



**CONTRIBUTION OF THE PERMANENT COURT OF ARBITRATION TO THE REPORT
OF THE SECRETARY-GENERAL ON OCEANS AND THE LAW OF THE SEA
AS AT 22 JUNE 2016¹**

EXECUTIVE SUMMARY

The Permanent Court of Arbitration (“PCA”) is an intergovernmental organization that provides a variety of dispute resolution services to the international community. It has unparalleled experience in the administration of interstate arbitrations that concern oceans and the law of the sea. To date, it has acted as Registry in 12 *ad hoc* arbitrations brought in accordance with Annex VII of the 1982 United Nations Convention on the Law of the Sea (“**Convention**”). It has also administered a number of arbitrations involving the law of the sea that were not brought under the Convention.

Since the submission of its last contribution to the United Nations Secretary-General’s report on oceans and the law of the sea, the PCA has administered five interstate arbitrations concerning oceans and the law of the sea, and is facilitating one conciliation under Annex V that remains confidential at the date of this contribution. The PCA continues to administer the following four arbitrations that were discussed in its last contribution to the Secretary-General’s report:

- *The Republic of the Philippines v. The People’s Republic of China*, PCA Case No. 2013-19;
- *The Arctic Sunrise Arbitration (Netherlands v. Russia)*, PCA Case No. 2014-02;
- *The Duzgit Integrity Arbitration (Malta v. São Tomé and Príncipe)*, PCA Case No. 2014-07; and
- *The Arbitration Between The Republic of Croatia and The Republic of Slovenia*, PCA Case No. 2014-04.

The following arbitration was instituted after submission of the PCA’s last contribution to the report:

- *The “Enrica Lexie” Incident (Italy v. India)*, PCA Case No. 2015-28.

All of the above-listed arbitrations other than the *Arbitration Between the Republic of Croatia and the Republic of Slovenia*, which was brought pursuant to a special agreement between the Parties, were instituted under Annex VII of the Convention.

The PCA administers other types of dispute resolution procedures, such as mediations, conciliations, fact-finding commissions, expert determinations, and review panels, including in the context of the law of the sea. The PCA also maintains a Financial Assistance Fund to enable developing States to meet the costs of dispute settlement; the fund has been used in a recent interstate arbitration concerning the law of the sea. In 2015 and 2016 the PCA held a number of guest lectures covering law of the sea cases to

¹ For developments since June 2016 and further information about the PCA, see www.pca-cpa.org. For the PCA’s previous report, see www.un.org/depts/los/general_assembly/contributions_2015_2/PCA_Contribution.pdf.

audiences of government officials and diplomats, representatives of other international organizations, students, and fellows from the International Tribunal for the Law of the Sea and the Nippon Foundation.

A. INTRODUCTION

The Under-Secretary-General for Legal Affairs and United Nations Legal Counsel has invited the PCA to contribute to the second part of the United Nations Secretary-General's 2016 report on oceans and the law of the sea. The invitation requests information on the activities which have been undertaken or are ongoing in the implementation of specific provisions of United Nations General Assembly Resolution 70/235 relevant to the PCA. In addition, the invitation requests information on the main developments in the PCA in the field of ocean affairs and the law of the sea that have occurred since the submission of the PCA's last contribution to the Secretary-General's report. The provision of Resolution 70/235 that is most relevant to the PCA is Part IV on the "Peaceful settlement of disputes." Section B of this report provides background on the PCA. Section C describes the PCA's case activities in relation to the 1982 United Nations Convention on the Law of the Sea ("**Convention**"). Section D describes other PCA arbitrations involving the law of the sea. Section E contains descriptions of relevant cases administered by the PCA in this reporting cycle. Section F sets out additional relevant activities undertaken by the PCA.

Many arbitrations administered by the PCA are confidential. In other matters, the parties have limited the information concerning their dispute that the PCA is authorized to disclose. This report is accordingly limited to publicly available information.

