

PCA Case No. 2023-01

**IN THE MATTER OF
THE INDUS WATERS WESTERN RIVERS ARBITRATION**

- before -

**THE COURT OF ARBITRATION CONSTITUTED
IN ACCORDANCE WITH THE INDUS WATERS TREATY 1960**

- between -

THE ISLAMIC REPUBLIC OF PAKISTAN

- and -

THE REPUBLIC OF INDIA

PROCEDURAL ORDER NO. 22

**(REQUEST BY PAKISTAN FOR DIRECTIONS REGARDING THE DISCLOSURE OF
CERTAIN DOCUMENTS FROM THE NEUTRAL EXPERT PROCEEDINGS)**

COURT OF ARBITRATION:

**Professor Sean D. Murphy (Chairman)
Professor Wouter Buytaert
Professor Jeffrey P. Minear
Judge Awn Shawkat Al-Khasawneh
Dr. Donald Blackmore**

SECRETARIAT:

The Permanent Court of Arbitration

20 March 2026

I. INTRODUCTION

1. This Procedural Order arises from a request made by the Islamic Republic of Pakistan (“**Pakistan**”) on 5 March 2026 for directions regarding the disclosure of documents from parallel proceedings before the Neutral Expert (the “**Neutral Expert Proceedings**”) appointed pursuant to Annexure F of the Indus Waters Treaty 1960 (the “**Treaty**”). Pakistan contends that these documents are relevant to the disposition of its request for interim measures (the “**Interim Measures Request**”), and its application for the determination of the present status of the Treaty (the “**Treaty Status Application**”), which were submitted on 5 March 2026.

II. PROCEDURAL HISTORY

2. The detailed history of the origin of the present dispute and the procedural history of these proceedings is set out in the Court’s Award on the Competence of the Court dated 6 July 2023 (“**Award on Competence**”), the Court’s Supplemental Award on the Competence of the Court dated 27 June 2025 (“**Supplemental Award on Competence**”), and the Court’s Award on Issues of General Interpretation of the Indus Waters Treaty dated 8 August 2025 (“**Award on Issues of General Interpretation**”), as well as the Court’s subsequent procedural orders and decisions.
3. On 19 August 2016, the Pakistan initiated this arbitration by way of a request for arbitration (the “**Request for Arbitration**”) served upon the Republic of India (“**India**”) pursuant to Article IX and Paragraph 2(b) of Annexure G to the Treaty.
4. On 31 March 2023, the Court issued Supplemental Rules of Procedure, further to Paragraph 16 of Annexure G to the Treaty.
5. On 8 November 2025, following the issuance of the Award on Issues of General Interpretation, and the Court’s Decision on Pakistan’s Request for Clarification of the Award on Issues of General Interpretation, the Court issued Procedural Order No. 16 (“**PO16**”), directing each Party to provide, by no later than 6 February 2026:
 - a submission indicating its views as to a further phase or phases in these proceedings in respect of matters raised in Pakistan’s Request for Arbitration that were not resolved in the [Award on Issues of General Interpretation], with such submission to address:
 - 3.1.1 the scope of the issues to be determined in the further phase or phases of the proceedings; and
 - 3.1.2 the timetable for the filing of written submissions and any oral submissions of the Parties.
6. On 21 November 2025, the Court issued Procedural Order No. 17 (“**PO17**”), in which the Court determined to conduct a further phase of the proceedings 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” (the “**Second Phase on the Merits**”), further to a request from Pakistan.
7. On 9 January 2026, Pakistan applied to the Court for directions regarding, among other things, the disclosure of information in Pakistan’s possession from the Neutral Expert Proceedings, which Pakistan contended was relevant to the Court’s decision in its Second Phase on the Merits (the

“**NE Pondage Documents**”), or to a potential interim measures phase (the “**NE Interim Measures Documents**”).

8. On 29 January 2026, the Court issued Procedural Order No. 19 (“**PO19**”), in which it addressed Pakistan’s request for directions regarding the NE Pondage Documents, but declined to address, at that stage, Pakistan’s request regarding the NE Interim Measures Documents.¹
9. On 1 February 2026, Pakistan filed its submission on further phases of the proceedings (“**Further Phase Submission**”), in which it identified that there were:

