

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. 20

**(SUBMISSION OF PONDAGE LOGBOOKS
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

12 March 2026

WHEREAS, by way of a Request for Arbitration dated 19 August 2016, 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 on 6 July 2023, the Court issued Procedural Order No. 6, determining that the Court would conduct these proceedings in a phased manner, and that the next phase of the proceedings (the “**First Phase on the Merits**”) would address certain questions that arise from the Request for Arbitration concerning the overall interpretation or application of Article III of the Treaty, and Paragraph 8 of Annexure D thereto, in addition to a related question concerning the legal effect of past decisions issued by dispute resolution bodies established pursuant to Article IX of the Treaty;

WHEREAS on 8 August 2025, the Court issued an Award on Issues of General Interpretation of the Indus Waters Treaty, reaching findings on the questions at issue for the First Phase on the Merits;

WHEREAS 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**”);

WHEREAS in PO17, India was invited to indicate to the Court whether it intended to participate in the Second Phase on the Merits, on or before 8 December 2025;

WHEREAS India did not indicate an intention to participate in the Second Phase on the Merits by the deadline fixed by the Court, nor has it done so to date;

WHEREAS on 9 January 2026, Pakistan applied to the Court for directions regarding, among other things, the disclosure of information in Pakistan’s possession from parallel proceedings before the Neutral Expert appointed pursuant to Annexure F of the Treaty, including logbook data for the operating pools of the Baglihar HEP (“**BHEP**”) and the Kishanganga HEP (“**KHEP**”), which information Pakistan contended was relevant to the Court’s decision in the Second Phase on the Merits;

WHEREAS on 29 January 2026, the Court issued Procedural Order No. 19 (“**PO19**”), in which it made the following orders (among other orders):

A. PRODUCTION OF DOCUMENTS IN THE SECOND PHASE ON THE MERITS

50. By no later than **Monday, 2 February 2026**, Pakistan is **ordered** to specify to India the documents comprising the Pondage Logbooks that it seeks to introduce in these proceedings. Pakistan shall not copy the Court on its communication, but shall inform the Court that such communication has been made.
51. Pursuant to Paragraph 20 of Annexure G to the Treaty, and Article 22(3) of the Supplemental Rules of Procedure, India is **ordered**, by no later than **Monday, 9 February 2026**: (1) to produce in these proceedings the Pondage Logbooks; or (2) to inform the Court that it does not agree with Pakistan as to which documents fall within the scope of the Pondage Logbooks, in which case the Court shall decide how to resolve [the] disagreement between the Parties.
52. Should India fail to act in accordance with paragraph 51 above, the Court shall decide whether to order Pakistan to produce the documents or whether some other step shall be taken. Pakistan shall address such possibilities at the Hearing from 2 to 3 February 2026. Further, if Pakistan seeks a further order from the Court upon India’s failure to act, it shall specify exactly what it seeks in that regard.

WHEREAS 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;

WHEREAS at the case management conference, Pakistan informed the Court that it had “written to India specifying the documents in question that we seek to produce in these proceedings. We haven’t copied the Court on that correspondence, as per your direction. That correspondence has gone on Agent channels, on [Pakistan’s Commissioner for Indus Waters] channels and also on diplomatic channels”;

WHEREAS at the case management conference, Pakistan further observed, assuming that India did not produce the documents to the Court pursuant to paragraph 51 of PO19, that:

Pakistan considers that the most appropriate next step will be for Pakistan to apply to the Neutral Expert, under paragraph 14.3 of the Neutral Expert’s Supplemental Rules, for the authorisation to disclose the information in question into the Court’s proceedings.

[...]

Subject to any developments with regard to that application, we will revert to the Court in due course as appropriate... We note that if the documents in question are introduced into the Court proceedings, we will then apply to the Court for an opportunity to submit an analysis on that data, as per paragraph 42 of PO19.

WHEREAS India did not submit the documents it was ordered to produce to the Court pursuant to PO19, or otherwise inform the Court that it does not agree with Pakistan as to which documents fall within the scope of the Court’s order, by the deadline fixed by the Court, nor has it done so to date;

WHEREAS on 5 March 2026, Pakistan informed the Court that the Neutral Expert had granted Pakistan’s application for the disclosure to the Court of the following documents (the “**Pondage Logbooks**”), “subject to drawing the attention of the Court to the confidentiality of these documents, which should be maintained in the Court proceedings”:

- **Item 7 (logbook of KHEP)** – an Excel file submitted by India on 31 July 2024, pursuant to Request No. 7(i)-(ii) of the information requested by the Neutral Expert in his letter of 10 July 2024. [REDACTED]
- **Item 7 R BHEP data** – an Excel file submitted by India on 21 January 2025, pursuant to Request No. 7(iii) of the information requested by the Neutral Expert in his letter of 28 November 2024. [REDACTED]
- **Appendix D (“Bathymetric Survey Data of Baglihar Reservoir (2015)”)** [REDACTED]

WHEREAS on 5 March 2026, Pakistan further informed the Court of its intention to submit to the Court the Pondage Logbooks and Pakistan’s analysis thereof, in the following days;

THE COURT OF ARBITRATION HEREBY DECIDES:

1. Submission of Pondage Logbooks and Pondage Logbook Analyses

- 1.1 Pakistan is granted leave to submit the Pondage Logbooks into the record of these proceedings. Pakistan shall submit the Pondage Logbooks on or before **Monday, 16 March 2026**.

- 1.2 On or before **Monday, 16 March 2026**, Pakistan shall file any written submissions analyzing the Pondage Logbooks as they pertain to the issues before the Court in the Second Phase on the Merits.
- 1.3 On or before **Monday, 30 March 2026**, India shall file any written submissions in response to Pakistan's analysis of the Pondage Logbooks.

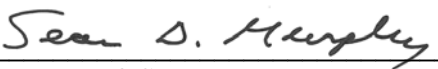
2. Confidentiality of Pondage Logbooks and Pondage Logbook Analyses

- 2.1 The Pondage Logbooks, and the Parties' written submissions analyzing the Pondage Logbooks (the "**Pondage Logbook Analyses**"), 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.
- 2.2 Insofar as the Pondage Logbooks and/or Pondage Logbook Analyses 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.

3. Leave to Apply

- 3.1 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.
- 3.2 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: 12 March 2026



Prof. Sean D. Murphy
Chairman
On behalf of the Court of Arbitration