and UN bodies, and the pursuit of an ICJ advisory opinion. Strategically, the suspension opens opportunities for Pakistan to reinforce the Kashmir dispute through the lens of environmental and water insecurity, reassess the Simla Agreement, and integrate Gilgit-Baltistan as a province with provisional status. By leveraging India's legally flawed and politically motivated actions, Pakistan can not only safeguard its water rights but also strengthen its international legal and strategic positioning.

Keywords: Indus Waters Treaty (IWT), India-Pakistan Water Sharing, Geopolitical Tensions, Legal Analysis, Water Resources Distribution, Treaty Violations, Dams and Water Diversion.

PART I: VALIDITY OF INDIA'S IWT SUSPENSION UNDER INTERNATIONAL LAW

1. Indus Waters Treaty Provisions.

The 1960 Indus Waters Treaty (IWT) contains no provision that allows for the unilateral suspension or termination of the treaty. Article XII explicitly provides as follows:¹

(3) The provisions of this Treaty may from time to time be modified by a duly ratified treaty concluded for that purpose between the two Governments.

(4) The provisions of this Treaty, or the provisions of this Treaty as modified under the provisions of Paragraph (3), shall continue in force until terminated by a duly ratified treaty concluded for that purpose between the two Governments.

In other words, only mutual consent can modify or end the IWT. India's announcement on 23 April 2025—that it is holding the IWT “in abeyance” until Pakistan renounces support for terrorism—finds no support in the text of the treaty. Unilateral “suspension” is tantamount to a breach of India's obligations to share the Indus waters as agreed. It is pertinent to note that IWT endured three full-scale wars and numerous crises without being abrogated. By design, it separated water cooperation from political conflicts. Therefore, India's move to weaponize water in response to a security incident is unprecedented and violates the treaty's core purpose of ensuring stable, apolitical water sharing. The dispute resolution mechanisms of the IWT (Article IX and Annexures F&G) also remain available—including neutral experts and arbitration—and do not permit one party to simply withdraw from performance. In sum, under the IWT's own provisions, India's unilateral suspension is invalid and constitutes a material breach of the treaty.

2. Vienna Convention on the Law of Treaties (VCLT).

Even apart from the treaty text, India’s actions still find no basis under international law. Under Article 42 of the Vienna Convention on the Law of Treaties (VCLT), a treaty cannot be suspended, withdrawn from, or denounced by any party except in line with the provisions of the treaty in question or the VCLT itself. Article 57 reinforces this position by requiring either a provision within the treaty itself or mutual consent between the parties for any such suspension to be valid.

Moreover, even when it comes to bilateral treaties, the VCLT allows unilateral suspension only under very narrow exceptions—namely, a “material breach” by the other party² or a “fundamental change of circumstances.”³ Neither of these exceptions apply in the present case.

2.1. Material Breach

A “material breach” under Article 60 of the VCLT refers specifically to a repudiation of the treaty or a violation of an essential provision by one party. In this instance, Pakistan has consistently fulfilled its core obligations under the IWT, specifically concerning water allocation, distribution, and cooperation mechanisms. India’s recent claim that Pakistan has acted in bad faith due to alleged cross-border terrorism⁴ fundamentally mischaracterizes the scope and obligations of the IWT.

The text, structure, and objectives of the IWT contain no references or implied duties of either state regarding terrorism or broader security cooperation. Consequently, alleged support for militancy—claims that Pakistan unequivocally denies—cannot logically or legally constitute a violation of any treaty-specific obligation. In the *Gabčíkovo-Nagymaros Project Case*, the International Court of Justice (ICJ) explicitly held that,

[I]t is only a material breach of the treaty itself, by a State party to that treaty, which entitles the other party to rely on it as a ground for terminating the treaty.

The violation of other treaty rules or of rules of general international law may justify the taking of certain measures, including countermeasures, by the injured State, but it does not constitute a ground for termination under the law of treaties.⁵

India's invocation of Pakistan's purportedly improper "good faith" conduct⁶ and alleged refusal to enter negotiations⁷ clearly fall outside the treaty's explicit substantive provisions. Furthermore, Pakistan has never refused engagement under the treaty's designated negotiation framework. Indeed, it is India that now seeks to evade established procedures under Article IX and Annexure G of the IWT by unilateral suspension.