(at least) two other issues that come properly within the scope of the Court’s competence which, given present circumstances, now warrant attention by the Court in a further expedited merits phase of proceedings. These are a request by Pakistan for interim measures and, closely associated with but distinct from this, a determination by the Court that the Treaty remains in force notwithstanding India’s policy of abeyance.
10. On 3 February 2026, the Court convened an in-person case management conference at the conclusion of its Hearing on the Second Phase on the Merits, in which Pakistan appeared and participated, but India did not appear or participate, to address, among other things, the issues raised in the Further Phase Submission.
11. On 9 February 2026, the Court wrote to the Parties with respect to further phases of the proceedings, noting that “the Court will issue directions for any such phase upon receipt of an application from Pakistan”, including “mak[ing] orders with respect to any ancillary issues, such as the production of documents”.
12. On 5 March 2026, Pakistan informed the Court that the Neutral Expert had granted Pakistan’s application for the disclosure to the Court of certain NE Pondage Documents.
13. On 5 March 2026, Pakistan submitted the Interim Measures Request, the Treaty Status Application, a request for further directions concerning the conduct of the phase of the proceedings in contemplation (the “**Procedural Directions Request**”), and a request for directions regarding the disclosure of certain further documents from the Neutral Expert Proceedings (the “**Document Disclosure Directions Request**”) (collectively, “**Pakistan’s Requests on Interim Measures and Treaty Status**”).
14. In its Interim Measures Request, Pakistan seeks:

an Order from the Court directed at ensuring that India refrains from certain defined construction steps at the Ratle Hydroelectric Plant (“**RHEP**”), the effect of which, were they to be completed, would be to render otiose and materially ineffective and irrelevant an Award of the Court and/or a Decision of the Neutral Expert finding that India had not complied with the design criteria in Paragraph 8 of Annexure D of the Treaty as regards the RHEP.²
15. In its Treaty Status Application, Pakistan seeks:

a determination by the Court that the Treaty remains in force notwithstanding India’s policy of Abeyance, under cover of which India appears intent on accelerating construction, *inter*

¹ Procedural Order No. 19, paras. 43–49. See para. 23, *infra*.

² Pakistan’s Requests on Interim Measures and Treaty Status, para. 1.7.

alia, of the RHEP in almost explicitly acknowledged disregard of the Treaty and of the pending proceedings before the Court and the Neutral Expert.³

16. On 11 March 2026, the Court invited India to provide any comments on Pakistan's Document Disclosure Directions Request by no later than 17 March 2026. India did not provide any comments by the deadline nor has provided any comments to date.
17. On 12 March 2026, the Court issued Procedural Order No. 21, in which it decided to conduct a further phase of the proceedings specific to deciding upon the Interim Measures Request and the Treaty Status Application (the "**Phase on Interim Measures and Treaty Status**"), and issued directions regarding the conduct of such phase, further to Pakistan's Procedural Directions Request. The Court also invited India to indicate whether it intended to participate in the Phase on Interim Measures and Treaty Status by no later than 30 March 2026.

III. REQUESTS FOR RELIEF

18. In its Document Disclosure Directions Request, Pakistan requests directions from the Court that:
 - (a) the NE Documents indicated in the Appendix [to the Request] appear to be relevant and material to the matters that will be engaged by the Court's consideration of Pakistan's [Interim Measures] Request and [Treaty Status] Application; and
 - (b) Such directions as may be appropriate as regards the production of such documents.⁴
19. In the Appendix to the Request, Pakistan identifies 50 documents (or extracts from documents), each of which is said to fall within one or more of six relevance categories.⁵

IV. THE COURT'S ANALYSIS

A. THE COURT'S DECISION IN PO19

20. As noted above, in PO19, the Court addressed a similar request from Pakistan with respect to information in Pakistan's possession from the Neutral Expert Proceedings, which Pakistan contended was relevant to the Court's decision in its Second Phase on the Merits. In that order, the Court made a number of observations on issues of principle:

including with respect to the scope of the Court's power to obtain information relevant and material to the matters before it for determination, the scope of and the limitations on the Court's and the Neutral Expert's powers to determine their own procedure, and the appropriate interaction between dispute settlement bodies constituted under the Treaty.⁶
21. The Court need not repeat those observations in full. The Court nevertheless recalls its powers under Paragraph 20 of Annexure G to the Treaty,⁷ and Article 22 of its Supplemental Rules of

³ Pakistan's Requests on Interim Measures and Treaty Status, para. 1.8.

⁴ Pakistan's Requests on Interim Measures and Treaty Status, para. 6.7.

⁵ See paras. 35–36, *infra*.

⁶ Procedural Order No. 19, para. 22.

⁷ Treaty, Annexure G, para. 20 (“[t]he Court shall have the right to require from the Agents of the Parties the production of all papers and other evidence it considers necessary and to demand all necessary explanations. In case of refusal, the Court shall take formal note of it”).

