

PCA Case No. 2023-01

IN THE MATTER OF AN 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. 2

(PROCEDURAL TIMETABLE)

COURT OF ARBITRATION:

**Professor Sean D. Murphy (Chairman)
Professor Wouter Buytaert
Mr. Jeffrey P. Minear
Judge Awn Shawkat Al-Khasawneh
Dr. Donald Blackmore**

SECRETARIAT:

The Permanent Court of Arbitration

15 March 2023

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 of the Treaty, a Court of Arbitration (the “**Court**”) has been constituted;

WHEREAS in accordance with Annexure F of the Treaty, a Neutral Expert has been appointed;

WHEREAS by way of its letter to the World Bank dated 21 December 2022 (the “**21 December Letter**”), India expressed concerns about the parallel proceedings, stated that it “expressly decline[d] to accept or recognize the existence of the so-called Court of Arbitration”, and enclosed an explanatory note “enunciating [India’s] stand based on the clear stipulations in the Treaty”;

WHEREAS in a letter to the Parties dated 12 January 2023, the Chairman of the Court enclosed a revised agenda for the Court’s first meeting, including proposed discussion of a possible “Preliminary Phase on Jurisdiction/Admissibility/Competence”;

WHEREAS on 27-28 January 2023, the Court held its first meeting, in the Peace Palace, in The Hague, The Netherlands, in which Pakistan appeared and participated, but India did not appear or participate;

WHEREAS on 2 February 2023, the Court issued its Procedural Order No. 1, determining that the Court would conduct a preliminary phase of the proceedings to consider the competence of the Court and the operation of Article IX of the Treaty, on an expedited basis and fixing the schedule for further written submissions and an oral hearing in this Preliminary Phase on Competence;

WHEREAS on 14 March 2023, Pakistan wrote to the Court requesting the amendment of the timetable for the submission of its Response to India’s 21 December Letter;

THE COURT OF ARBITRATION HEREBY DECIDES:

1. Scheduling of a Preliminary Phase on the Competence of the Court

1.1 The schedule for further written submissions and an oral hearing in the Preliminary Phase on Competence is amended as follows:

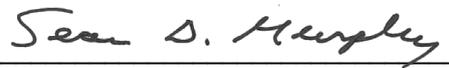
Date	Deadline / Event
24 March 2023	Pakistan’s Response
14 April 2023	India’s Reply
28 April 2023	Pakistan’s Sur-Reply
11 May 2023 – 13 May 2023	Hearing (<i>Peace Palace, The Hague, The Netherlands</i>) <i>[13 May 2023 to be held as a reserve day]</i>

1.2 The Court may, at any time, after seeking the views of the Parties, amend the schedule for the Preliminary Phase on Competence set out above.

2. Leave to Apply

- 2.1 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.
- 2.2 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 will arrange to confer with the Parties in person or by videoconference, according to the circumstances.

Dated: 15 March 2023



Prof. Sean D. Murphy
Chairman

On behalf of the Court of Arbitration