



Shri V.L Kantha Rao
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

[REDACTED]

BY E-MAIL: [REDACTED]

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

[REDACTED]

BY E-MAIL: [REDACTED]

AG 551090

DIRECT DIAL: +43 664164 9677 / +43 01 9280 5701
E-MAIL: EGORJATCHEVA@PCA-CPA.ORG

18 December 2025

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

Dear Shri Rao,
Dear Mr. Awan,
Dear Mr. Akbar,

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

1. Pakistan's application for the bifurcation of the proceedings

At the Fourth Meeting, Pakistan made an application for the bifurcation of these proceedings, requesting that the Neutral Expert render a Partial Decision within an expedited timetable on certain aspects of the differences pertaining to outlets, spillways, intakes, and freeboard at the RHEP, relative to a hypothetical Dead Storage Level ("DSL"), to be followed in due course by a Final Decision on Pondage and all other remaining aspects of the differences, at both the RHEP and the KHEP (the "Application").¹ Pakistan proposed a Work Programme leading up to a Partial Decision by mid-June 2026 and a Final Decision by the end of January 2027.²

¹ Fourth Meeting Tr. (unrevised), Day 1, 72:14-73:2 (Sir Daniel Bethlehem KC); Day 4, 157:3-19 (Sir Daniel Bethlehem KC); Pakistan's Final Submissions dated 21 November 2025. *See also* Pakistan's letter dated 15 December 2025, para. 4.

² Pakistan's Proposed Revised Work Programme (Fourth Meeting Day 4 Demonstrative).

Pakistan's Application was made against the background of two sets of developments.³ On the one hand, referring to the RHEP construction schedule provided by India to the Neutral Expert on 3 February 2025, Pakistan asserted that India is rapidly proceeding with construction,⁴ thus creating a "looming challenge to the effectiveness of [these] proceedings."⁵ Pakistan submitted that this challenge to the effectiveness of the proceedings, together with India's non-participation in the proceedings, warrant an acceleration of the decision-making and, in particular, render urgent the issuance of a decision on the design of the RHEP.⁶ After the Fourth Meeting, by a letter dated 15 December 2025, Pakistan also drew the Neutral Expert's attention to "troubling Indian press reports over the past days addressing developments at the Ratle construction site that both highlight safety concerns and indicate that construction has picked up speed following India's declared policy of abeyance."⁷

On the other hand, during the Fourth Meeting, Pakistan informed the Neutral Expert that: (i) following the issuance of the Award on Issues of General Interpretation of the Indus Waters Treaty dated 8 August 2025 and the Decision on Pakistan's Request for Clarification of the Award on Issues of General Interpretation dated 8 November 2025 in the *Indus Waters Western Rivers Arbitration (Pakistan v. India)* ("**Western Rivers Arbitration**"), Pakistan had requested that the Court of Arbitration in that matter conduct a further phase on issues pertaining to Pondage under the Treaty; (ii) the Court of Arbitration had granted Pakistan's request and would accordingly conduct a further phase specific to "resolving the basis upon which India must determine the installed capacity and anticipated load of a proposed Annexure D, Part 3 HEP, and, once determined, how these elements are to be taken into account for purposes of the calculation of maximum Pondage"; and (iii) an award on this issue of Pondage could reasonably be expected by mid-April 2026.⁸ Pakistan requested a further opportunity to comment on the issue of Pondage in these proceedings following the Court's anticipated award, but submitted that if there were "delay on this front . . . that need not and should not hold up [the Neutral Expert's] determination with regard to freeboard, outlets, spillways and intakes."⁹

³ Fourth Meeting Tr. (unrevised), Day 1, 21:24-22:10 (Sir Daniel Bethlehem KC).

⁴ Fourth Meeting Tr. (unrevised), Day 1, 6:3-5, 9:11-13 (Mr. Mehar Ali Shah) ("And all the while, [India] is moving ahead with speed to advance its construction of the RHEP"; "the construction of the RHEP is moving forward at a considerable pace"); 124:20-126:7 (Mr. Mehar Ali Shah) ("[The schedule] shows India rapidly reaching a point of no return with respect to the RHEP. If this schedule has been maintained, then on 7th November 2025, India completed excavation of the bed of the Chenab Main and its surrounding banks. It is now in a position to pour the RHEP dam foundation, which is to begin on 8th December 2025, and ends on 13th December 2025. At that point in time, India can begin the process of concreting the main features of the dam body itself. On 14th December 2025 India will begin concreting up to the crest level of its current deep orifice spillway. That process is due to be completed by 31st January 2027. On 24th December 2026, India will begin concreting up to the crest level of its current surface gated spillway. That process is due to be completed by 15th February 2027. When the crest levels are reached, India will have reached the point where the orifice and spillway structures of the RHEP will be set in concrete. Undoing its work will be difficult, expensive and potentially impossible."). *See also* Fourth Meeting Tr. (unrevised), Day 2, 184:8-187:15, 203:15-204:2 (Sir Daniel Bethlehem KC).

