

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

**CORRECTIONS TO THE AWARD ON
THE COMPETENCE OF THE COURT OF 6 JULY 2023**

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

18 September 2023

WHEREAS on 6 July 2023, the Court of Arbitration (the “**Court**”) issued its Award on the Competence of the Court (the “**Award**”);

WHEREAS pursuant to the Supplemental Rules of Procedure adopted by the Court: “A Party may request the Court to make typographical or clerical corrections to an Award within two months of the date of that Award. Such a request shall be addressed to the Court and copied to the other Party and the Secretariat.”

WHEREAS on 10 July 2023, Pakistan wrote to the Court requesting a correction to paragraph 12 of the Award to make clear that Judge Bruno Simma’s conclusion that he was no longer in a position to accept appointment to the Court was motivated by the volume of his other pending commitments;

WHEREAS on 1 September 2023, Pakistan wrote further to the Court, identifying certain typographical matters that could be corrected and elaborating on its original request for correction;

THE COURT OF ARBITRATION HEREBY DECIDES:

1. Pakistan’s request for corrections pursuant to Article 29 of the Supplemental Rules of Procedure is justified in part and the Tribunal’s Award is corrected as follows.
2. The following text is added to the end of footnote 12 to paragraph 12 of the Award:

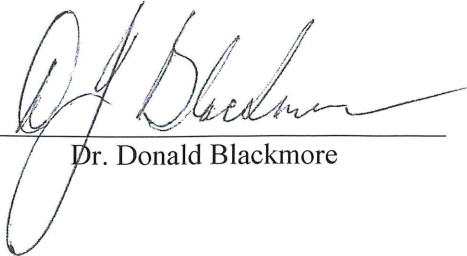
(“Given the passage of time since these appointments were made, and having regard to his other commitments, Judge Simma has informed Pakistan that he is no longer in a position to accept appointment”) and Appendix 1 (e-mail from Judge Bruno Simma to the Government of Pakistan) (“in view of my present commitments, I can no longer accept such appointment” and “I must regretfully retire”).
3. The words “run-of-the-river” in paragraph 70 of the Award are replaced with the words “run-of-river”.
4. The words “or India” in paragraph 100 of the Award are replaced with the words “of India”.
5. The page number “130.6” in footnote 515 to paragraph 220 of the Award is replaced with the number “230.6”.
6. The word “able” in the final sentence of paragraph 249 of the Award is replaced with the words “in a position”.
7. The following text is added to the end of footnote 587 to paragraph 249:

Judge Simma informed Pakistan that, given the passage of time and in view of his present commitments, he was no longer in a position to accept such appointment. See para. 12, *supra*.
8. The words “World Bank” in paragraph 257 of the Award are replaced with the words “Court of Arbitration”. The words “had withdrawn” in paragraph 257 of the Award are replaced with the words “was no longer in a position to accept appointment”.
9. The reference to “para. 11” in footnote 603 to paragraph 257 of the Award is replaced with a reference to “paras. 11-12”.
10. The word “withdrawal” in paragraph 258 of the Award is replaced with the word “retirement”.
11. This decision forms part of the Tribunal’s Award on the Competence of the Court of 6 July 2023.
12. Copies of the Award incorporating the aforementioned corrections will be provided to the Parties and made public on the website of the Permanent Court of Arbitration.

Done this 18th day of September 2023:



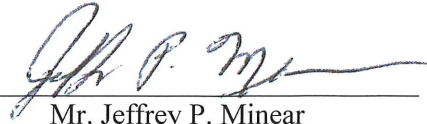
Judge Awn Shawkat Al-Khasawneh



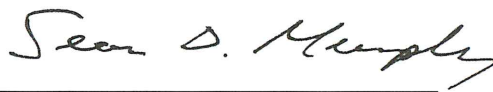
Dr. Donald Blackmore



Professor Wouter Buytaert



Mr. Jeffrey P. Minear



Professor Sean D. Murphy
Chairman



Mr. Garth Schofield
Registrar