Additionally, India's assertion that terrorism and alleged refusal to negotiate justify suspension is notably inconsistent with past state practice. Allegations of cross-border militancy are not new—India has levelled them against Pakistan in the past, most notably during the heightened tensions in 2019 following the Pulwama-Balakot incidents. Yet, even then, it did not invoke any material breach, nor did it attempt to suspend the IWT. The Treaty continued to function during wars, military standoffs, and serious diplomatic fallout.

This long-standing practice itself reflects that such allegations, however politically serious, have never been regarded by either party as grounds to abrogate or suspend the Treaty. India's present action, therefore, appears politically motivated rather than legally grounded, reflecting an arbitrary and selective reinterpretation of treaty obligations. This sudden and unprecedented linkage between counter-terrorism allegations and water-sharing responsibilities further undermines India's credibility and the validity of its purported suspension under international law.

2.2. Fundamental Change in Circumstances

India's letter to Pakistan dated 24 April 2025 purports to invoke "fundamental changes in the circumstances that have taken place since the Treaty was executed"—namely, "significantly altered population demographics," "the need to accelerate the development of clean energy," and related shifts—to justify renegotiating the Indus Waters Treaty under Article XII(3).⁸

Yet in later paras of the letter,⁹ it abandons that rationale, instead alleging Pakistan's "sustained cross-border terrorism" and "refusal to respond to India's request to enter into negotiations," before abruptly declaring the Treaty held in abeyance. This conflation of (a) a narrow, mutual-consultation mechanism, (b) an extraneous security allegation, and (c) a self-help suspension renders India's "fundamental change" argument legally incoherent.

Under Article 62 of VCLT, a fundamental change of circumstances may be invoked only if each of the following cumulative criteria is satisfied:

1. **Unforeseen**—the change of circumstances shall not have been contemplated by the parties at the time of conclusion of the treaty;
2. **Essential basis**—the existence of the circumstances shall have formed an indispensable basis of the consent of the parties "to be bound by the treaty";
3. **Radical transformation**—the effect of the change "radically transform[s] the extent of the obligations still to be performed under the treaty";
4. **Non-boundary**—the treaty shall not establish a boundary;
5. **No self-breach**—the change shall not result from a breach by the invoking State.

The ICJ in *Gabčíkovo-Nagymaros* reaffirmed that these conditions are to be applied restrictively. The Court further stressed that the negative and conditional wording of Article 62 underscores that parties may only rarely avail themselves of this exception, lest the stability of treaty relations be undermined.¹⁰

Applying these principles to the IWT:

- **Foreseeability:** At the time of negotiating the IWT in 1959–60, both India and Pakistan had already experienced severe water-related tensions following Partition, as well as the 1947–48 war.

It was evident even then that demographic expansion and rising energy demands would pose future challenges—these were not unforeseen developments.

- **Essential basis & radical change:** The foundational structure of the IWT—allocating exclusive rights over the “eastern” and “western” rivers and establishing the “Permanent Indus Commission”—was deliberately crafted to address exactly such evolving circumstances through cooperative, technical engagement. It was never intended to be bypassed through unilateral suspension.
- **Extraneous security claims:** India’s allegations regarding terrorism lie entirely outside the scope of the IWT’s subject matter and cannot be retroactively invoked to reinterpret or nullify core treaty obligations around water sharing.

In sum, India’s invocation of “fundamental change” as justification for suspending the Treaty does not withstand scrutiny under the narrow standards of the VCLT or established jurisprudence of the ICJ. If legitimate concerns exist—be they demographic, developmental, or energy-related—they must be addressed within the IWT’s existing framework, particularly through the Permanent Indus Commission’s mechanisms of continuous consultation and cooperation, not through unilateral abeyance.

2.3. Humanitarian Character

It is also crucial to emphasise that treaties with a humanitarian character receive heightened protection under international law. Article 60(5) of the VCLT explicitly prohibits the suspension of treaties that protect human lives or rights, even in the event of a material breach. The Indus Waters Treaty, by securing access to life-sustaining water for tens of millions of people in Pakistan’s Indus Basin, can reasonably be seen as having a humanitarian dimension. Water, after all, is not just a strategic resource—it is a fundamental prerequisite for human survival.