Procedure,⁸ to obtain information relevant and material to the matters before it for determination, which it has already exercised in the First Phase on the Merits (in Procedural Order No. 11) and in the Second Phase on the Merits (in PO19).⁹

22. In PO19, after recalling the “overriding and general duty, imposed on any international dispute settlement body, ‘to exercise its competence in such a manner as to facilitate the actual resolution of the Parties’ dispute and to avoid the risks of duplicative proceedings or conflicting decisions’”, the Court further concluded that:

[w]here access to information is necessary to dispose of the issues before a dispute settlement body duly established under the Treaty, allowing access to such information by another dispute settlement body, subject to appropriate confidentiality restrictions, is consistent with these Treaty provisions and with this overriding and general duty.¹⁰

23. As noted above, in PO19, the Court declined, at that stage, to address Pakistan’s request as it concerned information relevant to a potential interim measures phase, noting that:

the Court is not prepared to issue directions or order the production of documents with respect to a phase of the proceedings that has not yet been commenced, and on which the Court has not yet had the benefit of the views of the Parties. As such, the Court appreciates that any interim measures request from Pakistan may require an initial filing that does not include reference to relevant documents that are subject to a duty of confidentiality in the Neutral Expert Proceedings, to be supplemented thereafter in the event that the Court orders that such documents be introduced in these proceedings.

[...]

In making such a determination, the Court would bear in mind the considerations set forth in Section III.A above. Moreover, of particular relevance to any such determination would be the fact that, if either Party were to require interim measures of protection, such measures could be obtained only through resort to a court of arbitration under Paragraph 28 of Annexure G to the Treaty. In this respect, Paragraph 13 of Annexure F to the Treaty expressly envisages that “if any question (including a claim to financial compensation) which is not within the competence of a Neutral Expert should arise out of his decision, that question shall, if it cannot be resolved by agreement, be settled in accordance with the provisions of Article IX (3), (4) and (5)”. This provision would encompass a situation in which a need for interim measures beyond the competence of a neutral expert were to arise in the course of Annexure F proceedings and provides that such question shall be settled by a court of arbitration. It would be impermissible for procedural decisions concerning confidentiality to restrict a party from exercising its right under the Treaty to put such matters before a court of arbitration, including the present Court.¹¹

⁸ Supplemental Rules of Procedure, Article 22(2) (“The Court may take all appropriate measures in order to establish the facts”); Article 22(3) (“Pursuant to paragraph 20 of Annexure G to the Treaty, the Court may, at any time during the proceedings, require the Parties to produce documents, exhibits, or other evidence within such a period of time as the Court shall determine”); Article 22(6) (“The Court shall determine the admissibility, relevance, materiality, and weight of the evidence adduced”).

⁹ Procedural Order No. 19, paras. 23–25.

¹⁰ Procedural Order No. 19, paras. 30–31.

¹¹ Procedural Order No. 19, paras. 48–49.

B. PRODUCTION OF DOCUMENTS IN THE PHASE ON INTERIM MEASURES AND TREATY STATUS

1. *Ripeness of the Document Disclosure Directions Request*

24. The Court recalls its decision in PO19 that:

The Court shall consider requests by either Party pursuant to Paragraph 20 of Annexure G to the Treaty, and Article 22(3) of the Supplemental Rules of Procedure for the production of documents relating to a potential future phase of these proceedings, including a possible request for interim measures of protection, once such a future phase has commenced.¹²

25. The Court further recalls that on 5 March 2026, Pakistan submitted its Interim Measures Request and Treaty Status Application, and that on 12 March 2026, the Court decided in Procedural Order No. 21 to conduct a further phase of the proceedings specific to deciding upon the Interim Measures Request and the Treaty Status Application.

26. Accordingly, having commenced the relevant phase to which Pakistan's Document Disclosure Directions Request relates, the Court views Pakistan's Request as ripe for consideration.

2. *Preliminary Observations Arising from the Nature of the Requested Documents*

27. Before addressing the relevance and materiality of the specific documents that are the subject of the Document Disclosure Directions Request (the "**Requested Documents**"), the Court wishes to make some preliminary observations arising from the differences in the nature of the Requested Documents and the documents that were the subject of the Court's order in PO19 (namely, the Pondage Logbooks).

28. *First*, whereas the Pondage Logbooks were documents generated by India in the ordinary course of the operation of the relevant Hydro-Electric Plants, and as such, were "not materials prepared for the purpose of the Neutral Expert proceedings",¹³ many of the Requested Documents now at issue were generated in the course of, and for the purposes of, the Neutral Expert Proceedings, as Pakistan acknowledges.¹⁴ The Court's observations on the appropriateness of a dispute settlement body allowing another such dispute settlement body access to information were made generally, but also in particular "with respect to documents or other information that were not prepared for the purpose of a neutral expert's proceedings," and "that originated separately from those proceedings".¹⁵

29. *Second*, the disclosure and introduction of documents that were generated in the course of, and for the purposes of, another proceeding gives rise to a number of potential risks. For example, material that is selectively disclosed from otherwise confidential proceedings may be liable to mislead once it has been removed from its original procedural and substantive context (including because that material may be incomplete). Where the other proceedings are occurring in parallel,

¹² Procedural Order No. 19, para. 53.