⁵ Fourth Meeting Tr. (unrevised), Day 1, 31:13-14 (Sir Daniel Bethlehem KC). *See also* Day 1, 12:1-4; 72:3-11 (Sir Daniel Bethlehem KC).

⁶ Fourth Meeting Tr. (unrevised), Day 1, 22:5-10; 26:5-31:16 (Sir Daniel Bethlehem KC). *See also* 73:25-74:4 (Sir Daniel Bethlehem KC); 127:3-8 (Mr. Mehar Ali Shah); Day 3, 211:18-24; Day 4, 163:13-164:2 (Mr. Mehar Ali Shah).

⁷ Pakistan's letter dated 15 December 2025, para. 1, referring to an article dated 14 December 2025 by the Daijiworld Media Network, an article dated 13 December 2025 by thewire.in, and an article dated 14 December 2025 by thehindu.com.

⁸ Fourth Meeting Tr. (unrevised), Day 1, 58:1-60:17 (Sir Daniel Bethlehem KC); Day 4, 144:17-149:1 (Sir Daniel Bethlehem KC).

⁹ Fourth Meeting Tr. (unrevised), Day 1, 73:14-17 (Sir Daniel Bethlehem KC).

In reply to questions from the Neutral Expert regarding the feasibility of bifurcation, Pakistan submitted that, at this stage of the proceedings, and in the light of the decisions in the *Western Rivers Arbitration*, which elucidate many relevant issues of Treaty interpretation, the Neutral Expert could (and should) proceed to determine the “overall concept” and “design principles” in respect of outlets, spillways, and intakes “relative to a hypothetical DSL.”¹⁰ Pakistan also sought to illustrate how this could be done.¹¹

As India did not attend the Fourth Meeting, the Neutral Expert invited it to review the transcript of the Meeting and comment on the next steps in these proceedings, including Pakistan’s Application, by 1 December 2025. Further to a letter from Pakistan dated 28 November 2025, in which Pakistan, *inter alia*, revisited and underlined certain of its submissions regarding the next steps in these proceedings, including its Application, the Neutral Expert also invited India to comment on these aspects of Pakistan’s letter by 9 December 2025. In the event, no comments were received from India regarding Pakistan’s Application, or the next steps in these proceedings more generally, whether within the time limits set by the Neutral Expert, or otherwise.

The Neutral Expert has carefully considered Pakistan’s Application in the light of its submissions at the Fourth Meeting, the specific formulation of its Final Submissions dated 21 November 2025, and its correspondence following the Fourth Meeting. Pakistan’s representatives and counsel made plain the utmost importance attached by Pakistan to the Application, and the Neutral Expert appreciates Pakistan’s sense of urgency and concern for the effectiveness of the process.

Nevertheless, upon deliberation, the Neutral Expert finds that the effectiveness of the process would not be served by bifurcating the determination of the issues in the manner proposed by Pakistan, or in any other manner presently within the Neutral Expert’s contemplation. Pakistan does not merely request that the Neutral Expert make a determination as to whether or not elements of India’s design for the KHEP and the RHEP are in compliance with the Treaty; it also requests, *inter alia*, that the Neutral Expert find that there exist a range of Treaty-compliant sediment management strategies and that he identify and give reasons for alternative Treaty-compliant designs in respect of outlets, spillways, intakes, Pondage, and freeboard.¹² In the Neutral Expert’s view, in order to render a determination on these matters, he will need to consider the design of the KHEP and the RHEP holistically, with an appreciation for the closely interrelated nature of the design elements at issue.

The Neutral Expert notes that the natural order in which to consider the design elements put before him would be to begin with an assessment on Pondage before moving to the other issues. While the Neutral Expert accepts that it is theoretically possible to determine certain aspects of the differences pertaining to freeboard, outlets, spillways, and intakes without first addressing the issue of Pondage and by reference to a hypothetical DSL, he considers that this would not be a sound approach. Such an approach would have the potential to fatally compromise the quality of the Neutral Expert’s decision as it would carry the risk that, upon turning to the issue of Pondage following the issuance of a Partial Decision, the Neutral Expert would find that some relevant aspect had been previously overlooked.

