

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. 21

**(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

12 March 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 6 July 2023, the Court issued an Award on the Competence of the Court (the “**Award on Competence**”), finding that the Court is competent to consider and determine the disputes set forth in Pakistan’s Request for Arbitration;

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 in its Request for Arbitration, Pakistan had sought, among other things, “interim measures enjoining India from initiating or continuing the construction and operation of works that are the subject of one of the seven Disputes raised in [the] Request”;

WHEREAS on 28 July 2023, Pakistan submitted an application to amend its Request for Arbitration (the “**Amendment Application**”), together with a redlined version of the proposed Amended Request for Arbitration identifying the amendments;

WHEREAS in its Amendment Application, Pakistan sought to withdraw its request for interim measures, which withdrawal was addressed in proposed amendments to paragraph 12 of the Request for Arbitration as follows:

These interim measures were sought in circumstances in which the Indian Commissioner for Indus Waters, on 12 August 2016, had sent to his Pakistani counterpart a letter indicating India’s intent to begin filling the KHEP’s reservoir below the Dead Storage Level beginning on 14 August 2016. The World Bank’s delay in empaneling the Court, however, and its imposition of the Pause on 12 December 2016..., in breach of its ministerial obligations as a Party to the Treaty, allowed India (i) to complete construction of the KHEP and bring it into operation; and (ii) to commence construction at RHEP....While Pakistan reserves its right to make a further request for interim measures under paragraph 28 of Annexure G of the Treaty, if necessary, at a later stage, the highly prejudicial actions of the World Bank in imposing the Pause compel Pakistan to withdraw the interim measures request that was advanced in the Original Request for Arbitration.

WHEREAS on 10 August 2023, the Court issued Procedural Order No. 8, granting Pakistan’s application to amend its Request for Arbitration;

WHEREAS on 23 April 2025, following an attack by armed individuals in India-administered Jammu and Kashmir, the Foreign Secretary of India issued a statement about a decision of the Cabinet

Committee on Security, indicating, among other things, that “[t]he Indus Waters Treaty of 1960 will be held in abeyance with immediate effect, until Pakistan credibly and irrevocably abjures its support for cross-border terrorism”, and on 24 April 2025, India’s Secretary of the Ministry of Jal Shakti sent a letter to Pakistan’s Secretary of the Ministry of Water Resources communicating a decision that the Treaty “will be held in abeyance with immediate effect”;

WHEREAS on 16 May 2025, the Court issued Procedural Order No. 15, inviting the Parties to address any effect of these recent developments on matters before the Court or the Neutral Expert, including their respective competence;

WHEREAS on 11 June 2025, Pakistan filed its Submissions on Recent Developments Pursuant to Procedural Order No. 15, but no submissions were filed by India in response to Procedural Order No. 15, nor in reply to Pakistan’s Submissions;

WHEREAS on 27 June 2025, the Court issued a Supplemental Award on the Competence of the Court, finding that India’s position on “abeyance” of the Treaty does not limit the competence of the Court over this dispute, which the Court previously affirmed in its Award on Competence, and finding that the Court has a continuing responsibility to advance these proceedings in a timely, efficient, and fair manner, notwithstanding India’s position on “abeyance”;

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

WHEREAS on 8 November 2025, the Court issued Procedural Order No. 16 (“**PO16**”), indicating, among other things, that either Party may request 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 “**Capacity/Load/Pondage Calculation Issues**”);

WHEREAS in PO16, the Court also directed the Parties to provide by no later than 6 February 2026:

a submission indicating [their] 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 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.

WHEREAS on 21 November 2025, the Court issued Procedural Order No. 17, in which the Court determined to conduct a further phase of the proceedings specific to the Capacity/Load/Pondage Calculation Issues (the “**Second Phase on the Merits**”), further to a request from Pakistan;

WHEREAS 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.

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, to address, among other things, the issues raised in the Further Phase 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 requests 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.

THE COURT OF ARBITRATION HEREBY DECIDES:

1. Phase on Interim Measures and Treaty Status

- 1.1 The Court shall conduct a further phase of the proceedings (the “**Phase on Interim Measures and Treaty Status**”) specific to deciding upon the Interim Measures Request and the Treaty Status Application.

2. Written Submissions in the Phase on Interim Measures and Treaty Status

- 2.1 On or before **30 March 2026**, India is invited to indicate to the Court whether it intends to participate in the Phase on Interim Measures and Treaty Status, including by filing a Counter-Memorial and attending a hearing. In the event that India indicates an intention to do so, the Court shall schedule a Case Management Conference with the Parties to address the procedure to be adopted for the Phase on Interim Measures and Treaty Status.
- 2.2 In the event that India does not inform the Court of its intention to participate in the Phase on Interim Measures and Treaty Status, then on or before **13 April 2026**, Pakistan shall file its Memorial for the Phase on Interim Measures and Treaty Status.

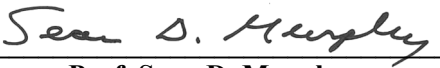
3. Oral Submissions in the Phase on Interim Measures and Treaty Status

- 3.1 In the event that India does not inform the Court of its intention to participate in the Phase on Interim Measures and Treaty Status, then an oral hearing shall be held from **26 to 28 April 2026** in the Peace Palace, The Hague, the Netherlands.
- 3.2 A detailed schedule for and modalities of the hearing shall be addressed in due course in a further procedural order.

4. Leave to Apply

- 4.1 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.
- 4.2 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