¹³ Procedural Order No. 19, para. 37.

¹⁴ Pakistan's Requests on Interim Measures and Treaty Status, para. 5.3.

¹⁵ Procedural Order No. 19, para. 31. See para. 22, *supra*.

there is also the possibility that disclosure may be sought for a collateral purpose that may adversely affect either or both sets of pending proceedings.

30. The Court has no indication that either of these risks is present with respect to the Requested Documents. The Court notes that, in this instance, the two parallel proceedings have in common a dispute concerning the same subject matter, specifically whether India’s design and construction of the Kishanganga Hydro-Electric Plant (“**KHEP**”) and Ratle Hydro-Electric Plant (“**RHEP**”) are in conformance with the Treaty. Thus, the subject matter being addressed on the merits before the Neutral Expert and for which protective measures are sought in the Interim Measures Request are the same. Equally, the Court and the Neutral Expert are constituted under the same Treaty which is at issue in the context of the Treaty Status Application. Given the overlapping contexts of the two proceedings, the risk of harm from selective disclosure is limited, if it exists at all. Further, the Court considers that this risk can be effectively mitigated in the context of the appropriate interaction between the two dispute settlement bodies that are presently constituted. For example, the Neutral Expert could give permission for the disclosure of certain documents into the Court proceedings on the proviso that certain other documents are also disclosed at the same time.
31. *Third*, the weight to attach to these potential risks must also be assessed in the context of the allocation of competence between a court of arbitration and a neutral expert under the Treaty. With respect to the disclosure and introduction of documents said to be relevant and material to the Interim Measures Request, as the Court observed in PO19,¹⁶ a matter of particular relevance is that interim measures of protection can be obtained only through resort to a court of arbitration under Paragraph 28 of Annexure G to the Treaty, including where a need for interim measures were to arise in the course of neutral expert proceedings under Annexure F to the Treaty. In such a situation, it is inevitable that a court of arbitration would require access to materials from the neutral expert proceedings, including materials generated in the course of, and for the purposes of, those proceedings, in order to properly exercise the court’s functions under the Treaty.
32. With respect to the disclosure and introduction of documents said to be relevant and material to the Treaty Status Application, under the Treaty only a court of arbitration may be competent to address the question of the present status of the Treaty.¹⁷ To the extent that there is information within neutral expert proceedings necessary to dispose of that question, and that information only exists within the context of those proceedings, allowing a court of arbitration access to such information would be consistent with the Treaty, and with the overriding and general duty imposed on international dispute settlement bodies, as indicated by the Court in PO19.
33. *Finally*, resolving the present status of the Treaty may be of importance not just for the proceedings before the Court, but for those before the Neutral Expert as well. In this regard, Pakistan has observed that:

[the] rationale that informs the obligation to disclose, particularly having regard to the duty of mutual respect and comity and the unusual circumstances of the parallel Court and Neutral

¹⁶ Procedural Order No. 19, para. 49. See para. 23, *supra*.

¹⁷ For the avoidance of doubt, the Court expresses no view on its competence to determine the Treaty Status Application in the present circumstances, given it is a matter that remains to be determined by the Court after it has been fully briefed. The relevance of India’s position on “abeyance” to the Court and the Neutral Expert’s competence has already been addressed by the Court in the Supplemental Award on Competence.

Expert proceedings, applies with special force in circumstances in which, as here, the very essence of the Applications to which the documents in question relate goes to the safeguarding of the integrity and effectiveness of both the Court and the Neutral Expert proceedings, including for the reason of the limitations of the Neutral Expert's competence to address such matters with respect to his own proceedings.¹⁸

34. With these preliminary observations in mind, the Court will now turn to the question of the apparent relevance and materiality of the Requested Documents to the matters before the Court in its Phase on Interim Measures and Treaty Status.