B. THE PERMANENT COURT OF ARBITRATION

The Permanent Court of Arbitration is an intergovernmental organization designed to facilitate arbitration and other modes of dispute resolution between States, State entities, intergovernmental organizations, and private parties. The PCA is an autonomous institution, governed by the 121 States that are party to one or both of the PCA's founding conventions: the 1899 Convention for the Pacific Settlement of International Disputes and the 1907 Convention for the Pacific Settlement of International Disputes. The PCA is the oldest intergovernmental institution for the resolution of international disputes, and has developed into a modern, multifaceted arbitral institution that has evolved in response to the dispute resolution needs of the international community.

The PCA's caseload continues to grow and it is presently administering 114 registry cases. These include 8 interstate disputes arising under treaties or special agreements; 72 investment disputes arising under bilateral or multilateral investment treaties; and 33 disputes arising under contracts between private parties and States, other State-controlled entities or intergovernmental organizations. In addition to arbitration, the PCA also administers a range of dispute resolution mechanisms, including mediation, conciliation, fact-finding commissions, expert determinations, and review panels.

The PCA International Bureau is the secretariat of the organization and is headed by the PCA Secretary-General. The International Bureau is engaged in the day-to-day work of the organization in providing administrative support to arbitration tribunals or commissions operating under the PCA's auspices. The PCA's Secretariat is also available to assist in the selection of arbitrators, and the PCA Secretary General may be called upon to designate or act as appointing authority. The PCA Secretariat is currently handling 17 appointing authority requests. In addition to its work in respect of the resolution of particular disputes, the PCA is a center for scholarship and publication, and a forum for legal

discourse. The International Bureau has its headquarters at the Peace Palace in The Hague, the Netherlands. It also has a Mauritius office and has concluded Host Country Agreements with a number of its member States and cooperation arrangements with many arbitral institutions across the globe, enabling it to organize hearings and other activities in those jurisdictions under similar conditions as in the Netherlands.

More information on the PCA, including its 2015 Annual Report, is available at www.pca-cpa.org.

C. THE PCA AND THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

The Convention sets forth in Part XV rules for the resolution of disputes between States Parties arising out of its interpretation or application. Pursuant to Article 287 of the Convention, arbitration under Annex VII is the default means of dispute settlement if a State has not expressed any preference with respect to the means of dispute resolution available under Article 287(1) of the Convention, or if the parties have not accepted the same procedure for the settlement of the dispute.

Since the Convention came into force in 1994, 12 cases submitted to arbitration under Annex VII of the Convention have been administered by the PCA:

1. *The “Enrica Lexie” Incident (Italy v. India)*, PCA Case No. 2015-28, which was instituted in June 2015 and is still pending;
2. *The Duzgit Integrity Arbitration (Malta v. São Tomé and Príncipe)*, PCA Case No. 2014-07, which was instituted in October 2013 and is still pending;
3. *The Arctic Sunrise Arbitration (Netherlands v. Russian Federation)*, PCA Case No. 2014-02, which was instituted in October 2013 and is still pending;
4. *The Atlanto-Scandian Herring Arbitration (Denmark in respect of the Faroe Islands v. European Union)*, PCA Case No. 2013-30, which was instituted in August 2013 and terminated by a tribunal order issued in September 2014, following an agreement between the Parties reached in August 2014;
5. *The Republic of the Philippines v. The People’s Republic of China*, PCA Case No. 2013-19, which was instituted in January 2013 and is still pending;
6. *The Chagos Marine Protected Area Arbitration (Mauritius v. United Kingdom)*, PCA Case No. 2011-03, which was instituted in December 2010 and decided by a final award rendered on 18 March 2015;
7. *The Bay of Bengal Maritime Boundary Arbitration (Bangladesh v. India)*, PCA Case No. 2010-16, which was instituted in October 2009 and decided by a final award rendered on 7 July 2014;
8. *The ARA Libertad Arbitration (Argentina v. Ghana)*, PCA Case No. 2013-11, which was instituted in October 2012 and terminated by a tribunal order issued in November 2013 following an agreement between the Parties reached in September 2013;
9. *Barbados v. Trinidad and Tobago*, PCA Case No. 2004-02, which was instituted in February 2004 and decided by a final award rendered on 11 April 2006;
10. *Guyana v. Suriname*, PCA Case No. 2004-04, which was instituted in February 2004 and decided by a final award rendered on 17 September 2007;
11. *Land Reclamation by Singapore in and around the Straits of Johor (Malaysia v. Singapore)*, PCA Case No. 2004-05, which was instituted in July 2003 and terminated by an award on agreed terms rendered on 1 September 2005; and

