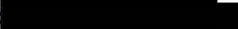




Shri V.L Kantha Rao
Secretary, Department of Water Resources
River Development and Ganga Rejuvenation
Ministry of Jal Shakti
Government of India



BY E-MAIL:



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Attorney General
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19 January 2026

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.

The Neutral Expert acknowledges receipt of Pakistan's letter dated 8 January 2026, *inter alia* providing its comments on certain scheduling matters and requesting "the earliest possible decision by the Neutral Expert" on "Pakistan's outstanding application on the publication of pleadings" given "the pressing nature of this issue in the light of other developments."

1. Pakistan's application for the publication of pleadings

At the Fourth Meeting, Pakistan raised the issue of the publication of the Parties' pleadings, proposing that "the Parties' written and oral submissions, for purposes of this Fourth Meeting, should be published on the PCA website" or, in the alternative, that "Pakistan's written and oral submissions alone" should be so published.¹

¹ Fourth Meeting Tr. Day 4, 173:10-12, 176:15-16 (Sir Daniel Bethlehem KC).

By letter dated 23 December 2025, Pakistan pressed its proposal in the following terms:

1. I take the opportunity of this letter also to note that your 18 December letter does not address Pakistan's application, made in the course of the house-keeping session of the Fourth Meeting, concerning the publication of the Parties' pleadings (Transcript, Day 4, uncorrected, page 173, line 1 – page 177, line 25). To recall, Pakistan considers that, as the Indus Waters Treaty does not contain any requirement of confidentiality, the common practice in inter-State adjudicatory proceedings should be followed regarding the publication of the Parties' written and oral pleadings at the point of the opening of the oral phase of proceedings concerning the matter in issue. This would see India's Memorial and associated documents, Pakistan's Counter-Memorial and associated documents, and the transcript of the Fourth Meeting and associated documents published on the PCA website. There is no proper reason for refraining to make such material publicly available, as is the case with the pleadings in the parallel Court of Arbitration proceedings.
2. Failing a decision to this effect, which Pakistan urges the Neutral Expert to take, Pakistan considers that, at the very least, its own submissions – written and oral, including relevant exhibits – should be made public. As Pakistan's counsel observed in the course of the Fourth Meeting, Pakistan is being prejudiced by not being able to make public reference to what it is saying in these proceedings. [...].²

Pakistan notes that, while “not directly addressed” in the Supplemental Rules of Procedure (the “**Supplemental Rules**”), “the publication of the Parties' written and oral submissions . . . would be covered by default by Rule 14(3) [of the Supplemental Rules], which is the confidentiality provision.”³

India was invited to provide its comments on the transcript of the Fourth Meeting, including Pakistan's proposal for the publication of the Parties' pleadings, by 15 December 2025. Following Pakistan's letter of 23 December 2025, India was given a further opportunity to comment by 8 January 2026. India has not submitted any comments either by these deadlines or otherwise to date.

While India has not provided any comments on Pakistan's proposal at the Fourth Meeting and its subsequent correspondence, the Neutral Expert recalls that the approach to the transparency of the proceedings was previously discussed with both Parties. In the consultations between the Neutral Expert and the Parties on the draft Supplemental Rules, Pakistan proposed that procedural orders and substantive decisions of the Neutral Expert be published, while pleadings and meeting transcripts would be kept confidential, characterizing its proposal as “a balanced approach to transparency.”⁴ India agreed to this proposal in substance, although it preferred different language emphasizing confidentiality.⁵ Ultimately, the Neutral Expert adopted the Supplemental Rules with provisions on transparency and confidentiality that largely reflected Pakistan's proposal, as will be discussed further below.

In addition to this early agreement on the confidentiality of pleadings, the issue of the publication of pleadings was raised again in the context of the phase of these proceedings addressing Paragraph 7 of Annexure F to the Treaty. At that time, Pakistan “agree[d] fully”⁶ to the publication of documents related to the Paragraph 7 procedure, while India opposed such publication, on the following grounds:

[...] Paragraph 14.3 [of the Supplemental Rules] explicitly mandates the maintenance of “strict confidentiality in respect of all other aspects of the proceedings”, unless the Neutral Expert directs otherwise after ascertaining the views of the Parties. As regards the documents in question, there are

² Pakistan's letter dated 23 December 2025, paras. 4-5.

³ Fourth Meeting Tr., Day 4, 173:15-22 (Sir Daniel Bethlehem KC).

⁴ Pakistan's letter dated 17 February 2023 and enclosures.

⁵ India's letter dated 5 May 2023 and enclosure.

⁶ Pakistan's letter dated 11 December 2024, para. 4.

no specific reasons or overriding circumstances which calls for or justifies the relaxation of the confidentiality mandate. Past precedent under the Treaty also supports putting in the public domain only the procedural and substantive orders, inasmuch as this practice was followed in the Baglihar Neutral Expert proceeding as well as the Kishenganga arbitration.

