



PRESS RELEASE

INDUS WATERS TREATY NEUTRAL EXPERT PROCEEDINGS (REPUBLIC OF INDIA V. ISLAMIC REPUBLIC OF PAKISTAN)

VIENNA, 26 SEPTEMBER 2024

Neutral Expert Concludes Third Meeting with the Parties

On 10 and 11 September 2024, Mr. Michel Lino, the Neutral Expert appointed under the Indus Waters Treaty 1960, held a Third Meeting with the Parties, at the Hofburg Palace in Vienna (the seat of the PCA Vienna office), in proceedings commenced by the Republic of India against the Islamic Republic of Pakistan concerning India's Ratle and Kishenganga Hydroelectric Plants (the "RHEP" and the "KHEP").

Following written submissions made by the Parties on this subject earlier this year, the Third Meeting concerned the competence of the Neutral Expert under Paragraph 7 of Annexure F to the Treaty. Each Party made opening and rebuttal submissions. Pakistan's submissions were made by its Designated Representative, Mr. Ahmad Irfan Aslam, and its counsel, Sir Daniel Bethlehem KC, Professor Philippa Webb and Dr. Cameron Miles. India's submissions were made by its Designated Representative and Secretary, Department of Water Resources, River Development & Ganga Rejuvenation, Ms. Debashree Mukherjee, and its counsel, Mr. Harish Salve KC.

India was also represented in the meeting by Mr. Kushvinder Vohra, Ex-Officio Secretary and Chairman, Central Water Commission (CWC); Ms. Uma Shekhar, Additional Secretary, Ministry of External Affairs (MEA); Mr. J. P. Singh, Joint Secretary, MEA; Mr. Darpan Talwar, its Indus Waters Commissioner; Mr. Vivek Tripathi, Chief Engineer, CWC; Mr. Sharvan Kumar, Chief Engineer (Hydro Power Planning & Investigation), Central Electricity Authority, Ministry of Power (MoP); Ms. Chitrangna Singh, Director, MEA; Mr. Naveen Kumar, Senior Joint Commissioner for Indus Waters; Mr. Narendra Singh Shekhawat and Mr. Samarth Agarwal, Director of the CWC; Dr. Kumar Abhijeet, Legal Officer, MEA; Mr. Vishal Kumar Saini, Executive Director and Mr. Shrish Dubey, General Manager of NHPC Ltd., MoP; Ms. Nidhi Dhiman, First Secretary of the Embassy of India in Vienna; Ms. Chetna Rai and Mr. Anandh Venkataramani, counsel; and Prof. G.R. Basson and Dr. Kim Wium Olesen, technical experts.

Pakistan was also represented by Mr. Syed Ali Murtaza, Federal Secretary, Ministry of Water Resources; Mr. Syed Muhammad Mehar Ali Shah, its Indus Waters Commissioner; Mr. Ilyas Mehmood Nizami, Director General South Asia of the Ministry of Foreign Affairs; Mr. Assad Khan Burki, Legal Advisor of the Ministry of Foreign Affairs; Mr. Adeel Ahmed Khan and Mr. Hassan Abbas from the Embassy of Pakistan in Vienna; and Ms. Laura Rees-Evans and Mr. Abdullah Tariq, counsel.

The Parties' submissions on the Neutral Expert's competence under Paragraph 7 of Annexure F to the Treaty are now complete. The Neutral Expert will accordingly proceed to prepare his decision on competence under Paragraph 7 of Annexure F.

Background on the Proceedings

On 13 October 2022, the International Bank for Reconstruction and Development (the World Bank), pursuant to Article IX and Annexure F of the Indus Waters Treaty 1960, and after consultation with each of the Parties, appointed Mr. Michel Lino as Neutral Expert in proceedings commenced by the Republic of India against the Islamic Republic of Pakistan concerning the KHEP and the RHEP.

The Neutral Expert convened a first meeting with the Parties on 27 and 28 February 2023 at the headquarters of the Permanent Court of Arbitration (“PCA”) at the Peace Palace, in The Hague.

Following the first meeting, the Neutral Expert’s Terms of Retainer were fixed on 2 May 2023. The Terms of Retainer also recorded the appointment of Mr. Luc Deroo as the Neutral Expert’s Technical Assistant.

On 1 June 2023, the Neutral Expert issued Supplemental Rules of Procedure, including a Work Programme, which was subsequently revised on 21 August, 11 October and 2 November 2023, and most recently on 29 May and 4 June 2024.

On 5 June 2023, the PCA was appointed as Registry and Secretariat by the Neutral Expert. The proceedings are administered by the Vienna Office of the PCA, in cooperation with its Mauritius Office.

On 31 August 2023, India submitted its Memorial.

A second meeting with the Parties was held on 20 and 21 September 2023 at the Imperial Hofburg Palace in Vienna. Matters discussed at that meeting included the organization of the first site visit, questions arising from India’s Memorial, and amendments to the Work Programme for the proceedings.

Following the second meeting, Pakistan submitted its Statement under Paragraph 7 of Annexure F to the Treaty on 1 February 2024 and India submitted its Paragraph 7 Statement and response to Pakistan’s Paragraph 7 Statement on 14 June 2024.

From 20 to 28 June 2024, the Neutral Expert conducted a site visit of the KHEP and the RHEP, preceded by a 3-day preparatory visit by the Technical Assistant and a 2-person engineering team from each Party.

More information about the proceedings can be found at <https://pca-cpa.org/en/cases/297/>.

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Background on the Permanent Court of Arbitration

The Permanent Court of Arbitration is an intergovernmental organization 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 organizations, and private parties. The PCA’s International Bureau is currently administering 7 interstate proceedings, 98 investor-State arbitrations, 104 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



The Neutral Expert, the Technical Assistant to the Neutral Expert, the Parties' Representatives, and Members of PCA Staff at the Third Meeting in September 2024



Counsel for the Republic of India, Mr. Harish Salve KC and Senior Advocate, addressing the Neutral Expert at the Third Meeting in September 2024



Counsel for the Islamic Republic of Pakistan, Sir Daniel Bethlehem KC, addressing the Neutral Expert at the Third Meeting in September 2024



Counsel for the Islamic Republic of Pakistan, Professor Philippa Webb, addressing the Neutral Expert at the Third Meeting in September 2024