12. *The MOX Plant Case (Ireland v. United Kingdom)*, PCA Case No. 2001-03, which was instituted in November 2001 and terminated through a tribunal order issued on 6 June 2008.

The Annex VII arbitrations relevant to the reporting period for the United Nations Secretary-General's 2016 report on oceans and the law of the sea are discussed in further detail in Section E, below.

D. OTHER PCA ARBITRATIONS INVOLVING THE LAW OF THE SEA

The PCA has administered historical and contemporary arbitrations involving the law of the sea that were not brought under the Convention. As noted in the PCA's report for the last reporting period (see http://www.un.org/depts/los/general_assembly/contributions_2015_2/PCA_Contribution.pdf), some of the earliest arbitrations administered by the PCA continue to provide significant jurisprudence on aspects of the law of the sea, including: the flagging of vessels (*Muscat Dhows (France/Great Britain)*, 1905); maritime delimitation (*The Grisbådarna Case (Norway/Sweden)*, 1909); fisheries (*North Atlantic Coast Fisheries (United States/Great Britain)*, 1910); port State obligations (*The Orinoco Steamship Company (Venezuela/United States)*, 1910); and vessel seizure (*The "Carthage" and French Postal Vessel "Manouba" (France/Italy)*, 1913).

The *Eritrea/Yemen* arbitration involved a two-phase arbitration to resolve the issue of sovereignty over certain islands and maritime features located in the Red Sea and, thereafter, to delimit the maritime boundary between the two States. By agreement of the Parties, the PCA acted as Registry. Even though Eritrea has never acceded to the Convention, the Arbitral Tribunal concluded in its Award in the Second Stage that the Parties' arbitration agreement implied Eritrea's acceptance of the application of provisions of the Convention relevant to maritime delimitation, and in both stages of the proceedings the Awards referred to provisions of the Convention. The Arbitral Tribunal held that among the relevant elements of customary law incorporated in the Convention, definitions in Articles 5 and 15 could be relied upon to determine that the international maritime boundary between the Parties would be a single all-purpose boundary that should, "as far as practicable, be a median line between the opposite mainland coastlines."

The PCA has administered a number of other arbitrations brought in accordance with treaties or special agreements other than the Convention, including the arbitration between Croatia and Slovenia.

The arbitrations relevant to the reporting cycle for the United Nations Secretary-General's 2016 report on oceans and the law of the sea are discussed in the next section.

E. RELEVANT PCA ARBITRATIONS ADMINISTERED IN THIS CYCLE

i. Arbitration Between the Republic of Croatia and the Republic of Slovenia, PCA Case No. 2012-04

Commencement date	4 November 2009
Jurisdictional basis	Special Agreement
Tribunal members	Judge Gilbert Guillaume (Chair), H.E. Ambassador Rolf Einar Fife, Prof. Vaughan Lowe QC, Prof. Nicolas Michel, Judge Bruno Simma
Status	Ongoing
Further information	https://pcacases.com/web/view/3

The Republic of Croatia and the Republic of Slovenia jointly instituted these proceedings concerning their territorial and maritime dispute.

