

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. 23

**(ORGANIZATION OF THE HEARING FOR
THE PHASE ON INTERIM MEASURES
AND ON THE PRESENT STATUS OF THE TREATY)**

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

21 April 2026

WHEREAS, by way of a Request for Arbitration dated 19 August 2016 (the “**Request for Arbitration**”), Pakistan instituted arbitration proceedings pursuant to Article IX(5) and Paragraph 2(b) of Annexure G to the Indus Waters Treaty 1960 (the “**Treaty**”);

WHEREAS in accordance with Paragraphs 4 to 9 of Annexure G to the Treaty, a Court of Arbitration (the “**Court**”) has been constituted;

WHEREAS Paragraph 28 of Annexure G to the Treaty, among other things, empowers the Court to lay down interim measures as necessary to safeguard a Party’s interests under the Treaty with respect to the matter in dispute, or to avoid prejudice to the final solution or aggravation or extension of the dispute;

WHEREAS on 31 March 2023, the Court issued Supplemental Rules of Procedure, in which it determined, among other things, that “a Party may at any time submit a request for the prescription of interim measures” and, further, that “the Court shall decide upon [such] request after affording an adequate hearing to both Parties”;

WHEREAS on 1 February 2026, in response to a direction from the Court, Pakistan filed a submission indicating its views on potential further phases in these proceedings (“**Further Phases Submission**”). In its Further Phases Submission, Pakistan 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.

WHEREAS on 3 February 2026, the Court convened an in-person case management conference, in which Pakistan appeared and participated, but India did not appear or participate, to address, among other things, the issues raised in the Further Phases Submission;

WHEREAS 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 “directions concerning the procedural calendar”;

WHEREAS on 5 March 2026, Pakistan submitted, among other things, a request for interim measures (the “**Interim Measures Request**”), an application for the determination of the present status of the Treaty (the “**Treaty Status Application**”), and a request for further directions concerning the conduct of the phase of the proceedings in contemplation (the “**Procedural Directions Request**”);

WHEREAS in its Procedural Directions Request, Pakistan requested directions from the Court that:

- (a) Pakistan shall file a Memorial setting out its factual and legal arguments, and adducing relevant evidence, in support of its [Interim Measures] Request and [Treaty Status] Application by Monday, 13 April 2026; and
- (b) Subject to hearing from India on whether it intends to participate in the proceedings, directs the scheduling of an in-person hearing of not less than three days at which the issues engaged by Pakistan’s Applications would be addressed.

WHEREAS 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 directed that an oral hearing for that Phase (“**Hearing**”) would be held in the Peace Palace, The Hague, the Netherlands from 26 to 28 April 2026, in the event that India did not indicate an intention to participate in the Phase on Interim Measures and Treaty Status by 30 March 2026. The Court further indicated that the detailed schedule for and modalities of the Hearing would be addressed in a further procedural order;

WHEREAS India did not indicate an intention to participate in the Phase on Interim Measures and Treaty Status by the deadline fixed by the Court, nor has it done so to date;

WHEREAS on 17 April 2026, the Court provided the Parties with a draft of this procedural order on the organization of the Hearing, and invited the Parties' comments;

WHEREAS on 20 April 2026, Pakistan wrote to the Court, providing its comments on the draft of this procedural order;

THE COURT OF ARBITRATION HEREBY DECIDES:

1. Hearing Location and Participants

- 1.1 The Hearing shall take place in-person at the Peace Palace, The Hague, the Netherlands.
- 1.2 By **Monday, 20 April 2026**, Pakistan shall communicate to the PCA and India the list of all participants who will attend the Hearing.

2. Hearing Schedule

- 2.1 The Hearing shall proceed from 26 to 28 April 2026 in accordance with the outline of the hearing schedule contained in Annexure A ("**Hearing Schedule**").
- 2.2 The Hearing Schedule shall be subject to any changes the Court deems necessary or appropriate for the efficient conduct of the Hearing, including any early adjournments sought by a Party.
- 2.3 Notwithstanding paragraphs 2.1 and 2.2 above, Pakistan may make any adjustments to the scheme, timing, and scope of its submissions as outlined in the Hearing Schedule, subject to prior notification to the Court.