3. *Apparent Relevance and Materiality of the Requested Documents*

35. As noted above, in the Appendix to the Request, Pakistan identifies 50 documents (or extracts from documents) from the Neutral Expert Proceedings said to be relevant and material to its Interim Measures Request and Treaty Status Application, including:
- (a) 40 letters (and 5 enclosures to the letters separately identified) between Pakistan, India, and the Neutral Expert;
 - (b) Extracts from three transcripts of meetings held with the Neutral Expert, and a demonstrative used by Pakistan in a meeting held with the Neutral Expert; and
 - (c) Extracts from an annexure to India's Memorial in the Neutral Expert Proceedings.
36. Pakistan has not explained the relevance and materiality of each individual document (or extract) set out in the Appendix. Rather, Pakistan has formulated six categories of documents that it contends are relevant and material to this phase of the Court's proceedings, and has identified the category (or categories) into which each of the 50 documents falls. These six categories are:
- (i) Exchanges between the Parties and the Neutral Expert on a construction schedule for the RHEP ("**RHEP Construction Schedule**"). [...]
 - (ii) India's updated design documents for the RHEP submitted with its Memorial dated 31 August 2023 ("**Updated RHEP Design Documents**"). [...]
 - (iii) Pakistan's application to safeguard the effectiveness of the Neutral Expert proceedings ("**Effectiveness Application**"). [...]
 - (iv) Pakistan's application to bifurcate the Neutral Expert proceedings ("**Bifurcation Application**"). [...]
 - (v) India's disclosure of certain additional data and information requested by the Neutral Expert ("**India's Data Disclosure**"). [...]
 - (vi) India's attempts to suspend the Neutral Expert Work Programme on account of its policy of "abeyance" ("**Suspension of NE Work Programme**").¹⁹
37. As such, the Court will address the apparent relevance and materiality of each category in turn.

¹⁸ Pakistan's Requests on Interim Measures and Treaty Status, para. 5.4.

¹⁹ Pakistan's Requests on Interim Measures and Treaty Status, Appendix, pp. i–ii.

(a) *RHEP Construction Schedule Documents (22 documents)*²⁰

38. According to Pakistan, the RHEP Construction Schedule Documents are “relevant and material to the Court’s understanding of the timeline of construction of the RHEP that poses a threat to the effectiveness of the Court and the Neutral Expert proceedings and to an appreciation of India’s historic disclosure shortcomings with respect to the RHEP Construction Schedule as well as India’s propensity to revise forwards and backwards that timeline”.²¹
39. The Court observes that the premise of the Interim Measures Request is that if India were to complete certain steps in the construction of the RHEP before a decision of the Court and/or Neutral Expert on the merits of Pakistan’s claims, it could render materially ineffective any such decision (in particular, any decision that design features of the RHEP were not in compliance with the Treaty, and would need to be modified and/or removed).²² In that context, the Court considers that documents attesting to the RHEP Construction Schedule appear to be relevant and material to the Court’s assessment of the Interim Measures Request. Further, to the extent that the RHEP Construction Schedule Documents concern issues with the timeliness and accuracy of information provided as to the Construction Schedule, the Documents also appear to be relevant and material to the Court’s assessment of that information and whether protective measures are warranted.

(b) *Updated RHEP Design Documents (1 set of documents)*

40. Pakistan observes that India submitted design documents for the RHEP in the context of the Neutral Expert Proceedings (in August 2023) that “contained modifications to the August 2012 design previously notified”.²³ Pakistan contends that these documents “are relevant and material to the Court’s understanding of the specific content of Pakistan’s requested interim measures and to enable the Court to grant technically precise interim measures”.²⁴
41. The Court notes that in its Interim Measures Request, Pakistan requests orders that are specific to the design of the RHEP (as it being constructed), including that India shall not commence or, if already commenced, shall forthwith cease (i) “any concreting works in the RHEP dam above the foundation level of the orifice spillway” and (ii) “construction and concreting works for the intake structure above the invert level...of the bell-mouth inlet”.²⁵ The Court cannot properly decide whether to make such orders without an appreciation of the current design of the works to which the orders are to apply.
42. Further, Pakistan acknowledges that the plausibility of Pakistan’s case on the merits (as it relates to these features) is relevant to the Court’s assessment of the Interim Measures Request.²⁶ The

²⁰ As noted in para. 19, *supra*, some documents are said to be relevant to multiple categories, and so the total of the individual numbers indicated in the sub-headings is greater than the aggregate number of documents (50).

²¹ Pakistan’s Requests on Interim Measures and Treaty Status, Appendix, p. i.

²² See, e.g., Pakistan’s Requests on Interim Measures and Treaty Status, para. 1.7.

²³ Pakistan’s Requests on Interim Measures and Treaty Status, Appendix, p. i.

²⁴ Pakistan’s Requests on Interim Measures and Treaty Status, Appendix, pp. i–ii.

²⁵ Pakistan’s Requests on Interim Measures and Treaty Status, paras. 6.6(a)(i)–(ii).

