

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. 15

**(RECENT DEVELOPMENTS THAT MAY BEAR
ON MATTERS BEFORE THE COURT)**

COURT OF ARBITRATION:

**Professor Sean D. Murphy (Chairman)
Professor Wouter Buytaert
Professor Jeffrey P. Minear
Judge Awn Shawkat Al-Khasawneh
Dr. Donald Blackmore**

SECRETARIAT:

The Permanent Court of Arbitration

16 May 2025

WHEREAS, by way of a Request for Arbitration dated 19 August 2016, Pakistan instituted arbitration proceedings, pursuant to Article IX(5) and paragraph 2(b) of Annexure G to the Indus Waters Treaty 1960 (the “**Treaty**”);

WHEREAS in accordance with paragraphs 4 to 9 of Annexure G to the Treaty, a Court of Arbitration (the “**Court**”) has been constituted;

WHEREAS in accordance with Annexure F to the Treaty, a Neutral Expert has been appointed;

WHEREAS paragraph 16 of Annexure G to the Treaty provides that “the Court shall decide all questions relating to its competence”;

WHEREAS paragraph 20 of Annexure G to the Treaty further provides that “[t]he Court shall have the right to require from the Agents of the Parties the production of all papers and other evidence it considers necessary and to demand all necessary explanations. In case of refusal, the Court shall take formal note of it”;

WHEREAS on 31 March 2023, the Court issued its Supplemental Rules of Procedure, in which it determined, amongst other things, that “[t]he Court may take all appropriate measures in order to establish the facts” and that, “[p]ursuant to paragraph 20 of Annexure G to the Treaty, the Court may, at any time during the proceedings, require the Parties to produce documents, exhibits, or other evidence within such a period of time as the Court shall determine”;

WHEREAS on 6 July 2023, the Court issued its Award on the Competence of the Court, in which it found and declared that “the Court of Arbitration is competent to consider and determine the disputes set forth in Pakistan’s Request for Arbitration”;

WHEREAS the Court is under a continuing duty, pursuant to its Supplemental Rules of Procedure, to “satisfy itself that it has jurisdiction over the dispute”;

WHEREAS on 23 April 2025, the Foreign Secretary of India issued a statement on the decision of the Cabinet Committee on Security, indicating, amongst other things, that “[t]he Indus Waters Treaty of 1960 will be held in abeyance with immediate effect, until Pakistan credibly and irrevocably abjures its support for cross-border terrorism”;

WHEREAS recent press articles in India and Pakistan, and by general news outlets, have contained various statements by officials of India and Pakistan that make reference to the Treaty;

THE COURT OF ARBITRATION HEREBY DECIDES:

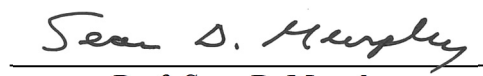
1. Request for Submissions on the Continuing Competence of the Court

- 1.1 The Court takes note of these recent developments, which may bear on matters before the Court and the Neutral Expert.
- 1.2 Each Party is requested to provide, by **Friday, 6 June 2025** a submission addressing the effect, if any, of these recent developments on matters before the Court or the Neutral Expert, including their respective competence.
- 1.3 Thereafter, each Party may, by **Tuesday, 17 June 2025** provide any comments it may wish to make in respect of the submission of the other Party.

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 in these proceedings, request that the Court convene a conference with the Parties to address any procedural aspect of these proceedings. The Court shall arrange to confer with the Parties in person or by videoconference, according to the circumstances.

Dated: 16 May 2025

A handwritten signature in black ink, reading "Sean D. Murphy", is written over a horizontal line.

Prof. Sean D. Murphy
Chairman

On behalf of the Court of Arbitration