

TRANSBOUNDARY WATER MANAGEMENT IN SOUTH ASIA: A STUDY OF COOPERATION, CONFLICT, AND INSTITUTIONAL RESILIENCE IN THE INDUS BASIN (INDIA–PAKISTAN)

Dilshod Kushaev

The University Of World Economy And Diplomacy

Abstract: The 1960 Indus Waters Treaty (IWT) governed water sharing between India and Pakistan for over six decades and was widely regarded as a rare success in transboundary water diplomacy. On 23 April 2025, India placed the treaty “in abeyance” following a terrorist attack in Pahalgam, Jammu and Kashmir, suspending data-sharing, Permanent Indus Commission meetings, and participation in dispute-resolution mechanisms. Pakistan has disputed the legality of this unilateral move, and the two states remain in an unresolved legal and diplomatic standoff as of mid-2026. This proposal outlines a qualitative, single-case study examining how the suspension has affected the treaty's institutional mechanisms, how each state constructs its legal and political justification, and how climate stress and groundwater depletion reshape the incentives for cooperation. Using process tracing and a structured comparison with other transboundary basins, the study aims to assess which institutional design features proved resilient or fragile under political strain, and to outline plausible governance pathways for the basin over the next decade. The research is intended to contribute to hydro-political and international-relations scholarship, and to offer a policy-relevant evidence base for regional and international stakeholders.

Introduction and Background

South Asia is home to some of the world's most heavily populated and water-stressed river basins, and the Indus Basin is arguably the region's most consequential case of transboundary water governance. Shared primarily by India and Pakistan, with headwaters also touching China and Afghanistan, the basin sustains roughly 300 million people and underpins Pakistan's agricultural economy almost entirely. The 1960 Indus Waters Treaty (IWT), brokered with World Bank facilitation, has long been cited as a rare success story of water diplomacy between rival states: it survived two full-scale wars (1965, 1971), the Kargil conflict, and repeated diplomatic ruptures.

This narrative of resilience was fundamentally disrupted on 23 April 2025, when India announced it was placing the IWT “in abeyance”, one day after a terrorist attack in Pahalgam, Jammu and Kashmir, killed 26 civilians. India suspended hydrological data-sharing, meetings of the Permanent Indus Commission, and its participation in the treaty's dispute-resolution mechanisms, while stopping short of physically diverting the western rivers allocated to Pakistan. Pakistan has rejected the legality of a unilateral

suspension, pointing to Article XII of the treaty, which allows modification or termination only by mutual consent, and has pursued parallel legal challenges through the Permanent Court of Arbitration and other forums. As of mid-2026, the treaty remains suspended: India maintains it will stay in abeyance until Pakistan “irrevocably” ends its alleged support for cross-border terrorism, and it has rejected a 15 May 2026 Court of Arbitration award on hydropower storage as void, on the grounds that it considers the tribunal improperly constituted.

This proposal situates that rupture within the longer-run structural pressures facing the basin: accelerating Himalayan glacial melt and shifting monsoon patterns, rapid groundwater depletion in Indian and Pakistani Punjab, rising hydropower and irrigation demand, and the basin's entanglement with the broader India–Pakistan strategic rivalry over Kashmir. The thesis asks whether, and how, a legally binding but now-suspended treaty architecture can be adapted, replaced, or reinforced to manage a shared resource under conditions of acute political distrust.

Statement of the Problem

Existing scholarship on the IWT largely falls into two camps: (a) technical and legal analyses that treat the treaty as a fixed institutional artifact, evaluating its water-allocation formula and dispute-resolution architecture in isolation from politics; and (b) security-studies literature that treats water as a subordinate variable within the broader India–Pakistan conflict, often invoked rhetorically as a potential “water war” trigger without close empirical grounding. Comparatively little work integrates hydro-political bargaining theory with the empirical record of the 2025–26 suspension to ask what happens to a rules-based river regime once its core cooperative mechanisms are switched off but the underlying resource interdependence remains unchanged. This is the gap the thesis addresses: understanding transboundary water management not as a static treaty text, but as a dynamic institutional bargain whose durability depends on conditions that are now visibly under strain.

Research Questions

Primary question: How has the 2025 suspension of the Indus Waters Treaty affected the institutional mechanisms, legal obligations, and practical water-sharing behaviour between India and Pakistan?

