

Beyond The Indus Waters Treaty: A Study of Pakistan's Transboundary Water Rights against India under Customary International Law

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Abstract

Pakistan and India share the Indus basin as co-riparian states. The Indus Waters Treaty, concluded over fifty years ago, does not incorporate certain challenges faced by Pakistan today. The customary international law, on the other hand, has developed principles that govern the Indus basin in light of contemporary challenges. This article looks at the customary international law regime that protects the rights of Pakistan as a lower riparian state vis a vis the Indus basin, even in the absence of a treaty. For this purpose, customary norms as accepted by nations across the world have been taken into account, as well as India's acceptance of those norms in its state practice. In the end, an evaluation is made of the possible avenues for Pakistan in this regard based solely on Customary international law.

Keywords: Indus Waters, Customary International Law, Treaty Law, Transboundary Water Law, Indus Basin, International Law

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