

**PAKISTAN'S FINAL SUBMISSIONS  
FOR THE SECOND PHASE ON THE MERITS**

Having regard to the Court's analysis and findings in its Award on General Issues of Interpretation of the Indus Waters Treaty and its Decision on Pakistan's Request for the Clarification of the Award on General Issues of Interpretation, Pakistan requests the Court to adjudge and declare:

1. That the Treaty contains limits on the projection of installed capacity and anticipated load of an Annexure D, Part 3 HEP in Paragraphs 8(a), 8(b), 8(c), and 15 of Annexure D, and Appendix II to Annexure D of the Indus Waters Treaty.
2. That India must communicate to Pakistan, as part of its Annexure D, Paragraph 9 notification of the design of a proposed Annexure D, Part 3 HEP, information and explanation relating to India's calculation for maximum Pondage, and that such information and explanation must include the following:
  - a. A representative weekly load curve for the dry season in the Northern Region Grid based on historical load demand data, accompanied by the underlying data;
  - b. Information on the anticipated future load, including any underlying data, if India desires to account for such future load in its projection of the anticipated load of a proposed Annexure D, Part 3 HEP;
  - c. A justification for the projection of the installed capacity of a proposed Annexure D, Part 3 HEP, having regard to the hydrology at the HEP site and the anticipated load.
3. In the event that India fails to provide the information in paragraph (2) above, or provides materially insufficient information, there will be a presumption that India's projection of the proposed Annexure D, Part 3 HEP's installed capacity and anticipated load is not realistic, well-founded, and defensible and does not accord with the anticipated actual operation of that HEP.
4. For purposes of India's projection of a proposed Annexure D, Part 3 HEP's installed capacity and anticipated load, India must take account of and base such projection, *inter alia*, on the information identified in paragraph (2) above.

5. Having so determined its proposed Annexure D, Part 3 HEP's anticipated load and installed capacity, India must account for the projection of installed capacity and anticipated load in its calculation for maximum Pondage:
  - a. in a manner that enables a proposed Annexure D, Part 3 HEP to make a meaningful contribution to the Northern Region Grid on a daily and weekly basis at times of peak demand, including by setting a daily dispatch schedule, comprising its duration and capacity, that is realistic considering the operation of the HEP within the Northern Region Grid and allocates a distribution of demand as between weekends and weekdays that corresponds to the actual demand on the power system; and
  - b. in a manner that corresponds with the operational requirements of the proposed Annexure D, Part 3 HEP's turbines.
6. Paragraph 15 of Annexure D does not function as an *ab initio* design criterion, to be applied at the outset of the design process, but is rather an operational constraint that is relevant for purposes of the design process that must be applied to ensure that Pondage required for Firm Power shall be calculated in a manner that abides by the daily and weekly release requirements set out in Paragraph 15 of Annexure D.
7. Having regard to India's obligation under customary international law to prevent significant harm to the environment through provision of an environmental flow specific to the site of a proposed Annexure D, Part 3 HEP site, Pondage required for Firm Power shall be calculated in a manner that abides by such obligation.



**(MANSOOR USMAN AWAN)**

**Attorney General for Pakistan  
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