

**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**

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**PROCEDURAL ORDER NO. 7**

**(LEAVE TO APPLY TO AMEND THE REQUEST  
FOR ARBITRATION;  
SCHEDULE FOR WRITTEN SUBMISSIONS  
IN THE FIRST PHASE ON THE MERITS)**

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**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**

**22 July 2023**

**WHEREAS** on 31 March 2023, the Court of Arbitration (the “**Court**”) issued its Supplemental Rules of Procedure, in which it determined, amongst other things, that if given leave by the Court to do so, Pakistan may amend or supplement its Request for Arbitration dated 19 August 2016 (“**Request for Arbitration**”), and following a decision on the Court’s competence in accordance with Procedural Order No. 1, the Court shall prescribe a deadline for any application to amend or supplement the Request for Arbitration;

**WHEREAS** in its Supplemental Rules of Procedure, the Court also determined that, following a decision on the Court’s competence, the Court shall prescribe the sequence for further written submissions;

**WHEREAS** on 6 July 2023, the Court issued its Award on the Competence of the Court, finding that the Court is competent to consider and determine the disputes set forth in the Request for Arbitration;

**WHEREAS** on 6 July 2023, the Court issued its Procedural Order No. 6 (“**PO6**”), 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 Indus Waters Treaty 1960 (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 PO6, the Court determined to convene a case management conference by videoconference to determine the schedule for the First Phase on the Merits and other matters (“**Case Management Conference**”);

**WHEREAS** in its letter dated 10 July 2023, Pakistan requested leave of the Court to submit an application to amend or supplement its Request for Arbitration, and requested directions from the Court for doing so;

**WHEREAS** on 13 July 2023, the Chairman of the Court enclosed an agenda for the Court’s Case Management Conference, including proposed discussion of any application by Pakistan to amend or supplement its Request for Arbitration;

**WHEREAS** on 14 July 2023, the Court held the Case Management Conference by videoconference, in which Pakistan appeared and participated, but India did not appear or participate;

## **THE COURT OF ARBITRATION HEREBY DECIDES:**

- 1. Leave to Apply to Amend the Request for Arbitration; Further Directions for the Amendment Application**
  - 1.1 Pursuant to Article 16 of the Court’s Supplemental Rules of Procedure, Pakistan is granted leave to submit an application to the Court to amend or supplement its Request for Arbitration.
  - 1.2 Any such application shall be filed by Pakistan on or before **28 July 2023**, and shall include:
    - 1.2.1 a brief explanation of the proposed amendments and the reasons therefor;
    - 1.2.2 confirmation that the proposed amendments do not fall outside the competence of the Court or the scope of the dispute in respect of which Pakistan had recourse to arbitration, and

1.2.3 an annexed 'redline' copy of the Request for Arbitration that incorporates and distinguishes the proposed amendments from the original Request.

1.3 On or before **4 August 2023**, India shall indicate whether it intends to object to any application filed by Pakistan to amend or supplement its Request for Arbitration.

## **2. Schedule for Written and Oral Submissions in the First Phase on the Merits**

2.1 On or before **16 February 2024**, Pakistan shall file its Memorial for the First Phase on the Merits.

2.2 By no later than two weeks after Pakistan files its Memorial, India is invited to indicate to the Court whether it intends to file a Counter-Memorial for the First Phase on the Merits. In the event that India indicates an intention to file a Counter-Memorial, the Court shall, after consultation with the Parties, set a deadline for the filing of the Counter-Memorial, as well as the deadlines for any further written submissions and the schedule for the hearing.

2.3 In the event that India does not indicate an intention to file a Counter-Memorial, then the Court envisages that an oral hearing would be held in the Peace Palace, The Hague, the Netherlands from 8 to 12 July 2024, with 15 to 17 July 2024 held in reserve.

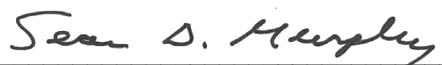
2.4 The Court may, at any time, after seeking the views of the Parties, amend the schedule for the First Phase on the Merits.

## **3. Leave to Apply**

3.1 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.

3.2 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: 22 July 2023



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**Prof. Sean D. Murphy**  
Chairman

**On behalf of the Court of Arbitration**