Article 3(1) of the Parties' arbitration agreement states: "The Arbitral Tribunal shall determine (a) the course of the maritime and land boundary between the Republic of Slovenia and the Republic of Croatia; (b) Slovenia's junction to the High Sea; (c) the regime for the use of the relevant maritime areas." Article 4 of the agreement states: "The Arbitral Tribunal shall apply (a) the rules and principles of international law for the determinations referred to in Article 3(1)(a); (b) international law, equity and the principle of good neighbourly relations in order to achieve a fair and just result by taking into account all relevant circumstances for the determinations referred to in Article 3(1)(b) and (c)."

The first procedural meeting was held on 13 April 2012, following which the Parties submitted their respective Memorials on 11 February 2013, Counter-Memorials on 11 November 2013, and Reply Memorials on 26 March 2014. The pleadings included nearly 1,500 documentary exhibits and legal authorities, as well as over 250 figures and maps. A two-week hearing at the Peace Palace in The Hague was held in June 2014; a summary of the Parties' respective oral arguments is available at <https://pcacases.com/web/sendAttach/241>.

On 31 July 2015, Croatia informed the Arbitral Tribunal that, pursuant to Articles 60 and 65 of the Vienna Convention on the Law of Treaties, Croatia had notified Slovenia of its intention to terminate the Arbitration Agreement. Croatia also informed the Arbitral Tribunal that, as of the date of the notification, 30 July 2015, Croatia ceased to apply the Arbitration Agreement. On 13 August 2015, Slovenia informed the Arbitral Tribunal that Slovenia had objected to Croatia's purported unilateral termination of the Arbitration Agreement and that, in Slovenia's view, the Arbitral Tribunal had the power and the duty to continue the proceedings.

On 25 September 2015, following the resignation of the arbitrators appointed by Croatia and Slovenia, the Arbitral Tribunal was recomposed in accordance with Article 2, paragraph 2 of the Arbitration Agreement. By letter dated 1 December 2015, the Arbitral Tribunal invited the two Governments to make further submissions "concerning the legal implications of the matters set out in Croatia's letters of 24 July 2015 and 31 July 2015" and fixed the procedural calendar for additional written submissions in this regard. In accordance with that procedural calendar, Slovenia filed a written submission on 26 February 2016; Croatia did not file any written submission. On 17 March 2016, the Arbitral Tribunal held a one-day hearing. After the hearing, the PCA published a press release available at <https://pcacases.com/web/sendAttach/1604>, including a summary of the positions of both parties.

ii. **The Republic of Philippines v. The People's Republic of China, PCA Case No. 2013-19**

Commencement date	22 January 2013
Jurisdictional basis	Article 287 and Annex VII to the Convention
Tribunal members	Judge Thomas A. Mensah (President), Judge Jean-Pierre Cot, Judge Stanislaw Pawlak, Prof. Alfred H.A. Soons, Judge Rüdiger Wolfrum
Status	Ongoing
Further information	https://pcacases.com/web/view/7

The Republic of the Philippines instituted these proceedings concerning the Philippines' "dispute with China over the maritime jurisdiction of the Philippines" in the South China Sea on 22 January 2013.

On 19 February 2013, China rejected and returned the Philippines' Notification and Statement of Claim and has maintained a position of non-acceptance of, and non-participation in, the arbitration.

On 27 August 2013, the Arbitral Tribunal adopted its Rules of Procedure and noted that pursuant to Article 9 of Annex VII to the Convention, the absence of a party or failure of a party to defend its case does not constitute a bar to the proceedings. In such circumstances, before making its award, the Arbitral Tribunal must satisfy itself not only that it has jurisdiction over the dispute but also that the claim is well founded in fact and law. In accordance with the Rules of Procedure, on 16 December 2014, the Arbitral Tribunal took note of the fact that China had not submitted a Counter-Memorial and requested further written argument from the Philippines on certain issues raised in the Philippines' Memorial. The Philippines filed a Supplemental Written Submission in response on 16 March 2015.

