

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. 4

(AMENDED SCHEDULE FOR THE HEARING ON COMPETENCE)

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

5 May 2023

WHEREAS on 2 February 2023, the Court of Arbitration (the “**Court**”) issued its Procedural Order No. 1 (“**PO1**”), 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 Indus Waters Treaty 1960, on an expedited basis (the “**Preliminary Phase on Competence**”);

WHEREAS in PO1, the Court fixed a schedule for further written submissions and an oral hearing in the Preliminary Phase on Competence (“**Hearing on Competence**”), with the Hearing on Competence set down for 11 May 2023 to 13 May 2023 at the Peace Palace, The Hague, the Netherlands (with 13 May 2023 as a reserve day);

WHEREAS on 2 May 2023, the Court issued its Procedural Order No. 3 (“**PO3**”), fixing the schedule for the Hearing on Competence, subject to any changes the Court deemed necessary or appropriate for the efficient conduct of the Hearing, including as a result of the non-appearance of a Party in the Hearing;

WHEREAS in PO3, the Court required each Party to confirm to the PCA and the other Party its appearance at and participation in the Hearing on Competence and communicate a list of all participants who will attend the Hearing by Thursday, 4 May 2023;

WHEREAS on 3 May 2023, Pakistan confirmed its appearance at and participation in the Hearing on Competence, and communicated its list of participants attending the Hearing;

WHEREAS as of the date of this Order, India has not confirmed its appearance or participation in the Hearing, nor communicated its list of participants attending the Hearing;

THE COURT OF ARBITRATION HEREBY DECIDES:

1. Amended Schedule for the Hearing on Competence

1.1 Further to paragraphs 1.2 and 2.2 of PO3, given that India has not confirmed its participation in the Hearing on Competence, the schedule for the Hearing shall be amended as follows:

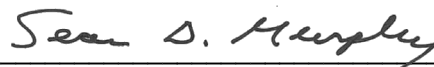
<i>Thursday, 11 May 2023</i>	
09:20 – 09:30 (<i>CEST</i>)	Introductory Remarks (Chairman of the Court)
09:30 – 11:00	Opening Submissions (Pakistan)
<i>11:00 – 11:30</i>	<i>Break</i>
11:30 – 13:00	Opening Submissions (Pakistan)
<i>13:00 – 14:15</i>	<i>Lunch Break</i>
14:15 – 15:45	Opening Submissions (Pakistan)
<i>15:45 – 16:15</i>	<i>Break</i>
16:15 – 17:45	Opening Submissions (Pakistan)
<i>Friday, 12 May 2023</i>	
<i>By 13:00</i>	<i>Directions in relation to Court Questions to be transmitted to the Parties by e-mail (Chairman / PCA)</i>

<i>Saturday, 13 May 2023</i>	
09:30 – 11:00	Responses to Court Questions (Pakistan)
<i>11:00 – 11:30</i>	<i>Break</i>
11:30 – 13:00	Responses to Court Questions (Pakistan)
13:00 – 13:15	Concluding Remarks (Chairman)

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 prior to the Hearing on Competence, 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: 5 May 2023



Prof. Sean D. Murphy
Chairman

On behalf of the Court of Arbitration