Any disruption to the Treaty’s implementation, particularly through threats or restrictions on water flows, would have severe consequences for civilian populations. India’s attempt to wield water as a tool of political coercion runs counter to this well-established principle of “continuity” for life-sustaining agreements. Even in times of armed conflict, international legal practice and customary norms favour the preservation of water-sharing treaties for humanitarian purposes. If carried out, India’s actions would not only constitute a breach of treaty law but could also amount to collective punishment—a deliberate endangerment of Pakistan’s population by compromising their water security. Such conduct directly violates the most fundamental principles of international human rights and humanitarian law.

3. Customary International Water Law

Even in the absence of the Indus Waters Treaty, India remains bound by fundamental obligations under customary international law governing transboundary watercourses. Principal among these are the principles of “equitable and reasonable utilization”¹¹ and the obligation to prevent “significant harm” to downstream riparian states.¹² These norms—enshrined in the 1997 UN Convention on the Non-Navigational Uses of International Watercourses—establish a legal baseline for how shared water resources are to be managed between states. As an upper riparian, India has a continuing duty to use the waters of the Indus Basin in a manner that is equitable to Pakistan, a lower riparian, and to ensure that its conduct does not cause substantial harm to Pakistan’s existing rights and uses.¹³

While neither India nor Pakistan has ratified the UN Watercourses Convention, the core principles embedded within it have long been recognized as customary international law. Therefore, India cannot escape these obligations merely by questioning the Treaty's applicability; the duties flow not just from a bilateral agreement, but from the broader framework of international law governing the fair and sustainable use of shared freshwater resources.

The IWT itself was the product of these norms, allocating about 80% of the Indus system's waters to Pakistan in recognition of its agricultural dependence. If India withholds or diverts flows beyond what the IWT permits, it breaches the primary no-harm obligation under customary international water law, and under the secondary rules of state responsibility such a breach constitutes an internationally wrongful act for which India bears responsibility.

The duty of cooperation is also fundamental in water law.¹⁴ States must notify and consult on planned measures. In the Pulp Mills case between Uruguay and Argentina, the ICJ held that procedural obligations, such as cooperation, notification, due diligence and environmental impact assessments, exist separately from substantive water law obligations, and therefore apply irrespective of any potential harm.¹⁵ Such obligations would also continue to apply after a treaty is suspended, as they are established rules of customary international water law. Thus, India's sudden suspension violates this cooperative spirit embedded in global water law. In short, India does not have the freedom to choke off rivers, even if it claims the treaty is no longer in effect; customary law would fill the gap and condemn any upstream appropriation that impoverishes Pakistan's water supply.

Since the treaty has been put on hold, information-sharing on the flow of water and any major release or withholding of water in the Indus and its tributaries has stopped.¹⁶ The duty to exchange information regularly forms part of the duty to cooperate and is integral to fulfilling the obligations of equitable utilization and prevention of significant harm.

It is widely accepted that customary law in the context of shared water resources imposes a binding obligation to notify other States, supply information and enter into consultations.¹⁷ India is, therefore, also violating its duty to supply information by withholding water-related information as it did on Saturday, April 26, with the release of water from the Uri Dam into the Jhelum river without prior warning, sparking panic in the Hattian Bala district of Azad Jammu & Kashmir.¹⁸

Furthermore, India’s position as a downstream state on other rivers (e.g., the Brahmaputra, which originates in China) has historically led it to champion respect for water-sharing arrangements.¹⁹ By setting a precedent of unilateral treaty suspension, India undermines the very legal principles that protect it vis-à-vis upstream countries. This contradictory stance will weaken India’s legal and moral standing in future transboundary water issues. In summary, customary international water law continues to bind India to share the Indus waters fairly; violating the treaty would also mean violating these broader international obligations.