²⁶ Pakistan’s Requests on Interim Measures and Treaty Status, paras. 3.2(f), 3.10, 3.12, 3.17.

Court cannot assess the plausibility of Pakistan’s case on the design of the RHEP without access to the relevant design documentation.

43. For these reasons, the Court considers that the Updated RHEP Design Documents appear to be relevant and material to the Court’s assessment of the Interim Measures Request.

(c) Effectiveness Application Documents (12 documents)

44. According to Pakistan, its application to the Neutral Expert to safeguard the effectiveness of the Neutral Expert Proceedings (and related documents) are “relevant and material for the Court to apprehend Pakistan’s serious concerns with the RHEP Construction Schedule and its potential impact on the effectiveness of the Neutral Expert proceedings, and to emphasize the importance of an order of interim measures from the Court in the circumstances”.²⁷
45. The Court notes that the Neutral Expert’s decision on Pakistan’s Effectiveness Application (the “**Effectiveness Decision**”) is publicly available and already on the record of these proceedings.²⁸ The Effectiveness Decision includes a summary by the Neutral Expert of Pakistan’s position, including by reference to relevant extracts.
46. At the present stage, the Court does not consider the disclosure and introduction of the Effectiveness Application Documents necessary to address the Interim Measures Request. To the extent that these Documents set out Pakistan’s concerns with respect to the RHEP Construction Schedule and its impact on the Neutral Expert Proceedings, these concerns can be expressed directly by Pakistan in its written and oral submissions to the Court in this phase of the proceedings.

(d) Bifurcation Application Documents (4 documents)

47. Similarly, Pakistan contends that documents relating to its application to bifurcate the Neutral Expert Proceedings “are relevant and material to an understanding of Pakistan’s concerns with respect to [the] effectiveness of [the] proceedings and the importance of Court ordered interim measures”.²⁹
48. The Court notes that the Neutral Expert’s decision on Pakistan’s Bifurcation Application is, like the Effectiveness Decision, publicly available and already on the record of these proceedings.³⁰
49. As with the Effectiveness Application Documents, at the present stage, the Court does not consider the disclosure and introduction of the Bifurcation Application Documents necessary to address the Interim Measures Request. Pakistan can express its concerns with respect to the

²⁷ Pakistan’s Requests on Interim Measures and Treaty Status, Appendix, p. ii.

²⁸ **P-0730**, Letter from the Neutral Expert to the Parties dated 11 April 2025 (RHEP Construction Schedule and Effectiveness of Proceedings) (redacted).

²⁹ Pakistan’s Requests on Interim Measures and Treaty Status, Appendix, p. ii.

³⁰ **P-0726**, Letter from the Neutral Expert to the Parties dated 18 December 2025 (Bifurcation, Work Programme, and Publication of Decisions) (redacted).

effectiveness of the Neutral Expert Proceedings in its written and oral submissions to the Court in this phase of the proceedings.

(e) *India's Data Disclosure Documents (21 documents)*

50. According to Pakistan, exchanges with respect to India's disclosure of certain additional data and information requested by the Neutral Expert are "relevant and material to showing the nature of India's engagement with the Neutral Expert proceedings, predating its policy of Abeyance, and its wider lack of compliance with its notification obligations under the Treaty".³¹
51. At the present stage, the Court does not consider that these documents are necessary to the disposition of the Interim Measures Request or the Treaty Status Application. The Court has addressed above the apparent relevance of exchanges with respect to alleged deficiencies in the disclosure of information concerning the RHEP Construction Schedule.³² The nature of India's engagement with the Neutral Expert Proceedings as a more general matter (especially before its decision to hold the Treaty in "abeyance") does not appear to be material to the issues before the Court in this phase of the proceedings. Equally, the question of India's compliance with its notification obligations as a general matter does not appear to be engaged by either of the Interim Measures Request or Treaty Status Application.

(f) *Suspension of NE Work Programme Documents (8 documents)*

52. Pakistan argues that India's attempts to suspend the Neutral Expert Work Programme on account of its decision to hold the Treaty in "abeyance" are relevant and material "to an appreciation of India's post-Abeyance disengagement with the Treaty and India's purported grounds for Abeyance, its lack of regard for dispute settlement mechanisms under the Treaty, including the Neutral Expert process that India itself initiated, and to give an indication of India's intentions, post-Abeyance, with respect to complying with the decisions of dispute settlement bodies under the Treaty".³³
53. The Court notes that India has not, to date, articulated to the Court the basis upon which it decided to hold the Treaty in "abeyance" (and has not otherwise participated in the Court's proceedings).³⁴ Notwithstanding that non-participation, the Court remains cognizant of the need to satisfy itself that Pakistan's claims (including with respect to its Treaty Status Application) are well-founded in fact and law, including by endeavoring to ascertain, understand, and consider India's views with respect to the present status of the Treaty.³⁵

³¹ Pakistan's Requests on Interim Measures and Treaty Status, Appendix, p. ii.

