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INDUS WATERS KISHENGANGA ARBITRATION (PAKISTAN V. INDIA)

Court of Arbitration Commences Hearing on the Merits

THE HAGUE, August 20, 2012

On Monday, August 20, 2012, the Court of Arbitration commenced the hearing on the merits in the matter of the Indus Waters Kishenganga Arbitration between the Islamic Republic of Pakistan and the Republic of India at the Peace Palace in The Hague. The hearing is scheduled to continue for two weeks, ending on August 31, 2012.

History of the Proceedings

On May 17, 2010, Pakistan instituted arbitral proceedings against India under Article IX and Annexure G of the Indus Waters Treaty, an international agreement signed by India and Pakistan in 1960 which allocates the use of the Indus river system between the two countries. Pakistan and India disagree on the interpretation and implementation of the Treaty in relation to the construction and operation of the Kishenganga Hydro-Electric Project.

In June 2011, the Court of Arbitration conducted a site visit to the Neelum/Jhelum and Kishenganga hydroelectric projects and surrounding areas located on the Kishenganga (Neelum) river. In February 2012, a delegation of the Court conducted a second site visit to the Neelum river valley. The Parties have also exchanged written pleadings.

On September 23, 2011, the Court of Arbitration issued an Order on Interim Measures, which is available on the website of the PCA at http://www.pca-cpa.org/showpage.asp?pag_id=1392.

The seven-member Court of Arbitration is chaired by Judge Stephen M. Schwebel (United States), former President of the International Court of Justice. The other members of the Court are Sir Franklin Berman KCMG QC (United Kingdom), Professor Howard S. Wheeler FREng (United Kingdom), Professor Lucius Caflisch (Switzerland), Professor Jan Paulsson (Sweden), Judge Bruno Simma (Germany), and H.E. Judge Peter Tomka (Slovakia). The Permanent Court of Arbitration in The Hague acts as Secretariat to the Court.

Contact: Permanent Court of Arbitration
E-mail: bureau@pca-cpa.org