On 7 December 2014, China published a "Position Paper of the Government of the People's Republic of China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the Philippines" in which it set out its view that the Arbitral Tribunal lacks jurisdiction to consider the submissions of the Philippines. China, however, stated that the Position Paper shall not be regarded as China's acceptance of or its participation in the arbitration. The Arbitral Tribunal decided to treat China's Position Paper (and other communications from China) as constituting a plea concerning the Arbitral Tribunal's jurisdiction.

From 7 to 13 July 2015, the Arbitral Tribunal convened a hearing on the scope of its jurisdiction and the admissibility of the Philippines' claims. It rendered a unanimous Award on Jurisdiction and Admissibility on 29 October 2015. The Arbitral Tribunal held that, in accordance with Article 9 of Annex VII to the Convention, China's decision not to participate in the proceedings does not deprive the Arbitral Tribunal of jurisdiction. The Arbitral Tribunal did not consider there to be any indispensable third party absent from the proceedings. The Arbitral Tribunal held that the Philippines' decision to commence arbitration unilaterally was not an abuse of the Convention's dispute settlement procedures. The Arbitral Tribunal held that the 2002 China-ASEAN Declaration on Conduct of the Parties in the South China Sea, the joint statements of the Parties, the Treaty of Amity and Cooperation in Southeast Asia, and the Convention on Biological Diversity do not preclude, under Articles 281 or 282, recourse to the compulsory dispute settlement procedures under the Convention. Furthermore, the Arbitral Tribunal found that the Parties have exchanged views as required by Article 283 of the Convention.

The Arbitral Tribunal rejected the arguments set out in China's Position Paper that the Parties' dispute is actually about sovereignty over the islands in the South China Sea and the delimitation of a maritime boundary and therefore beyond the Arbitral Tribunal's jurisdiction. On the contrary, the Arbitral Tribunal held that each of the Philippines' Submissions reflects disputes between the two States concerning the interpretation or application of the Convention. The Arbitral Tribunal decided that it does have jurisdiction with respect to the matters raised in seven of the Philippines' Submissions. However, the Arbitral Tribunal concluded that the remaining Submissions involved issues that do not possess an exclusively preliminary character and accordingly reserved its decision on jurisdiction on those Submissions to be considered in conjunction with issues on the merits. It also requested the Philippines to clarify and narrow one of its Submissions.

From 24 to 30 November 2015, the Arbitral Tribunal held a hearing on the merits and remaining issues of jurisdiction and admissibility. China did not participate. With the permission of the Arbitral Tribunal after consulting the Parties, seven interested States sent small delegations to observe the proceedings. The Philippines' arguments, which are available in transcripts published on the PCA's website,

included: (i) that China is not entitled to exercise what it refers to as historic rights over the waters, seabed and subsoil beyond the limits of its entitlements under the Convention; (ii) that the so-called ‘nine-dash line’ has no basis under international law insofar as it purports to define the limits of China’s claim to historic rights; (iii) that none of the various maritime features relied upon by China as a basis upon which to assert its claims in the South China Sea are capable of generating entitlements beyond 12 miles, and some generate no entitlements at all; (iv) that China has breached the Convention by interfering with the Philippines’ exercise of its sovereign rights and jurisdiction; and (v) that China has damaged the marine environment, in breach of the Convention. In the course of the hearing, members of the Arbitral Tribunal posed questions to the Philippines’ counsel in respect of many aspects of their claims, and the Arbitral Tribunal also heard testimony from the Philippines’ expert witnesses on the status of features in the South China Sea and on the environmental effects of China’s island building, and of activities carried out by Chinese fishing vessels. At the close of the hearing, the Arbitral Tribunal stated that it intends to issue its Award on the Merits in 2016.

iii. Arctic Sunrise Arbitration (Netherlands v. Russia), PCA Case No. 2014-02

Commencement date	4 October 2013
Jurisdictional basis	Article 287 and Annex VII to the Convention
Tribunal members	Judge Thomas A. Mensah (President), Mr. Henry Burmester QC, Prof. Alfred H.A. Soons, Prof. Janusz Symonides, Dr. Alberto Székely
Status	Ongoing
Further information	https://pcacases.com/web/view/21

The Kingdom of the Netherlands instituted these proceedings on 4 October 2013 with respect to a dispute concerning the boarding and detention of the vessel *Arctic Sunrise* in the exclusive economic zone of the Russian Federation, and the detention of the persons on board the vessel by the Russian authorities.

