

**PRESS RELEASE****Proceedings under the Indus Waters Treaty
(Islamic Republic of Pakistan v. Republic of India)**

THE HAGUE, 3 February 2023

The Court of Arbitration Concludes First Meeting and Initiates Expedited Procedure on Competence

On Friday and Saturday, 27 and 28 January 2023, the Court of Arbitration constituted pursuant to the Indus Waters Treaty held a first meeting in the proceedings commenced by the Islamic Republic of Pakistan against the Republic of India. The meeting took place at the Peace Palace, the headquarters of the Permanent Court of Arbitration (the “PCA”) in The Hague, the Netherlands. Pursuant to a decision by the Court of Arbitration, the PCA acts as the secretariat for the proceedings.

At the first meeting, the Court of Arbitration addressed certain organizational matters and the procedure to be followed in the arbitration.

Pakistan was represented in the discussions by its Agent, Mr. Ahmad I. Aslam; by the Secretary of the Ministry of Water Resources, Mr. Hassan Nasir Jamy; by the Pakistan Commissioner for Indus Waters, Mr. Syed Muhammad Mehar Ali Shah; by Ms. Leena Nishtar and Mr. Syed Raza Ali of the Office of the Attorney-General; and by Sir Daniel Bethlehem KC, Professor Attila Tanzi, Professor Philippa Webb, Dr Cameron Miles, Mr Jiries Saadeh, and Ms. Laura Rees-Evans, as counsel.

India did not appear and declined to participate in the first meeting of the Court of Arbitration. In prior correspondence, India expressed the view that the Court of Arbitration is not competent to consider the questions put to it, which should instead be decided through an alternative process under the Indus Water Treaty involving a Neutral Expert (a highly qualified engineer).

The Court of Arbitration acknowledged India’s objection and concluded that it must be addressed before the Court takes further action. Accordingly, at the close of the First Meeting, the Court decided that it would consider India’s objection as a preliminary matter in an expedited proceeding. The Court will seek further submissions from the Parties in respect of India’s objection and anticipates issuing a decision regarding its competence in or around June of this year.

The Court of Arbitration is chaired by Professor Sean D. Murphy of the United States. The other members are presently Professor Wouter Buytaert of Belgium, Mr. Jeffrey P. Minear of the United States, Judge Awn Shawkat Al-Khasawneh of Jordan, and Dr. Donald Blackmore of Australia. To date, India has not exercised its right under the Treaty to appoint two arbitrators to the Court of Arbitration.

*

The **Permanent Court of Arbitration** is an intergovernmental organization established by the 1899 Hague Convention on the Pacific Settlement of International Disputes. The PCA has 122 Member States. Headquartered at the Peace Palace in The Hague, the Netherlands, the PCA facilitates arbitration, conciliation, fact-finding, and other dispute resolution proceedings among various combinations of States, State entities, intergovernmental organizations, and private parties. The PCA’s International Bureau is currently administering 5 interstate disputes, 105 investor-State arbitrations, and 65 cases arising under contracts involving a State or other public entity. More information about the PCA can be found at www.pca-cpa.org.

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

PHOTOGRAPHS ACCOMPANYING PRESS RELEASE

1. The Court of Arbitration and the Delegation of the Islamic Republic of Pakistan
2. The Court of Arbitration (First Row L to R: Mr. Jeffrey P. Minear, Professor Wouter Buytaert; Second Row L to R: Dr. Donald Blackmore, Professor Sean D. Murphy, Judge Awn Shawkat Al-Khasawneh)
3. The Court of Arbitration (L to R: Judge Awn Shawkat Al-Khasawneh, Mr. Jeffrey P. Minear, Professor Sean D. Murphy, Professor Wouter Buytaert, Dr. Donald Blackmore)
4. Delegation of the Islamic Republic of Pakistan (First Row L to R: Mr. Hassan Nasir Jamy, Mr. Ahmad I. Aslam, Sir Daniel Bethlehem KC, Mr. Syed Muhammad Mehar Ali Shah, Professor Attila Tanzi; Second Row L to R: Mr. Jiries Saadeh, Ms. Laura Rees-Evans, Professor Philippa Webb, Dr. Cameron Miles, Ms. Leena Nishtar, Mr. Syed Raza Ali)

SELECTED PHOTOGRAPHS

1



2



3



4