The Neutral Expert has also had regard to the RHEP construction schedule of 3 February 2025 and considers that, as against its background, the potential gain of a few months in the timetable of these proceedings would not justify the risk outlined above.

¹⁰ Fourth Meeting Tr. (unrevised), Day 2, 124:18-23 (Prof. Philippa Webb); 138:10-16 (Mr. Abdullah Tariq); 164:21-24 (Mr. Peter Rae); Day 3, 204:3-10, 207:18-23, 208:21-209:8 (Sir Daniel Bethlehem KC). *See also* Day 3, 5:4-13, 18:4-11 (Mr. Peter Rae); Day 4, 164:3-16 (Mr. Mehar Ali Shah).

¹¹ Fourth Meeting Tr. (unrevised), Day 2, 157:10-164:24 (Mr. Peter Rae); Day 3, 72:24-78:8 (Mr. Peter Rae).

¹² Pakistan’s Final Submissions dated 21 November 2025; Fourth Meeting Tr. (unrevised), Day 3, 210:7-22 (Sir Daniel Bethlehem KC); Day 4, 73:6-74:12 (Prof. Phillipa Webb). *See also* Fourth Meeting Tr. (unrevised), Day 3, 187:16-199:05 (Sir Daniel Bethlehem KC).

Moreover, while Pakistan, in its correspondence dated 15 December 2025, has urged the Neutral Expert to have regard to certain press reports mentioning an acceleration of construction at the RHEP, the Neutral Expert notes that those reports are vague and somewhat contradictory, also stating that the RHEP construction is “behind schedule”¹³ and relating difficulties with the RHEP that could create delay and possibly lead the construction company to pull out of the project.¹⁴

For the above reasons, Pakistan’s Application for the bifurcation of the proceedings is denied.

2. Work Programme

Pakistan made submissions regarding the Work Programme during the Fourth Meeting. As noted above, India was invited to comment on the next steps in these proceedings following the Meeting, but did not do so within the time limits set by the Neutral Expert, or otherwise.

Accordingly, having regard to the Neutral Expert’s above decision on Pakistan’s Application and Pakistan’s proposal for a non-bifurcated Work Programme, the Neutral Expert hereby issues the enclosed, revised Work Programme (Annex 2 to the Supplemental Rules of Procedure).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. Pakistan’s request that the Neutral Expert proceed to his determinations by reference to the Parties’ first round submissions and the First Site Visit alone

At the Fourth Meeting, as well as in its subsequent letter dated 28 November 2025, Pakistan revisited its request, previously made by letters dated 1 and 27 October 2025, that the Neutral Expert proceed to his determinations by reference to the Parties’ first round submissions and the First Site Visit alone.

In its latest iteration in the letter of 28 November 2025, the request is formulated as follows:

. . . I revisit and underline Pakistan’s previous requests that the Neutral Expert formally clarifies, without ambiguity, that he will now proceed to reach his determinations by reference to the Parties’ first round submissions and First Site Visit alone, whether those determinations take the form of a Partial Decision, followed by a Final Decision, or by a single Decision. In the event that India decides to re-engage with the Neutral Expert process, which Pakistan hopes will be the case, Pakistan will engage with the Neutral Expert on the appropriate procedure to be followed to accommodate this, subject to the understanding that this could not take the form of a return to the procedural status

¹³ Article dated 14 December 2025 by the Daijiworld Media Network, attached to Pakistan’s letter dated 15 December 2025.

¹⁴ Article dated 14 December 2025 by the Daijiworld Media Network; article dated 14 December 2025 by thehindu.com (both attached to Pakistan’s letter dated 15 December 2025).

quo ante involving the previously contemplated written reply and rejoinder submissions of the Parties.

The Neutral Expert previously addressed Pakistan's request by letter dated 5 November 2025 as follows:

For the avoidance of doubt, the Neutral Expert confirms his intention to proceed expeditiously and, in the event of India's continued non-participation, to reach a determination without requiring the filing of second round written submissions (*i.e.*, the Reply and Rejoinder) or any further site visits. That said, the Neutral Expert will consider appropriate next steps after the Fourth Meeting and consultation with the Parties, which may include further oral or written submissions in connection with the transcript of the Fourth Meeting or any questions that the Neutral Expert may have.

Should India decide to rejoin the proceedings at a future point in time, the Neutral Expert will consult the Parties with respect to appropriate amendments to the Work Programme, having regard to the stage of the proceedings and considerations of fairness and effectiveness, including in the light of the RHEP construction schedule, as addressed in the Neutral Expert's letter dated 11 April 2025.

