



Ms. Debashree Mukherjee
Designated Representative
Secretary, Department of Water Resources
River Development and Ganga Rejuvenation
Ministry of Jal Shakti
Government of India

[REDACTED]

BY E-MAIL: [REDACTED]

Mr. Mansoor Usman Awan
Designated Representative
Attorney General
Office of the Attorney-General

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BY E-MAIL: [REDACTED]

Mr. Raja Naeem Akbar
Deputy Designated Representative
Secretary, Ministry of Law and Justice

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17 June 2025

RE: PCA CASE NO. 2023-14 – INDUS WATERS TREATY NEUTRAL EXPERT PROCEEDINGS (INDIA V. PAKISTAN)

Dear Ms. Mukherjee,
Dear Mr. Awan,
Dear Mr. Akbar,

I write on behalf of the Neutral Expert in the above-referenced matter.

[REDACTED]

[REDACTED]

2. India's Request

The Neutral Expert acknowledges receipt of India's letter of 5 June 2025 in which India "reiterates [its] suggestion that the Neutral Expert vacate the dates fixed for further hearing and the time table under the existing Work Programme be put on hold". The Neutral Expert also recalls India's letter of 26 May 2025 and Pakistan's letter of 27 May 2025.

The Neutral Expert notes that India's request to vacate the dates of the Work Programme is based on "India's [...] considered decision to keep the Treaty in abeyance" (India's letter of 26 May 2025) and its view that "the site visits and further hearings cannot proceed so long as the Treaty is in abeyance". (India's letter of 5 June 2025, para. 1(c)). According to India, its "decision to place the Treaty in

abeyance is in exercise of its right as a sovereign national party to an international treaty which considers the other party as being in serious breach of international law” (India’s letter of 5 June 2025, para. 1(a)). India asserts that it “is under no obligation to perform any of its commitments under the Treaty (including in relation to the Neutral Expert proceedings), so long as the Treaty continues to be in abeyance.” (India’s letter of 5 June, para. 8). Pakistan opposes India’s request arguing, *inter alia*, that “India’s statement that it is holding the Treaty in ‘abeyance’ is of no legal effect whatsoever [and] [t]he Treaty remains in full force for all legal purposes.” Pakistan then goes on to “reject[...] India’s position and considers that there is no basis on which the Neutral Expert can properly accede to India’s request to ‘vacate the dates fixed for further hearing, and the time table under the existing Work Programme may be put on hold’.” (Pakistan’s letter of 27 May 2025, paras. 3, 5).

The Neutral Expert notes that the Parties both submit that the Neutral Expert has no competence or jurisdiction over the issue of India’s decision to place the Treaty “in abeyance”. (Pakistan’s letter of 27 May 2025, para. 10; India’s letter of 5 June 2025, paras 1(a), 11). Accordingly, the Neutral Expert does not delve into this issue.

Despite this, the Neutral Expert has a duty to consider and determine India’s request. Such consideration, bearing in mind Article 1.1 of the Supplemental Rules of Procedure (the “**Supplemental Rules**”), should be pursuant to the Treaty, the Terms of Retainer, and the Supplemental Rules. The Neutral Expert notes that the Treaty and its Annexure F contain no provision regarding whether the schedule of neutral expert proceedings can be put on hold at the request of one party. Likewise, the Terms of Retainer and the Supplemental Rules do not contain such a provision. India refers to Article 2.1 of the Supplemental Rules, which in part dictates that the mission of the Neutral Expert is defined by the Treaty. This provision mirrors Article 1.1 of the Supplemental Rules and does not offer any additional considerations. Accordingly, India’s request should be viewed in the light of the Neutral Expert’s general power under Paragraph 6 of Annexure F to determine the procedure of the neutral expert proceedings, as well as of the requirement, under Paragraph 9 of Annexure F, that the Neutral Expert issue the decision on the subject matter of the dispute, “as soon as possible.”

In the light of the foregoing, the Neutral Expert considers that the present circumstances, where one party asserts itself to be under no obligation to perform its obligations under the Treaty in respect of these proceedings, while the other party disputes this, do not provide a valid basis for putting on hold the schedule of pending neutral expert proceedings. The Neutral Expert notes that India’s request, if granted, will essentially result in an indefinite suspension of the proceedings, until such time as it changes its position and asks for the resumption of the proceedings. Acceding to such a request would therefore amount to giving a party the ability unilaterally to decide when the proceedings are to stop and resume and would be inconsistent with the Neutral Expert’s mandate under the Treaty and the Supplemental Rules. India’s request to vacate the dates of further meetings and to put the Work Programme on hold is therefore denied. Consequently, the dates fixed for Pakistan’s Counter-Memorial due 7 August 2025, the Fourth Meeting, scheduled to take place from 17-22 November 2025, India’s Reply due 5 January 2026, Pakistan’s Rejoinder due 5 June 2026, and the Fifth Meeting, the dates of which are currently reserved, remain. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Yours sincerely,



Balla Galma Godana
Legal Counsel

cc: *For India:*

Mr. M. Anand Prakash, Joint Secretary (Pakistan, Afghanistan and Iran Division), Ministry of External Affairs (by e-mail: [REDACTED])
Darpan Talwar, Commissioner (Indus), Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti (by e-mail: [REDACTED])
Mr. Harish Salve, KC and Senior Advocate (by e-mail: [REDACTED])

For Pakistan:

Mr. Syed Ali Murtaza, Federal Secretary to the Government of Pakistan, Ministry of Water Resources (by e-mail: [REDACTED])
Mr. Syed Muhammad Mehar Ali Shah, Pakistan Commissioner for Indus Waters, Ministry of Water Resources (by e-mail: [REDACTED])
Mr. Khalid Mahmood, General Manager, Water and Agriculture Division, National Engineering Services Pakistan (NESPAK) (by e-mail: [REDACTED])
Mr. Zohair Waheed, Office of the Attorney General for Pakistan (by e-mail: [REDACTED])
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Neutral Expert and Technical Assistant:

Mr. Michel Lino, Neutral Expert (*by e-mail:* [REDACTED])

Mr. Luc Deroo, Technical Assistant to the Neutral Expert (*by e-mail:* [REDACTED])