How do India and Pakistan each construct the legal and political justification for their position on the treaty's status, and how do these framings draw on or diverge from international water law (e.g., the UN Watercourses Convention, customary principles of equitable and reasonable utilization)?

What role do climate change and groundwater depletion play in reshaping the incentives of each riparian to cooperate, renegotiate, or unilaterally act within the basin?

What institutional design features (e.g., neutral experts, arbitration courts, data-sharing protocols) proved resilient or fragile once political relations deteriorated sharply, and what does this suggest for treaty design in other contested basins?

What pathways — renegotiation, a successor framework, third-party mediation, or continued abeyance — are plausible for the basin's water governance over the next decade, and what conditions would make each more likely?

Objectives of the Study

To trace the institutional history of the IWT from 1960 to the present, identifying the mechanisms that historically insulated it from India–Pakistan political conflict.

To analyse the legal and political dimensions of the 2025 suspension, including the competing interpretations of Article XII and the parallel neutral-expert and Court of Arbitration proceedings.

To assess the basin's physical and demographic stressors (climate change, glacial melt, groundwater depletion, population growth) as structural drivers of future water insecurity.

To evaluate comparative transboundary water regimes (e.g., the Ganges, Mekong, and Nile basins) for lessons on institutional resilience under political stress.

To propose policy-relevant scenarios or recommendations for the basin's governance going forward.

Significance of the Study

The thesis contributes to three audiences. Academically, it updates hydro-politics and international-relations scholarship on the IWT with an in-depth account of its first major suspension, a case likely to become a standard reference point in transboundary water governance literature. Policy-wise, it offers South Asian and international policymakers, and institutions such as the World Bank, an evidence base for evaluating renegotiation or reform options. Practically, given that roughly 300 million people depend on the basin, the stability of its water governance carries direct human security implications, making this both an academically rigorous and socially relevant undertaking.

Literature Review (Preliminary Themes)

1. Hydro-Political Theory

Draw on the hydro-hegemony framework and basin-power-asymmetry literature (e.g., Zawahri, 2009; Zawahri & Michel, 2020) to situate India (upstream, materially stronger) and Pakistan (downstream, treaty-dependent) within existing typologies of riparian relations, while testing whether these frameworks anticipated a scenario of formal treaty suspension rather than gradual erosion.

2. Legal Scholarship on the IWT

Engage existing commentary on treaty design and the neutral-expert and Court of Arbitration mechanisms (e.g., Salman, 2008), and the unresolved question of whether

“abeyance” is a recognized category under the Vienna Convention on the Law of Treaties or customary international law, given that “suspension” is not a term used within the IWT's own text.

3. Climate and Water-Security Literature

Incorporate hydrological and glaciological research on Indus basin flows, groundwater depletion trends in Punjab, and projections of future water availability to ground the political analysis in physical reality.

4. Comparative Transboundary Basins

Bring in comparative cases (Mekong, Nile, Ganges-Brahmaputra, Colorado) to identify what design features elsewhere have proven more or less resilient to political shocks (e.g., Wolf, 2007), informing the thesis's final recommendations.

Theoretical Framework

The thesis proposes a hybrid framework combining (a) hydro-hegemony and bargaining-power theory to explain why India, as the upstream and materially dominant party, was able to suspend cooperation with limited immediate cost, and (b) regime-resilience theory from international relations, which asks what features of an institution allow it to survive shocks versus collapse. This dual lens lets the thesis explain both why the suspension happened and what it reveals about the durability of rules-based resource-sharing arrangements between unequal, rival states.

Proposed Methodology

1. Research Design

A qualitative, single-case (embedded) design centred on the Indus Basin, using process tracing to reconstruct the sequence of events, decisions, and justifications from 1960 through the 2025 suspension and its aftermath, supplemented by secondary comparative analysis of other basins.

2. Data Sources

Primary documents: the 1960 IWT text and annexures, Permanent Indus Commission records, Court of Arbitration and neutral-expert rulings, official Indian and Pakistani government statements.

Secondary sources: peer-reviewed hydro-politics and international-law literature, World Bank and think-tank reports (e.g., Stimson Center, Observer Research Foundation, Institute of Strategic Studies Islamabad), and reputable news reporting for the 2025–26 timeline.