International Water Law Principles	Indus Waters Treaty, 1960	Helsinki Rules, 1966	UN Watercourses Convention 1997
Equitable and Reasonable Use	Equitable water utilization, i.e. 20:80 per cent based on demand and population	Articles iv, v, vii, x, and xxix (4)	Articles 5, 6, 7, 15, 16, 17, and 19
No Significant Harm	Article IV(2)	Articles v, x, xi and xxix (2)	Articles 7, 10, 12, 15, 16, 17, 19, 20, 21(2), 22, 26(2), 27, 28(1) and 28(3)

Exchange of Information and Cooperation	Articles VI, VII and VIII	Articles xxix(1), xxix(2) and xxxi	Articles 5(2), 8, 9, 11, 12, 24(1), 25(1), 27, 28(3) and 30
Negotiations, Consultations and Notification	Article IV (10)	Articles xxix sub clauses (2), (3) and (4), xxx, xxxi	Articles 3(5), 6(2), 11-19, 24(1), 26(2), 28, 30
Peaceful Settlement of Disputes	Article IX, Annexure F and G	Articles xxvi, xxxvii, xxix, xxxi, xxxiv	Paragraph 1, Article 33

4. International Environmental Law

The Indus basin is already stressed by climate change, glacier melt, and increasing demand. International environmental law recognizes the obligation of equitable and harmonious use of shared natural resources and the duty not to cause environmental harm. India’s abrupt suspension of the IWT poses a threat to ecological stability – for instance, if India reduces downstream flows, it could irreparably harm Pakistan’s aquatic ecosystems, wetlands, deltas, and aquifers.²⁰ Such behavior would conflict with the general obligation of states not to cause transboundary environmental damage recognized in the Trail Smelter case. It also contravenes the cooperative approach encouraged by instruments such as the Stockholm Declaration (1972) and the Rio Declaration (1992) for the shared management of resources. These principles offer guidance for managing transboundary water resources.

In its Partial Award in the Indus Waters Kishanganga Arbitration, the PCA held that it was “incumbent upon [the Court of Arbitration] to interpret and apply this 1960 Treaty in light of the customary international principles for the protection of the environment in force today.”²¹

The Indus River's health is a joint responsibility; one-sided actions risk environmental fallout (floods from unilateral releases, droughts downstream, etc.). The international community increasingly frames water disputes in terms of climate security and environmental justice.

India's attempt to pressure Pakistan by exploiting a climate-sensitive resource could be portrayed as "water aggression," drawing criticism under emerging norms that water should not be used as a weapon.

Pakistan, by highlighting these environmental implications, especially its impacts on non-human species, can strengthen the case that India's move is not only legally invalid but also a reckless threat to regional sustainable development and climate adaptation efforts.

5. State Responsibility and Countermeasures

India's "hold-in-abeyance" of the Indus Waters Treaty is not a lawful countermeasure. Pakistan has never breached the IWT or any rule of international law that could justify India's action; New Delhi has produced no credible evidence linking Pakistan to the Pahalgam attack, yet within twenty-four hours of the incident it announced both alleged perpetrators and a unilateral suspension of Pakistan's water rights—without prior notice, formal negotiations under Article IX, or a good-faith call for Pakistan to remedy any wrong.

Such "self-help" defies the basic requirements of proportionality and prior demand under the law of state responsibility and violates core environmental and human rights norms by threatening mass water deprivation.

India's step, therefore, amounts to an internationally wrongful act and a material breach of the IWT, entitling Pakistan to immediate recourse to a Court of Arbitration and full claims for reparations under both the Treaty and customary international law.

6. Conclusion

From every legal vantage point, India’s unilateral “hold” on the Indus Waters Treaty is void of justification. It violates the treaty’s terms, breaches the principle of *pacta sunt servanda*, and contradicts both treaty law and customary international law. Pakistan is on firm legal ground to insist that the treaty remains in force and that India’s obligations are unaffected by its unilateral pronouncement. India’s action has transformed a bilateral water-sharing pact into an international legal dispute—one in which Pakistan can claim that India is in breach of its obligations under the IWT and international law.

This clear illegality will bolster Pakistan’s position as it seeks redress through various forums and measures detailed below.

PART II: LEGAL AND DIPLOMATIC AVENUES FOR PAKISTAN

1. Engaging the World Bank as Treaty Guarantor

Pakistan should promptly mobilize the World Bank to publicly affirm the continuing validity of the IWT and call upon both parties to resume full compliance. Given India's significant diplomatic and economic influence—especially its strong ties with the United States—Pakistan must strategically build a coalition of states particularly sensitive to transboundary water disputes.

