

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

THE HAGUE, 8 MAY 2024

The Court of Arbitration Conducts Site Visit of Neelum-Jhelum Hydro-Electric Plant

The Court of Arbitration constituted pursuant to the Indus Waters Treaty (“Treaty”) has completed a week-long site visit of the Neelum-Jhelum Hydro-Electric Plant (“NJHEP”), located in the Kashmir and Jammu region administered by the Islamic Republic of Pakistan (“Pakistan”), further to the Court’s Procedural Order No. 10 dated 3 February 2024 (“Site Visit Protocol”). In accordance with the Site Visit Protocol, the purpose of the site visit was to familiarise the Court with general aspects of the design and operation of run-of-river hydro-electric plants along the Indus system of rivers; the purpose was not to receive any information that sought to apply facts to the Treaty, or that otherwise sought to interpret the Treaty.

After arriving in Islamabad on 23 April 2024, the Court’s delegation, together with a delegation from Pakistan and a Court-appointed neutral observer, travelled to Muzaffarabad on 24 April 2024. From 24 to 27 April 2024, the Court received technical presentations given by experts in the design and operation of the NJHEP, and inspected the NJHEP dam and reservoir (located on the Kishenganga/Neelum River) as well as the NJHEP powerhouse. The Court’s delegation then returned to Islamabad on 28 April 2024, and departed from Pakistan on 29 April 2024.

Following the site visit, the Court-appointed neutral observer, Mr. Stephen Pomper, certified that the conduct of the site visit conformed with the Site Visit Protocol.

A record of the site visit, including photographs, video recordings, and transcripts, will be made available to the Parties. A selection of photographs from the site visit is enclosed with this press release.

Pakistan was represented during the site visit by Mr. Raja Naeem Akbar, Deputy Agent and Federal Secretary of the Ministry of Law and Justice; Mr. Syed Ali Murtaza, Federal Secretary of the Ministry of Water Resources; Mr. Syed Muhammad Mehar Ali Shah, Pakistan Commissioner for Indus Waters; Mr. Ilyas Nizami, Director-General South Asia, Ministry of Foreign Affairs; Mr. Someir Siraj, Head of International Disputes, Office of the Attorney General for Pakistan; Ms. Zainab Malik, Office of the Secretary of Law and Justice; Sir Daniel Bethlehem KC, Professor Philippa Webb, and Dr. Cameron Miles, as counsel; and Dr. Gregory L. Morris and Mr. Peter J. Rae as technical advisers.

The Republic of India (“India”) did not appear and declined to participate in the site visit.

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The Court of Arbitration is chaired by Professor Sean D. Murphy of the United States. The other members are 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. Judge Awn Shawkat Al-Khasawneh was unable to participate in the site visit, which was communicated to the parties and the subject of agreement prior to the site visit.

Pursuant to a decision by the Court of Arbitration, the PCA acts as the secretariat for the proceedings.

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On 19 August 2016, Pakistan initiated these proceedings by way of a request for arbitration (“Request for Arbitration”) served upon India pursuant to Article IX and Paragraph 2(b) of Annexure G to the Treaty.

On 6 July 2023, following written submissions and an oral hearing, the Court issued its Award on Competence, finding that the Court is competent to consider and determine the disputes set forth in the Request for Arbitration. On the same date, the Court also issued its Procedural Order No. 6, 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 Pakistan’s Request for Arbitration concerning the overall interpretation or application of Article III of 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.

In accordance with the Court’s revised schedule, Pakistan filed its Memorial for the First Phase on the Merits on 22 March 2024. India did not indicate to the Court whether it intended to file a Counter-Memorial for the First Phase on the Merits by the deadline in the revised schedule. Accordingly, the Court envisages that an oral hearing will 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, further to paragraph 2.3 of the Court’s Procedural Order No. 7.

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Background on the Permanent Court of Arbitration

The Permanent Court of Arbitration is an intergovernmental organisation established by the 1899 Hague Convention on the Pacific Settlement of International Disputes. The PCA has 122 Contracting Parties. 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 organisations, and private parties. The PCA’s International Bureau is currently administering 6 inter-state arbitrations, 1 other inter-state proceeding, 102 arbitrations arising under bilateral or multilateral investment treaties or national investment laws, 97 cases arising under contracts involving a State or other public entity, and 5 other proceedings. More information about the PCA can be found at www.pca-cpa.org.

Contact: Permanent Court of Arbitration
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PHOTOGRAPHS ACCOMPANYING PRESS RELEASE

1. The Court of Arbitration's delegation is welcomed by representatives of the Islamic Republic of Pakistan (24 April 2024).
2. Site Expert Mr. Muhammad Arfan Miana (left) introduces the Neelum-Jhelum Hydro-Electric Plant ("NJHEP") to the Court (Mr. Jeffrey P. Minear (centre); Professor Sean D. Murphy (right)) (25 April 2024).
3. Site Experts Mr. Muhammad Arfan Miana (centre-middle) and Mr. Nayyar Alauddin (centre-front) give a technical presentation on the NJHEP to the Court ((from left to right) Professor Sean D. Murphy (centre-back), Dr. Donald Blackmore, Mr. Jeffrey P. Minear, and Professor Wouter Buytaert) (25 April 2024).
4. Dr. Donald Blackmore (member of the Court) asks a question regarding geological samples during a technical presentation (25 April 2024).
5. Professor Sean D. Murphy (Chairman of the Court) asks a question during the inspection of the NJHEP dam and reservoir site (25 April 2024).
6. Mr. Jeffrey P. Minear (member of the Court) asks a question during the inspection of the NJHEP dam and reservoir site (25 April 2024).
7. The Court of Arbitration at the NJHEP dam site ((from left to right) Professor Sean D. Murphy, Mr. Jeffrey P. Minear, Professor Wouter Buytaert, and Dr. Donald Blackmore) (25 April 2024).
8. Site Expert Dr. Tahir Hayat (centre-right) provides an explanation during the Court's inspection of the NJHEP dam and reservoir site (26 April 2024).
9. Site Expert Mr. Muhammad Arfan Miana leads the Court's delegation along the NJHEP desanders during the inspection of the NJHEP dam and reservoir site (26 April 2024).
10. The Court inspects sediment samples during a technical presentation by Site Expert Dr. Yasir Abbas (26 April 2024).
11. The Court receives a technical presentation from Site Expert Dr. Tahir Hayat at the NJHEP powerhouse (27 April 2024).
12. Site Expert Mr. Muhammad Arfan Miana provides an explanation during the Court's inspection of the NJHEP powerhouse site (27 April 2024).
13. The Court inspects the NJHEP powerhouse site (27 April 2024).
14. Professor Sean D. Murphy (Chairman of the Court) asks a question during the inspection of the NJHEP powerhouse (27 April 2024).
15. Professor Wouter Buytaert (member of the Court) asks a question during the inspection of the NJHEP powerhouse (27 April 2024).
16. Muzaffarabad, the staging point for the Court of Arbitration's site visit to the NJHEP.

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