Prior to the constitution of the Arbitral Tribunal, the Netherlands applied for provisional measures from ITLOS, which rendered an Order on 22 November 2013, that the vessel and all persons detained in connection with the dispute be released and allowed to leave Russian jurisdiction upon the posting of a bond.

By Note Verbale to the PCA dated 27 February 2014, Russia indicated its “refusal to take part in this arbitration.” In its Rules of Procedure dated 17 March 2014, the Arbitral Tribunal affirmed Russia’s right to fully participate at any stage of the arbitration, and reserved its own authority to pose questions to the Parties regarding “specific issues which the Arbitral Tribunal considers have not been canvassed, or have been inadequately canvassed, in the pleadings submitted” by the Netherlands. On 28 November 2014, the Arbitral Tribunal took note of the fact that Russia had not submitted a Counter-Memorial and requested further written argument from the Netherlands on certain issues raised in its Memorial.

After inviting comments from the Parties regarding a request from Greenpeace International to file an amicus curiae submission in the case, the Arbitral Tribunal denied this request on 8 October 2014.

Following its determination that a 22 October 2013 Note Verbale from Russia to the Netherlands constituted a plea concerning the Arbitral Tribunal’s jurisdiction, the Arbitral Tribunal issued an Award

on Jurisdiction on 26 November 2014. In this Award, the Arbitral Tribunal unanimously held that Russia's declaration upon ratifying the Convention did not exclude the present dispute from compulsory dispute settlement procedures. Having dismissed the preliminary objections, the Arbitral Tribunal held a hearing on the remaining issues in dispute on 10-11 February 2015 in Vienna, which Russia did not attend.

During the hearing, the Netherlands presented fact witnesses for examination and answered questions from the Arbitral Tribunal. The Netherlands subsequently filed its full and final responses to the Arbitral Tribunal's questions as well as additional documents.

The Arbitral Tribunal issued its unanimous Award on 14 August 2015. It affirmed its jurisdiction over all the claims submitted by the Netherlands, all of which it found to be admissible. It found that by boarding, investigating, inspecting, arresting, detaining, and seizing the *Arctic Sunrise* without the prior consent of the Netherlands, and by arresting, detaining, and initiating judicial proceedings against the persons on board the vessel, Russia breached obligations owed by it to the Netherlands as the flag State under Articles 56(2), 58(1), 58(2), 87(1)(a), and 92(1) of the Convention. The Arbitral Tribunal also found that, by failing to comply with the ITLOS Order, Russia breached its obligations to the Netherlands under Articles 290(6) and 296(1) of the Convention. In addition, the Arbitral Tribunal found that, by failing to pay the deposits requested by it in these proceedings, Russia breached its obligations under Part XV and Article 300 of the Convention.

The Arbitral Tribunal held that, as a result of these breaches, the Netherlands is entitled to compensation (with interest) for material damage to the *Arctic Sunrise*, material and non-material damage to the persons on board the vessel, and the costs incurred by the Netherlands in connection with the issuance of a bank guarantee pursuant to the ITLOS Order. The Arbitral Tribunal also ordered Russia to return objects seized from the *Arctic Sunrise* and the persons aboard and, failing their timely restitution, to compensate the Netherlands for their value. Finally, the Arbitral Tribunal also ordered Russia to immediately reimburse Russia's share of the deposits paid on its behalf by the Netherlands.