This coalition should include downstream riparian states facing similar risks, such as Bangladesh, Egypt, Iraq, and Vietnam, as well as water-stressed nations across Africa and Latin America, to highlight the global precedent that India's actions might set.

In parallel, Pakistan can engage prominent international NGOs—such as the International Water Management Institute (IWMI), World Resources Institute (WRI), and International Rivers—to generate awareness and exert pressure, making it politically challenging for the World Bank to remain silent in the face of India's unilateral abrogation.

By framing India's move as a dangerous precedent undermining international water treaties globally, Pakistan can effectively leverage multilateral diplomacy and public opinion to compel the Bank into issuing a critical, supportive statement.

2. Initiating Arbitration Under the IWT

Simultaneously, Pakistan should immediately invoke the arbitration mechanism of the IWT. The Pakistani Indus Commissioner must formally notify India that its unilateral suspension of the Treaty constitutes a clear material breach, explicitly citing India's 24 April letter as grounds for dispute. India's attempt to justify the suspension of the IWT within its own provisions is an opportunity that Pakistan should strategically exploit.

Anticipating India's refusal—likely on the invalid argument that the Treaty itself is suspended and thus no arbitration can proceed—Pakistan should swiftly approach the World Bank under Annexure G to establish a Court of Arbitration *ex parte*. Even if India abstains from participation or ignores the eventual ruling, a binding arbitral award declaring India's suspension unlawful would exert substantial diplomatic and legal pressure. This move would highlight Pakistan as a responsible, law-abiding actor committed to international norms, contrasting sharply with India's legally flawed and politically motivated actions.

3. United Nations Security Council (UNSC)

As a current non-permanent member of the UNSC, Pakistan should proactively raise the IWT suspension issue at the Council, framing India's recent actions explicitly as unlawful coercion and interference in Pakistan's internal affairs through a threat to its fundamental water supply—a grave violation of international law. Pakistan must present a narrative highlighting the existential risk posed by India's deliberate deprivation of water to millions of Pakistani citizens, emphasizing that such unilateral action by an upper riparian state constitutes an immediate and undeniable threat to regional peace and security. In advocating for Security Council intervention, Pakistan should seek a resolution under Chapter VII of the UN Charter, recognizing explicitly that the collapse of a critical water-sharing treaty between two nuclear-armed adversaries could escalate into a wider regional conflict. The resolution should also aim to reference the unresolved status of Jammu and Kashmir, thus re-internationalizing the Kashmir issue and underscoring its direct linkage with regional peace and stability.

While gaining a substantive UNSC resolution under Chapter VII will likely be difficult—given India's cultivated diplomatic ties with key P5 members (particularly the US, France, the UK, and Russia) who may prefer bilateral resolution—Pakistan should nonetheless push aggressively for an urgent Security Council debate. India, though not currently a Council member, will vigorously lobby allies to block or dilute any formal censure.

Yet, even convening the UNSC for an emergency session would put India under intense international scrutiny and subject its actions to global criticism, generating informal diplomatic pressure for compliance.

A realistically attainable objective in this context would be a Presidential Statement (PRST)—a consensus statement by the Council that, although lacking formal legal binding force, would reaffirm the Treaty's validity, underscore the unresolved international status of Kashmir, and urge India's compliance. Historically, on similarly contentious issues such as Palestine, the United States has often agreed to PRSTs as diplomatic compromises to avoid binding resolutions. However, to compel Council members, including hesitant P5 states, into taking even this step, Pakistan must escalate diplomatic urgency by visibly demonstrating the crisis's gravity—potentially through tangible measures on the ground, such as heightened military readiness along the Line of Control—to underscore the risk of escalation and compel UNSC attention.

4. United Nations General Assembly (UNGA)

Pakistan should vigorously pursue a resolution in the UNGA to directly address India's unlawful suspension of the Indus Waters Treaty. A carefully crafted resolution can underscore the binding character of the Treaty, highlighting its role as a critical guarantee for regional water security, sustainable development, and humanitarian protection. It would explicitly condemn India's unilateral suspension as contrary to international treaty obligations and customary international law, emphasizing that such actions pose serious risks to regional stability and threaten essential human rights, notably the human right to water. Pakistan should frame this resolution in terms that resonate globally—particularly among downstream riparian and water-stressed states—and urge all nations to uphold established international norms regarding transboundary watercourses. The campaign must be bolstered by expert strategic communications to highlight the severe humanitarian and environmental repercussions of India's actions.

