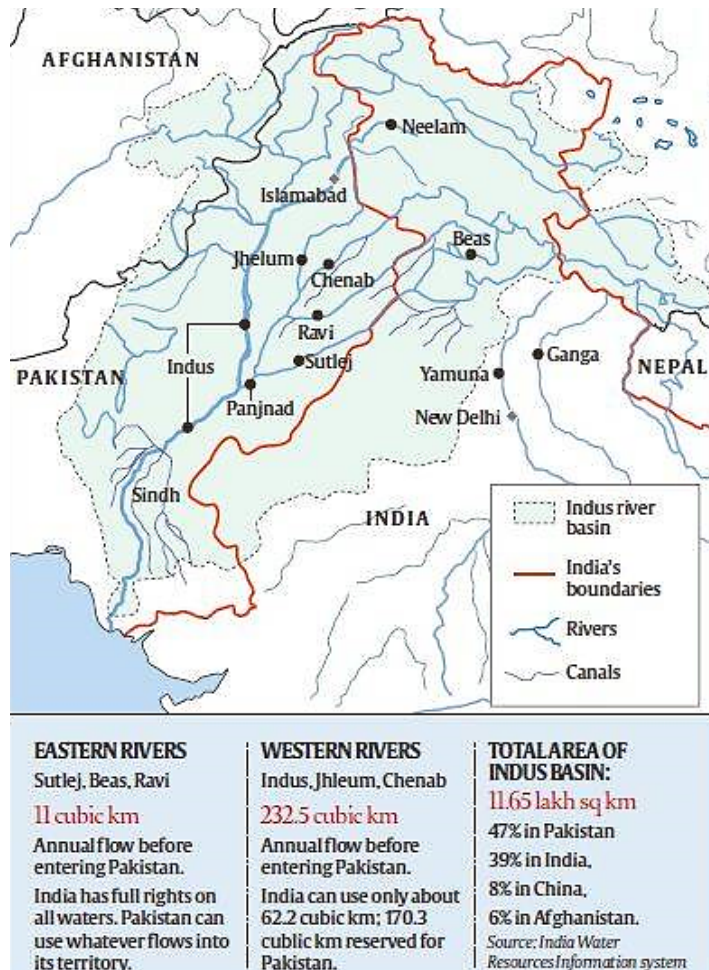


What is the mechanism to resolve conflicts under the Treaty? – (1) The treaty provides a **3-step dispute resolution mechanism**. The treaty classifies conflicts into 3 categories: questions, differences and disputes; (2) Questions on both sides can be resolved at the **Permanent Commission**, or can also be taken up at the inter-government level; (3) In case of unresolved questions or ‘differences’ (such as technical differences) either side can approach **the World Bank to appoint a Neutral Expert (NE)** for resolution; (4) If either party is not satisfied with the NE’s decision or in case of ‘disputes’ in the interpretation and extent of the treaty, matters can be referred to a **Court of Arbitration**.

Pakistan has raised disputes on almost all of India’s projects on Western Rivers. These include Baglihar Dam (on Chenab), Kishanganga Dam (on tributary of Jhelum River), Tulbul Project (on Jhelum River). The Baglihar Dam ‘Difference’ was resolved in 2007 through the World Bank-appointed expert, and Kishanganga Dispute was resolved through Court of Arbitration in 2013.



What are the reasons behind calls for renegotiating the Treaty? – (1) The treaty has **unequal sharing of the waters**. Pakistan has been allocated ~80% of the Indus basin waters. Experts have termed this as world’s **most generous water sharing treaty**, that compels upper riparian State to defer to the interests of the downstream State; (2) It **prevents India from building any storage systems** on the western rivers. Even though the treaty lays out that under certain exceptional circumstances storage systems can be built, Pakistan deliberately interferes in any such effort. The highly technical nature of the treaty allows Pakistan to stall legitimate Indian Projects; (3) The basin’s size and volume is getting altered by **climate change** and this alteration is going to intensify in future, with more instances of high-intensity rainfall as well as long stretches of scanty rainfall. A change in the flow conditions may classify as ‘change of circumstances’ which can justify renegotiation or termination in the future; (4) The recent report of the Standing Committee of Water resources noted that canals in Punjab and Rajasthan (Rajasthan Feeder and the Sirhind Feeder) had become old and were not maintained properly. This had resulted in the lowering of their water carrying capacity. Thus, the water from the Harike Barrage on the confluence of the Beas and Sutlej in Punjab was usually released downstream into Pakistan. **Pakistan is getting more waters than its entitlement in the Eastern Rivers.**

Can the Indus Water Treaty be rejected by India on a unilateral basis? – (1) Article XII (4) of the Indus Water Treaty notes that, “...provisions of this Treaty...shall continue in force until terminated by a duly ratified treaty concluded for that purpose between the two Governments.” Thus the treaty doesn’t allow for unilateral termination; (2) Article 62 of the **Vienna Convention on Law of Treaties (VCLT)**,