The Arbitral Tribunal reserved questions of the quantum of compensation and interest to the next phase of the proceedings, which is currently underway.

iv. The Duzgit Integrity Arbitration (Malta v. São Tomé and Príncipe), 1982 Convention on the Law of the Sea, PCA Case No. 2014-07

Commencement date	22 October 2013
Jurisdictional basis	Article 287 and Annex VII to the Convention
Tribunal members	Prof. Alfred H.A. Soons (President), Judge James Kateka, Prof. Tullio Treves
Status	Ongoing
Further information	https://pcacases.com/web/view/53

The Republic of Malta instituted these proceedings with respect to a dispute concerning the vessel *Duzgit Integrity*. The case marks the first instance in which disputing parties have agreed to apply Article 3 of Annex VII to the Convention mutatis mutandis to the constitution of a three-member Arbitral Tribunal.

The Arbitral Tribunal was constituted on 13 March 2014. After a full exchange of written pleadings, on 23 and 24 February 2016, a hearing was held at the Peace Palace, in The Hague. The hearing pertained to all issues of jurisdiction, admissibility, merits, and any entitlement to reparation.

v. The “Enrica Lexie” Incident (Republic of Italy v. Republic of India), PCA Case No. 2015-28

Commencement date	26 June 2015
Jurisdictional basis	Article 287 and Annex VII to the Convention
Tribunal members	Judge Vladimir Golitsyn (Chair), Professor Francesco Francioni, Judge Jin-Hyun Paik, Judge P. Chandrasekhara Rao, Judge Patrick L. Robinson
Status	Ongoing
Further information	https://pcacases.com/web/view/117

On 26 June 2015, Italy served India with a notification of dispute under Article 287 and Annex VII, Article 1 of the Convention. According to Italy, the Parties’ dispute arises from an incident approximately 20.5 nautical miles off the coast of India involving the MV Enrica Lexie, an oil tanker flying the Italian flag, and India’s subsequent exercise of criminal jurisdiction over two Italian marines from the Italian Navy in respect of that incident. According to India, the “incident” in question concerns the killing of two Indian fishermen, on board an Indian vessel named the St. Antony, allegedly by two Italian marines stationed on the Enrica Lexie, and the subsequent exercise of jurisdiction by India.

On 11 December 2015, Italy filed a request for provisional measures pursuant to Article 290, paragraph 1, of the Convention. On 18 January 2016, the Arbitral Tribunal held a first procedural meeting at the Peace Palace, The Hague. In accordance with Procedural Order No. 1, India submitted its Written Observations on Italy’s request on 26 February 2016. On 30 and 31 March 2016, a public hearing on provisional measures was held at the Peace Palace in The Hague. Both parties presented two rounds of oral arguments.

On 29 April 2016, the Arbitral Tribunal adopted its Order in respect of Italy’s request for the prescription of provisional measures. In the operative part of the Order, the Arbitral Tribunal unanimously: (i) prescribed that Italy and India shall cooperate to achieve a relaxation of the bail conditions of Sergeant Girone; (ii) confirmed Italy’s obligation to return Sergeant Girone to India in case the Arbitral Tribunal finds that India has jurisdiction over him; and (iii) decided that Italy and India shall each report to the Arbitral Tribunal on compliance with its provisional measures.

In accordance with the procedural calendar established by the Arbitral Tribunal on 19 January 2016, following the first procedural meeting, Italy and India shall file a Memorial by 16 September 2016; India shall file a Counter-Memorial by 31 March 2017.

F. ADDITIONAL RELEVANT PCA ACTIVITIES

i. Support for other flexible dispute settlement mechanisms

The PCA also administers procedures, other than arbitration, in cases related to ocean and maritime affairs. Examples, such as the review of a decision of the Southern Pacific Regional Fisheries Management Organisation conducted in 2013, are included in the PCA's contribution to the 2015 Secretary-General's report, available at http://www.un.org/depts/los/general_assembly/contributions_2015_2/PCA_Contribution.pdf. The full record of those review proceedings is also available on the PCA website at <http://www.pcacases.com/web/view/33>.

ii. Education and outreach

The PCA regularly participates in conferences and publishes on issues relating to the peaceful settlement of disputes in international law, including in the context of the governance of oceans and the law of the sea. For example, the series of lectures presented by the PCA Deputy Secretary-General, Brooks Daly, at the 2014 Hague Academy of International Law on 'The Renaissance of Interstate Arbitration', are currently being edited for book publication. An important theme of the five-lecture series was the contribution of Part XV of the Convention to the increased use in recent years of arbitration for the peaceful resolution of interstate disputes. In 2016, Mr. Daly also presented lectures on the United Nations Convention on the Law of the Sea and related cases for the Advanced LLM in Public International Law at Leiden University.