On the other hand, there are strong reasons for continuing to enforce the confidentiality mandate in relation to these documents. The Statements of the Parties under Paragraph 7 contain references to (as also some extracts from) documents which are not in the public domain. [...] These documents which are not in the public domain, including the minutes of different meetings of the Permanent Indus Commission as also other correspondence between the Parties, deal with sensitive bilateral issues that have arisen over a period of time between two sovereign nations. The confidentiality of these documents and exchanges must remain preserved.⁷

In addition to the above reasons, India based its objection to publication on “serious concerns regarding the independence and confidentiality of the Neutral Expert process vis-a-vis the ongoing proceedings before the illegally constituted so-called Court of Arbitration,” maintaining that “any dilution of the requirement of confidentiality [would] aid de-facto cooperation or coordination with the illegally constituted Court of Arbitration.”⁸

It is clear from the foregoing that no agreement was reached between the Parties on the publication of pleadings. Although India has since withdrawn from the proceedings, its earlier comments on the question of publication of pleadings, which remained consistent from 2023 to 2025, inform the Neutral Expert regarding the views held by India on this issue, at least at the time.

The Neutral Expert notes that the Treaty is silent regarding the level of transparency to be given to neutral expert proceedings under Annexure F to the Treaty. Regard must therefore be had to the Supplemental Rules. Paragraph 14(3) of the Supplemental Rules provides as follows:

14.3 Unless the Neutral Expert directs otherwise after ascertaining the views of the Parties, the Parties, the Neutral Expert, the Registry and any assistants engaged by the Neutral Expert shall maintain strict confidentiality in respect of all other aspects of the proceedings.

In contrast to Paragraphs 14(1) and (2) of the Supplemental Rules, which provide that certain basic information about the proceedings, as well as procedural and substantive decisions of the Neutral Expert, shall be made publicly available, Paragraph 14(3) sets “strict confidentiality” as the default rule in respect of “all other aspects of the proceedings,” subject to contrary directions by the Neutral Expert. This provision applies, *inter alia*, to the Parties’ pleadings. While the Supplemental Rules do not set a standard for decisions by the Neutral Expert under this provision, the Neutral Expert considers that, having regard to its phrasing and origin in the Parties’ agreement, deviations from the default rule of strict confidentiality should be made only for compelling reasons.

In support of its Application, Pakistan refers to the practice of international courts and tribunals, as well the practice in the *Indus Waters Western Rivers Arbitration (Pakistan v. India)* (“**Western Rivers Arbitration**”).⁹ The Neutral Expert notes in this respect that the practice of each international court or tribunal is based on the instruments specifically applicable to that court or tribunal, and the procedures developed under those instruments, and cannot therefore be transposed unquestioningly into these proceedings. As just noted above, here the Neutral Expert must have regard to the Treaty and the Supplemental Rules. It is notable that to date, in the dispute resolution proceedings under the Treaty in

⁷ India’s letter dated 12 December 2024, paras. 2-3.

⁸ India’s letter dated 12 December 2024, para. 4.

⁹ Fourth Meeting Tr., Day 4, 173:23-174:22 (Sir Daniel Bethlehem KC).

which both Parties have participated—*i.e.*, the *Baglihar Neutral Expert Determination* and the *Indus Waters Kishenganga Arbitration*, the Parties’ pleadings were not published.

Pakistan has also indicated that it is “being prejudiced by not being able to make public reference to what it is saying [in these proceedings] to its domestic constituency, to its parliament, to academics who are studying this issue.”¹⁰ It has not, however, provided any particulars as to the nature of the prejudice.

On balance, having carefully considered the applicable procedural rules, Pakistan’s submissions at and since the Fourth Meeting, as well as the views expressed by India in earlier phases of the proceedings, the Neutral Expert considers that the publication of the Parties’ pleadings at this stage is not desirable, as it would carry the risk of aggravating the dispute or affecting the integrity of the proceedings. Pakistan’s applications for the publication of both Parties’ pleadings, as well as Pakistan’s pleadings alone, are accordingly denied.

2. Work Programme

By letter dated 18 December 2025, the Neutral Expert invited the Parties to comment, by 8 January 2026, on proposed dates for the Fifth Meeting and the possibility of releasing the dates reserved for a meeting with the Parties in July 2026.

In its letter dated 8 January 2026, Pakistan confirmed its availability on the proposed dates for the Fifth Meeting and requested that the Neutral Expert (i) maintain the dates reserved in July 2026; and (ii) revise the date for Item 13 of the Work Programme to read “TBD in late April 2026” in the light of the expected timing of the decision on pondage in the *Western Rivers Arbitration*.

India did not submit any comments in reply to the Neutral Expert’s letter of 18 December 2025 within the time limit set by the Neutral Expert, or otherwise.

In the light of the foregoing, the Fifth Meeting is hereby set to take place from 5 – 7 May 2026. The dates of 6 – 17 July 2026 remain reserved for a potential meeting with the Parties. The date for Item 13 of the Word Programme is revised to read “TBD in late April 2026.”

The Neutral Expert hereby issues the enclosed, revised Work Programme (Annex 2 to the Supplemental Rules of Procedure), reflecting these decisions.

3. Publication of decisions

In accordance with Paragraph 14.2 of the Supplemental Rules, the Neutral Expert has instructed the Registry to publish the present letter and the revised Work Programme on its website on **Thursday, 22 January 2026**, in an appropriately redacted form.

* * *

¹⁰ Fourth Meeting Tr., Day 4, 176:17-20 (Sir Daniel Bethlehem KC). *See also* Pakistan’s letter dated 23 December 2025, para. 5.

Please do not hesitate to contact me or my colleague Ms. Balla Galma Godana (+230 5252 0893; bgodana@pca-cpa.org) should you have any question regarding this letter.

Yours sincerely,



Evgeniya Goriatcheva
Senior Legal Counsel

Encl.: Revised Work Programme

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 Bakhtiyar, 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])
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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])