Strategically, Pakistan should actively seek the support of countries similarly positioned, such as Egypt (facing water disputes with Ethiopia over the Nile), Bangladesh (facing similar water-related tensions with India), as well as other downstream and water-vulnerable states in Africa, Asia, and Latin America.

This coalition-building would emphasize the universal importance of respecting international obligations, thereby strengthening the global perception that India's breach of the IWT undermines its legitimacy as a responsible leader of the Global South.

5. Seeking an ICJ Advisory Opinion via UNGA

Complementing the resolution, Pakistan should request the General Assembly to seek an advisory opinion from the ICJ under Article 96 of the UN Charter. Such an opinion, though not binding, carries substantial legal authority, clarifying the international law governing unilateral treaty suspensions and providing guidance that could severely undermine India's justification for its actions.

Formulations of potential advisory questions could include:

- i. "What are the obligations of States regarding unilateral suspension of treaties governing international watercourses, and what are the legal consequences of such suspension?"
- ii. "What are the legal obligations of States under international law to prevent disruption to essential natural resources, in particular watercourses, governed by treaties and customary international law?"
- iii. "What are the legal consequences for States that are disrupting access to natural resources, particularly with respect to the rights of lower riparian States in relation to watercourses, as well as the rights of peoples and individuals adversely impacted by such disruptions?"

Pakistan's strategy should emphasize collective interests, particularly regarding the fundamental rights of lower riparian states.

By coordinating closely with similarly affected countries, Pakistan can leverage shared concerns to gain majority support for this advisory request. An ICJ opinion affirming these legal principles would significantly strengthen Pakistan's diplomatic and legal position, uphold global norms, and increase international scrutiny of India's actions.

PART III: STRATEGIC OPPORTUNITIES FOR PAKISTAN AMIDST THE CRISIS

Beyond immediate legal and diplomatic responses to India's unilateral suspension of the IWT, Pakistan can seize this moment to advance several strategic objectives. India's egregious action provides an opportunity for Pakistan to fundamentally reshape its narratives and recalibrate its strategies on key issues, including Kashmir, the Simla Agreement, Gilgit-Baltistan's constitutional status, and cross-border terrorism allegations.

1. Reinforcing the Kashmir Dispute through Environmental and Water Security

At the core of the Kashmir dispute is the long-standing denial of the right to self-determination, a political injustice that continues to destabilize the region. India's recent suspension of the IWT, one of the most successful examples of transboundary water cooperation, signals that unresolved political tensions are now spilling over into environmental and water governance.

India's move, justified through unsubstantiated claims linking Pakistan to unrest in IIOJK, represents a troubling shift; bilateral political disputes are now disrupting long-standing regional agreements. The erosion of the IWT shows that political instability in Kashmir is no longer limited to sovereignty questions; it directly undermines cooperative environmental frameworks essential to regional stability.

This development offers Pakistan a critical opportunity to reframe the Kashmir dispute on the global stage.

While the right to self-determination remains the central issue, Pakistan can emphasize how the ongoing denial of this right is creating broader consequences, including threats to water security and environmental sustainability in South Asia.

By highlighting the environmental consequences of the ongoing conflict, Pakistan can strengthen its argument that Kashmir is not merely a human rights issue, but a source of regional danger that jeopardizes collective ecological well-being. Unless the political root cause – self-determination – is addressed, frameworks like the IWT will remain at risk of collapse, with serious implications for the region’s peace, development, and climate resilience.

2. Reassessing the Simla Agreement: A Phased and Strategic Approach

In light of India’s continued violations of bilateral commitments, international law, and UN Security Council resolutions, Pakistan’s National Security Committee has reaffirmed its sovereign right to review key agreements, including the 1972 Simla Agreement. However, instead of opting for immediate suspension or abrogation, Pakistan would benefit from adopting a phased, calculated strategy aligned with legal, diplomatic, and national security imperatives.

India’s unilateral actions—most notably the abrogation of Article 370 on August 5, 2019, and the recent suspension of the Indus Waters Treaty—constitute material breaches of the Simla Agreement. These developments undermine the foundational assumption of mutual respect for bilateral obligations. Nevertheless, a hasty withdrawal from the Agreement could weaken Pakistan’s legal standing by appearing reactive, especially in forums where Pakistan seeks to highlight India’s violations of international norms.