If feasible: semi-structured expert interviews with water-law scholars, former Permanent Indus Commission officials, or basin hydrologists, subject to ethics approval and access.

3. Analytical Approach

Combine qualitative content analysis of official statements and legal filings (to map competing legal justifications) with a structured, focused comparison against two to three other transboundary basins to test the generalizability of findings.

Scope and Limitations

The study focuses on the India–Pakistan dimension of the Indus Basin; it references Afghanistan's and China's roles only insofar as they affect upstream hydrology. Given the fast-moving and partly classified nature of ongoing diplomatic and legal proceedings, some primary data (e.g., internal negotiating positions) will be inaccessible, and the analysis will rely on the public record as of the time of writing, which should be clearly dated given the evolving situation.

Ethical Considerations

Because the study is document-based, most of the research raises minimal ethical risk. Where semi-structured expert interviews are conducted, the researcher will seek approval from the university's research ethics body prior to any data collection, and will obtain informed consent from each participant, covering the purpose of the study, voluntary participation, the right to withdraw, and how responses will be recorded and stored. Given the politically sensitive nature of the subject, interviewees who request anonymity or attribution by role only (rather than by name) will be accommodated, and any views expressed by officials will be presented as personal or institutional as appropriate, without implying positions not actually held. All interview recordings and notes will be stored securely and retained only as long as necessary for the research.

Tentative Chapter Outline

Chapter	Content
1	Introduction, problem statement, research questions, significance
2	Literature review and theoretical framework (hydro-hegemony, regime resilience)
3	Methodology
4	Historical institutional analysis: the IWT, 1960–2025
5	The 2025–26 suspension: legal, political, and diplomatic dimensions
6	Structural drivers: climate change, glacial melt, groundwater depletion
7	Comparative analysis with other transboundary basins
8	Findings, scenarios, and policy recommendations

Chapter	Content
9	Conclusion

Indicative Timeline

Phase	Activity
Months 1–2	Finalize proposal, complete literature review, secure ethics approval if interviews are planned
Months 3–4	Historical/institutional chapter (1960–2025); document collection
Months 5–6	Suspension chapter; interviews if applicable
Months 7–8	Climate/structural drivers chapter; comparative basin analysis
Month 9	Draft findings, scenarios, and recommendations
Month 10	Full draft to supervisor; revisions
Months 11–12	Final revisions, formatting, submission

List of Abbreviations

Abbreviation	Meaning
IWT	Indus Waters Treaty (1960)
PIC	Permanent Indus Commission
PCA	Permanent Court of Arbitration
UNWC	United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (1997)
VCLT	Vienna Convention on the Law of Treaties (1969)
BCM	Billion Cubic Metres

REFERENCES:

The following is a starting point in APA style; it should be substantially expanded through further literature search as the research progresses.

Indus Waters Treaty (1960), India–Pakistan, with Annexures, 19 September 1960 (World Bank as guarantor).

Salman, M. A. S. (2008). The Baglihar difference and its resolution process – A triumph for the Indus Waters Treaty? *Water Policy*, 10(2), 105–117.

Wolf, A. T. (2007). Shared waters: Conflict and cooperation. *Annual Review of Environment and Resources*, 32, 241–269.

Zawahri, N. A. (2009). India, Pakistan and cooperation along the Indus River system. *Water Policy*, 11(1), 1–20.

Zawahri, N. A., & Michel, D. (2020). Assessing the Indus Waters Treaty from a comparative perspective. *Water International*, 43(5), 696–712.

Permanent Court of Arbitration. (2025–2026). In the Matter of the Indus Waters Treaty 1960 (Pakistan v. India), PCA Case No. 2023-01, and Neutral Expert Proceedings, PCA Case No. 2023-14 – case materials and awards.

United Nations. (1997). *Convention on the Law of the Non-Navigational Uses of International Watercourses*.

Vienna Convention on the Law of Treaties. (1969).

Stimson Center, Observer Research Foundation, and Institute of Strategic Studies Islamabad – policy reports and commentary on the 2025–26 suspension (specific titles to be added as sourced).

Reputable news reporting (e.g., Reuters, Dawn, The Hindu, Al Jazeera) on the abeyance, arbitration awards, and diplomatic responses, 2025–2026 (to be updated continuously given the evolving situation).