The PCA has also engaged in education and outreach in relation to climate change related disputes. In addition to law of the sea related disputes, disputes involving issues of sustainable development and environmental law are increasing. The PCA participated in COP21, the 21st meeting of the Conference of Parties to the United Nations Framework Convention on Climate Change, in late November and December 2015. The Secretary-General of the PCA, Hugo H. Siblesz, delivered a speech during the High Level Segment of COP21 on the contribution of the PCA to the resolution of environmental disputes (available at <https://pca-cpa.org/wp-content/uploads/sites/175/2015/12/PCA-Press-Release-dated-8-December-2015.pdf>). At a side event to COP21 jointly hosted by the International Bar Association, PCA, ICC Court of International Arbitration, and the Stockholm Chamber of Commerce, PCA Senior Legal Counsel Judith Levine delivered a speech entitled 'Adopting and Adapting Arbitration for Climate Change Related Disputes – The Experience of the Permanent Court of Arbitration'. From 2016, Ms. Levine is a Visiting Lecturer in the Global Law of Climate Change LLM Module at King's College London.

The PCA has for many years given guest lectures to visiting scholars, legal practitioners, and government representatives. In many of these presentations, the PCA discusses cases that relate to the governance of oceans and the law of the sea. As described in the 2015 PCA Annual Report, presentations were recently given to officials and diplomats from Saudi Arabia, Indonesia, the Association of Southeast Asian Nations, Botswana, Zambia, Swaziland, Madagascar, Lesotho, Malawi, Seychelles, Tanzania, Zimbabwe, South Africa, Mauritius, the Democratic Republic of the Congo, Angola, Mozambique, the African Union Commission, the Comoros, the Netherlands, Latin America and Japan. (The 2015 PCA Annual Report is available at <https://pca-cpa.org/en/news/publication-of-pca-annual-report-2015>.)

iii. Coordination with other international institutions

The PCA seeks to contribute to a cooperative approach amongst international institutions engaged in the peaceful settlement of international disputes relating to maritime and ocean affairs. Through an exchange of letters between the Secretary-General of the PCA and the Registrar of ITLOS, the PCA and ITLOS have agreed to cooperate with respect to relevant legal and administrative matters. Under the arrangement, the PCA and ITLOS have undertaken to exchange documents, particularly those connected with disputes under Annex VII to the Convention, and to explore cooperation in other areas of concern.

iv. Financial assistance for access to peaceful dispute resolution services

The PCA and its Member States recognize the importance of ensuring equitable access to peaceful dispute resolution procedures. To this end, the Administrative Council of the PCA has established a Financial Assistance Fund that aims to help qualifying countries meet part of the costs involved in international arbitration or other means of dispute settlement offered by the PCA. Qualifying countries are PCA Member States listed on the OECD “DAC List of Aid Recipients”. Further information on the Financial Assistance Fund, including its Terms of Reference and Guidelines, is available at <https://pca-cpa.org/en/about/structure/faf/>.

Since the establishment of the Financial Assistance Fund, Norway, Cyprus, the United Kingdom, South Africa, the Netherlands, Costa Rica, Saudi Arabia, Switzerland, and Lebanon have made contributions. Grants of assistance from the fund have been requested or delivered on several occasions (including to a Central Asian State, a South Asian State, three African States, a Central American State, and a South American State). On one such occasion, the PCA provided financial assistance to a State that was a party to one of the aforementioned disputes.