3. Hearing Bundle and Hearing Materials

- 3.1 The electronic repository, accessible to the Parties and to the Court, shall act as the electronic hearing bundle.
- 3.2 By **Monday, 20 April 2026**, Pakistan shall identify a list of key exhibits and/or legal authorities (or relevant excerpts) for inclusion in a core hard-copy hearing bundle to be prepared for the Members of the Court by the PCA.
- 3.3 The fact that exhibits and/or legal authorities that are already in the record of the proceedings are not included in the hard-copy core bundle to be prepared by the PCA shall not preclude their use by Pakistan during the Hearing.
- 3.4 No new documentary evidence may be presented at the Hearing except with leave of the Court, further to a reasoned application (or applications) to the Court identifying the specific materials Pakistan wishes to admit (but without annexing the documents to the application).
- 3.5 Pakistan may use PowerPoint slides and demonstrative exhibits ("**Hearing Materials**") at the Hearing, provided that these materials reflect evidence in the record and do not introduce new evidence, directly or indirectly. Hearing Materials must include references to where the evidence referred to therein is found in the record. Hearing Materials must be clearly identified by a sequential document number (e.g. IHM-0001; PHM-0001).

3.6 An electronic copy of any Hearing Materials shall be sent to the other Party and the PCA at least one hour before they are deployed at the Hearing. At least 12 hard copies of any Hearing Materials shall be transmitted to the PCA before they are deployed at the Hearing.

4. Post-Hearing Submissions

4.1 The Court shall consider the necessity of any post-hearing briefs at the conclusion of, or following, the Hearing.

5. Transcription and Audio Recording

5.1 The PCA shall arrange for the Hearing to be transcribed on a real-time basis, and audio recorded. The PCA shall provide a copy of the audio recording to the Parties at the end of the Hearing.

5.2 The Parties shall submit any proposed corrections of the draft transcript to the Court within 14 days of the Hearing, in the format prescribed by the court reporter. The Court shall determine whether to adopt the proposed corrections, including in the event of a disagreement between the Parties.

6. Publication of Information

6.1 The PCA may issue press release(s) concerning the Hearing in the form to be directed by the Court, after seeking the views of the Parties.

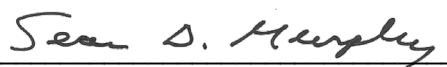
6.2 The Court shall revisit the question of the publication of written submissions, accompanying documents, hearing transcripts and other materials at the close of the Hearing in accordance with Article 14(4) of the Supplemental Rules of Procedure

7. Leave to Apply

7.1 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.

7.2 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: 21 April 2026



Prof. Sean D. Murphy
Chairman

On behalf of the Court of Arbitration

ANNEXURE A: Outline of Hearing Schedule

<i>Sunday, 26 April 2026</i>	
09:30 – 09:45 (CEST)	Introductory Remarks, <i>Chairman of the Court</i>
09:45 – 11:00	Pakistan’s First Round Submissions
11:00 – 11:30	<i>Break</i>
11:30 – 13:00	Pakistan’s First Round Submissions
13:00 – 14:10	<i>Lunch Break</i>
14:10 – 15:40	Pakistan’s First Round Submissions
15:40 – 16:10	<i>Break</i>
16:10 – 17:40	Pakistan’s First Round Submissions
<i>Monday, 27 April 2026</i>	
09:00 – 11:00	Pakistan’s First Round Submissions
11:00 – 11:30	<i>Break</i>
11:30 – 13:00	Pakistan’s First Round Submissions
13:00 – 14:10	<i>Lunch Break</i>
14:10 – 15:40	Questions from the Court
15:40 – 16:10	<i>Break</i>
16:10 – 17:40	[Reserve]
<i>Tuesday, 28 April 2026</i>	
09:00 – 11:00	[Reserve]
11:00 – 11:30	<i>Break</i>
11:30 – 13:00	[Reserve]
13:00 – 14:10	<i>Lunch Break</i>
14:10 – 15:40	Pakistan’s Second Round Submissions
15:40 – 16:10	<i>Break</i>
16:10 – 17:40	Pakistan’s Second Round Submissions