Strategically, the Simla Agreement has historically constrained Pakistan’s ability to internationalize the Kashmir dispute, as India has consistently invoked its bilateral clause to oppose third-party mediation. Nevertheless, India’s continuous violations—including its decision to suspend the Indus Waters Treaty—have undermined the foundational principle of bilateralism. This situation creates an opportunity for Pakistan to redefine its Kashmir strategy, asserting that India’s transgressions invalidate the agreement’s limitations and warrant renewed international engagement.

3. Integrate Gilgit-Baltistan as a Province of Pakistan with Provisional Status

India's suspension of the IWT presents a timely strategic opportunity for Pakistan to advance the long-discussed integration of Gilgit-Baltistan (GB) as a province with provisional status. Although this initiative has been proposed on multiple occasions—most notably in the report by the Sartaj Aziz Committee—it has remained on hold due to Pakistan's commitment to the traditional plebiscite framework. Nonetheless, India's unilateral actions have effectively undermined that framework. In this context, formalizing GB's status is no longer merely a strategic option but an imperative course of action. It would reaffirm Pakistan's administrative coherence, reinforce its claim over the region, and convey a robust response to India's abrogation of commitments, including the IWT.

While a small segment—especially within Azad Jammu and Kashmir political circles—has voiced concern over GB's formal integration, these perspectives remain on the fringes of the national consensus. The Sartaj Aziz Committee's framework reflects the dominant strategic outlook, which enjoys broad support across federal institutions and within GB, particularly now, given India's unilateral actions that challenge the plebiscite framework.

To successfully execute this strategy, Pakistan must articulate a robust legal and strategic communication narrative linked to the direct impact of India's IWT suspension on GB. India's decision threatens the critical river flows of the Indus, Jhelum, and Chenab rivers, upon which Pakistan relies for over 80% of its irrigated agriculture and a substantial portion of its hydropower capacity. Given GB's role as the hydrological backbone of the country, its current status as an administrative territory rather than a constitutionally recognised province severely restricts its ability to manage and respond to this crisis effectively. Specifically, without representation in the National Finance Commission (NFC), GB lacks guaranteed financial allocations, limiting crucial investments in infrastructure, disaster management, and essential public services.

Granting GB the status of a province with provisional recognition would rectify these constitutional and financial anomalies, empowering the region with the necessary legislative authority and financial resources to manage its internal affairs effectively.

Moreover, India's suspension of the IWT directly endangers critical infrastructure within GB, particularly the strategically vital Diamer-Bhasha and Dasu hydropower projects. Disruption in water flows due to India's unilateral actions poses an existential threat to GB's water security, agricultural productivity, and energy generation capacity. Granting GB the status of province with provisional recognition, in line with the formula outlined by the Sartaj Aziz Committee Report, would significantly enhance GB's administrative capabilities, enabling more effective planning, management, and oversight of vital water and energy resources, thereby strengthening its resilience against external threats. Integrating GB as a province with provisional status is thus not merely a constitutional formality but a strategic imperative. It is essential for safeguarding Pakistan's national interests, ensuring equitable resource distribution, and upholding the welfare and rights of GB's population in the face of India's increasingly aggressive actions.

4. Undermining India's Global Image

Pakistan should leverage India's unilateral suspension of the IWT to question India's credibility as a responsible international actor. The narrative should be: If India is willing to unilaterally abandon one of the most durable transboundary water agreements in the world – endangering millions – can it be trusted to honor any commitment? Similarly, India's role in climate coalitions can be questioned: how can it claim to lead on climate solutions while deliberately exacerbating climate vulnerability for its neighbor? Pakistan should use diplomatic channels, global media, and international forums—including climate negotiations and global governance discussions—to emphasize this contradiction, casting doubt on India's broader commitments and suitability for global leadership roles, particularly its ambitions for permanent UNSC membership.

Pakistan should leverage the current crisis to initiate broader strategic dialogues on the international management of transboundary water resources. Pakistan could propose convening dedicated discussions at platforms such as the UN Water Conference or urge the UN Secretary-General to appoint a Special Envoy on International Water Disputes.