³² See para. 39, *supra*.

³³ Pakistan's Requests on Interim Measures and Treaty Status, Appendix, p. ii.

³⁴ See Supplemental Award on the Competence of the Court dated 27 June 2025, para. 44.

³⁵ For the same reason, the Court ordered Pakistan to produce papers and other evidence in its possession in which India may have set out its views and positions on the matters at issue before the Court in the First Phase on the Merits, in Procedural Order No. 11. See Award on Issues of General Interpretation of the Indus Waters Treaty dated 8 August 2025, paras. 245–247.

54. On that basis, the Court considers that the Suspension of NE Work Programme Documents appear to be relevant and material to the Court's assessment of the Treaty Status Application.

(g) *Concluding Observation on Apparent Relevance and Materiality*

55. The Court's findings above are premised on its present appreciation of the *apparent* relevance and materiality of the documents based on the limited materials before it. Further to Article 22(6) of the Supplemental Rules of Procedure, the Court will finally determine the relevance and materiality of these documents as appropriate in the context of its decisions on the Interim Measures Request and the Treaty Status Application.

4. *India's Posture with Respect to the Document Disclosure Directions Request*

56. The difference in the nature of the Requested Documents and the documents the subject of the Court's order in PO19 gives rise to the question of whether the Court, as an initial step, should order disclosure of the documents by India. As the Court observed in PO19, the Pondage Logbooks generated by India "are not, in their original form, subject to any duty of confidentiality arising from the Neutral Expert Proceedings", and as such, "in the first instance, an order for production of these documents may be appropriately directed to India".³⁶ In turn, the Court duly ordered India to produce the Pondage Logbooks directly to the Court. By contrast, in this instance the Court understands that each of Pakistan, India, and the Neutral Expert possess the Requested Documents subject to the duty of confidentiality arising from the Neutral Expert Proceedings.³⁷ As such, it is not for India alone to decide whether to disclose the Requested Documents to the Court.
57. Further, the documents that were the subject of the Court's order in PO19 were not specified by Pakistan at the time of the order, which prompted the Court in PO19 to order Pakistan to specify to India the documents at issue, and for India to then either disclose the documents or to inform the Court that it did not agree with Pakistan as to which documents fall within the scope of the Pondage Logbooks. By contrast, in this instance, Pakistan has specified the documents (including by tab numbers), so there is no question as to the documents that are at issue, and no need for the Parties to be ordered as they were in PO19.
58. India was invited by the Court to provide whatever comments it wished to make with respect to Pakistan's request for the disclosure of these documents. Specifically, India was invited by 17 March 2026 to provide "any comments it may wish to make in respect of the Document Disclosure Directions Request. In particular, India is invited to indicate whether it objects to the introduction of the documents identified by Pakistan into the record of the proceedings before the Court of Arbitration".³⁸ India did not respond to the Court with any comments or objections to the disclosure of the documents, either due to the confidentiality of the Neutral Expert Proceedings

³⁶ Procedural Order No. 19, para. 37.

³⁷ Supplemental Rules of Procedure in the Neutral Expert Proceedings under the Indus Waters Treaty 1960 in Respect of the Ratle and Kishenganga Hydroelectric Plants, *Indus Waters Treaty Neutral Expert Proceedings (India v. Pakistan)*, 1 June 2023, Rule 14.3. See Procedural Order No. 19, para. 28.

³⁸ Letter from the PCA to the Parties dated 11 March 2026.

or due to a view that the documents specified by Pakistan do not fall within the categories identified by Pakistan.

59. In such circumstances, there is no need, as an initial step, to issue an order to India comparable to that issued in PO19. At the same time, the Court understands that the directions Pakistan seeks from the Court are for the purpose of following a similar path as taken with respect to the documents at issue in PO19. Thus, the Court understands that the framing of the directions Pakistan seeks from the Court – principally, a (declaratory) direction that the Requested Documents “appear to be relevant and material to the matters that will be engaged by the Court’s consideration of Pakistan’s [Interim Measures] Request and [Treaty Status] Application” – would then provide the basis upon which Pakistan could make an application to the Neutral Expert for disclosure of the documents into these proceedings, as it did with respect to the Pondage Logbooks after India failed to produce them to the Court directly.³⁹