The Neutral Expert considers that his letter of 5 November 2025 comprehensively addressed Pakistan's request. As foreshadowed therein, the Work Programme has now been set following consultation with the Parties, and does not foresee the filing of second round written submissions or any further site visits. The Neutral Expert does not consider it appropriate or sensible to give any additional procedural directions (or clarifications) regarding any future, hypothetical situation, the precise circumstances of which are not known and cannot be reliably foreseen at this stage. As noted previously, should India decide to rejoin the proceedings at a future point in time, the Neutral Expert will consult the Parties with respect to appropriate amendments to the Work Programme, having regard to the stage of the proceedings and considerations of fairness and effectiveness, including in the light of the RHEP construction schedule.

[REDACTED]

[REDACTED]

5. Documents and information submitted by Pakistan

The Neutral Expert acknowledges receipt, on 28 November 2025 and 12 December 2025, of the following additional documents and information submitted by Pakistan in connection with the questions put to it by the Neutral Expert during the Fourth Meeting:

- i. Exhibits PK-201 and PK-202, being the RESCON 2 and SRH-1D input and model files requested by the Neutral Expert in connection with the Fourth Meeting that Pakistan's engineering experts used in the sediment studies for the KHEP and the RHEP addressed in Chapter 7 of Pakistan's Counter-Memorial;
- ii. Exhibits PK-203, PK-204 and PK-205, in response to the Neutral Expert's oral question on intake trash rack velocity;
- iii. Appendix A, which reproduces Pakistan's publicly available submissions in the *Western Rivers Arbitration* on the issue of weaponisation, submitted in response to the Neutral Expert's written question on this issue;

- iv. Exhibits PK-206 – PK 268 and Legal Authority PKA-24, being the factual exhibits and legal authority that had been submitted in support of Pakistan’s submissions on weaponisation in the *Western Rivers Arbitration*;
- v. an updated and consolidated list of Pakistan’s factual exhibits;
- vi. an updated and consolidated list of Pakistan’s legal authorities; and
- vii. Pakistan’s Analysis of India’s Actual Utilisation of Pondage at the Baglihar HEP, which was requested in the Neutral Expert’s written questions.

By letter from the Neutral Expert dated 2 December 2025, India was invited to comment on Pakistan’s Analysis of India’s Actual Utilisation of Pondage at the Baglihar HEP by **Mondav, 5 January 2026**. Should India wish to comment on any of the other documents enumerated in the preceding paragraph, it is invited to do so by **the same date**.

6. Press release

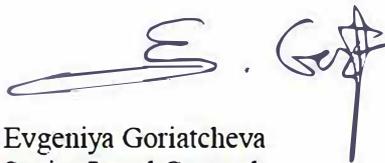
As foreshadowed during the Fourth Meeting, please find enclosed a draft of the press release that the Neutral Expert proposes to instruct the PCA to publish on its website. The Parties are invited to submit any comments that they may have on this draft by **Tuesday, 23 December 2025**.

7. Publication of decisions

In accordance with Paragraph 14.2 of the Supplemental Rules of Procedure, the Neutral Expert has instructed the Registry to publish the present letter, as well as the Neutral Expert’s letter dated 2 December 2025, on its website at the same time as the above press release, in an appropriately redacted form.

* * *

Yours sincerely,



Evgeniya Goriatcheva
Senior Legal Counsel

Encl.: Revised Work Programme (Annex 2 to the Supplemental Rules of Procedure)
Draft Press Release

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])

Ms. Fatima A. Malik, Office of the Attorney General for Pakistan (by e-mail: [REDACTED])

Mr. Syed Shahroz Bakhtyar, Office of the Minister of Law and Justice, Pakistan (by e-mail: [REDACTED])

Sir Daniel Bethlehem KC (by e-mail: [REDACTED])

Prof. Attila Tanzi (by e-mail: [REDACTED])

Prof. Philippa Webb (by e-mail: [REDACTED])

Dr. Cameron Miles (by e-mail: [REDACTED])

Mr. Stephen Fietta (by e-mail: [REDACTED])

Ms. Laura Rees-Evans (by e-mail: [REDACTED])

Ms. Miglena Angelova (by e-mail: [REDACTED])

Mr. Abdullah Tariq (by e-mail: [REDACTED])

Ms. Charlotte Westbrook (by e-mail: [REDACTED])

Ms. Jane Byrne (by e-mail: [REDACTED])

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])