Such steps would firmly position Pakistan as a champion of responsible global water governance, highlighting that India's abrogation of the Indus Waters Treaty is not merely a bilateral tactic, but a dangerous precedent that threatens global cooperation on shared natural resources.

5. Counter India's 'Terrorism' Narrative

India has suspended the IWT based on the unsubstantiated assertion that Pakistan was involved in a terrorist attack in Pahalgam. However, no credible evidence has been presented to international bodies, nor has any independent investigation been conducted. This narrative exemplifies a broader trend in which India endeavors to delegitimize Pakistan's diplomatic and legal positions by linking them to allegations of terrorism, thereby diverting attention from its violations of international law and humanitarian standards in the IIOJK.

Within the region of IIOJK, India persists in implementing state-sponsored repression, equating peaceful dissent and legitimate requests for self-determination with acts of terrorism. This securitization of Kashmiri political expression contravenes fundamental international legal standards, notably the right to self-determination as articulated in the UN Charter and the International Covenant on Civil and Political Rights.

India's efforts to depict Pakistan as the aggressor, while concurrently suppressing basic rights in Kashmir, exemplify a calculated strategy to recast the conflict from a political and humanitarian issue to a matter of security. To counter this, Pakistan must take a proactive and evidence-based approach.

This includes engaging with international legal forums, calling for impartial and transparent investigations into incidents that India attributes to Pakistan, and emphasizing its own compliance with global counter-terrorism standards, including those outlined by the Financial Action Task Force (FATF).

At the same time, Pakistan needs to reshape its geopolitical narrative—shifting from being perceived as a sponsor of terrorism to being recognized as one of its primary victims. This involves actively investigating terrorist attacks within Pakistan, including those targeting civilians, security forces, and religious minorities. By transparently documenting these incidents and pointing out foreign support behind them, Pakistan can strengthen its case to the international community, demonstrating that it faces the same threats it is accused of promoting.

However, Pakistan cannot confront this narrative alone. Diplomatic cooperation with international partners is essential—not only to expose India’s systematic use of state terrorism in IIOJK but also to ensure that India is held accountable for consistently attributing acts of terrorism to Pakistan without providing credible evidence. Countries such as Türkiye, South Africa, Ireland, and various Arab states—longstanding supporters of the Palestinian cause—can play a critical role in affirming the legitimacy of the Kashmiri struggle and challenging India's narrative. Simultaneously, Pakistan should deepen its engagement with key Global South actors like China and Russia and utilize regional platforms like SAARC to build pressure against India’s efforts to portray Pakistan as a state sponsor of terrorism unilaterally. In summary, challenging India’s unfounded terrorism claims is a strategic necessity for Pakistan. By integrating legal engagement, building diplomatic partnerships, and conveying clear messages, Pakistan can highlight India’s double standards—its tendency to externalize blame while practicing state repression in Kashmir—and refocus global attention on Kashmir as a matter of unfulfilled self-determination rather than an issue of cross-border militancy.

6. Conclusion

While destabilizing, India's unilateral suspension of the IWT affords Pakistan a unique strategic opportunity to recalibrate its regional and international approach. Rather than adopting a passive stance, Pakistan must take advantage of this occasion to bolster its legal, diplomatic, and strategic position on multiple fronts. By incorporating Gilgit-Baltistan as a province with provisional status, reevaluating the Simla Agreement through a phased perspective, actively countering India's terrorism narrative, and reframing the Kashmir issue as one of environmental and water security, Pakistan can convert India's breach into a multi-dimensional strategic benefit.

These measures, implemented concurrently, contest India's presumption of impunity and reformulate the geopolitical discourse concerning Kashmir and regional stability. Pakistan's strategy must be bifurcated: firstly, it must engage in a vigorous legal and diplomatic campaign advocating for accountability regarding treaty infringements; secondly, it must undertake comprehensive strategic initiatives that bolster its stance on Kashmir and uphold its sovereign interests.

Decisive action at this critical juncture will mitigate the repercussions of India's treaty breach and signal Pakistan's commitment to uphold its rights and responsibilities under international law. In doing so, Pakistan positions itself not merely as a reactive actor, but as a principled and forward-looking state prepared to confront challenges with strategic foresight.

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