5. *Potential Application by Pakistan to the Neutral Expert*

60. If Pakistan makes such an application to the Neutral Expert, the Neutral Expert may wish to bear in mind the following three points.
61. *First*, the Court’s findings above concern categories of documents as formulated by Pakistan. Given that the Court has no access to the underlying documents themselves, it cannot verify whether the documents that Pakistan contends fall within a particular category in fact do so. An assessment as to whether the documents identified in the Appendix to the Request fall within the scope of the categories of documents that the Court has found material and relevant (see paragraph 64 below) could be undertaken by the Neutral Expert, bearing in mind the Court’s observations above (together with any further submissions from the Parties, if relevant).
62. *Second*, to the extent that documents identified in the Appendix to the Request are said to relate to more than one category, including at least one category that appears to the Court to be relevant and material and one category that does not,⁴⁰ the Neutral Expert could determine whether any reduction in the scope of disclosure (from that originally requested by Pakistan) is feasible and warranted.
63. *Third*, further to the Court’s observations in paragraph 30 above, the Neutral Expert could identify additional documents (or extracts of documents) that he regards as falling within the categories of documents that the Court has found material and relevant and that are otherwise necessary to understand, in their proper context, the documents identified by Pakistan.

V. DECISION

A. PRODUCTION OF DOCUMENTS IN THE PHASE ON INTERIM MEASURES AND TREATY STATUS

64. The Court considers that the documents (or extracts of documents) falling within the following categories, identified in the Annex to Pakistan’s Document Disclosure Directions Request, appear

³⁹ See Procedural Order No. 20.

⁴⁰ The Court understands that approximately 15 documents (or extracts) are in this situation.

to be relevant and material to the matters before the Court in the Phase on Interim Measures and Treaty Status, and as such, the Court's access to these documents is necessary to dispose of such matters:

- (a) RHEP Construction Schedule Documents;
 - (b) Updated RHEP Design Documents; and
 - (c) Suspension of NE Work Programme Documents,
- (collectively, the "NE PIMTS Documents").⁴¹

65. Pakistan shall keep the Court apprised of the status of any application it may make to the Neutral Expert with respect to the disclosure of the NE PIMTS Documents into these proceedings.
66. Pakistan requests that the Court issue such directions as may be appropriate as regards Pakistan's later introduction into these proceedings of the NE PIMTS Documents.⁴² Save for the maintenance of confidentiality over the documents introduced into these proceedings, as addressed in paragraphs 67 to 68 below, much will depend on the timing of a decision by the Neutral Expert with respect to the documents. To the extent that the Neutral Expert's decision precedes the deadline of 13 April 2026⁴³ for the filing of Pakistan's Memorial for the Phase on Interim Measures and Treaty Status, Pakistan may submit the documents together with its Memorial. Otherwise, the Court shall issue further directions upon a request from Pakistan.

B. CONFIDENTIALITY OF DOCUMENTS PRODUCED PURSUANT TO THIS ORDER

67. Insofar as the NE PIMTS Documents are subject to confidentiality arrangements in other dispute settlement proceedings under the Treaty, and are introduced into these proceedings, they shall be kept confidential in the present proceedings and the Court and the Parties shall refrain from making them public, except to the extent disclosure is required of a Party by legal duty, to protect or pursue a legal right, or in relation to legal proceedings before a court or other competent authority.
68. Insofar as the NE PIMTS Documents are material to the Court's decisions and insofar as information, analysis, or conclusions of the Court on the basis of such documents may form part of a future award, the Court shall determine whether any redaction may be warranted prior to the publication of such award.

C. LEAVE TO APPLY

69. Any Party has leave to apply to the Court for a variation of this Order, giving particulars of the variation sought and the reason for it.

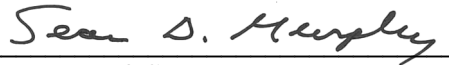
⁴¹ For the avoidance of doubt, the NE PIMTS Documents include any additional documents (or extracts of documents) that the Neutral Expert regards as falling within these categories and that are otherwise necessary to understand, in their proper context, the documents identified by Pakistan.

⁴² Pakistan's Requests on Interim Measures and Treaty Status, para. 6.7(b).

⁴³ Such deadline is set in the event that India does not inform the Court of its intention to participate in the Phase on Interim Measures and Treaty Status (Procedural Order No. 21, para. 2.2).

70. Any Party may, at any point in these proceedings, request that the Court convene a conference with the Parties to address any procedural aspect of these proceedings. The Court shall arrange to confer with the Parties in person or by videoconference, according to the circumstances.

Dated: 20 March 2026



Prof. Sean D. Murphy
Chairman

On behalf of the Court of Arbitration