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PCA PRESS RELEASE

ARBITRATION BETWEEN THE ITALIAN REPUBLIC AND THE REPUBLIC OF INDIA

THE HAGUE, 6 November 2015

Arbitral Tribunal Constituted in Arbitration Concerning the “Enrica Lexie” Incident

The constitution of the Arbitral Tribunal in an arbitration between the Italian Republic and the Republic of India under Annex VII to the 1982 United Nations Convention on the Law of the Sea (UNCLOS) has been completed.

Italy appointed Professor Francesco Francioni (a national of Italy) on 26 June 2015 as arbitrator. India appointed Judge Patibandla Chandrasekhara Rao (a national of India) on 24 July 2015 as arbitrator. Having consulted the Parties during a meeting in Hamburg, on 30 September 2015, the President of the International Tribunal for the Law of the Sea appointed Judge Jin-Hyun Paik (a national of Korea) and Judge Patrick Robinson (a national of Jamaica) as arbitrators, and Judge Vladimir Golitsyn (a national of Russia) as arbitrator and President of the Tribunal.

The Permanent Court of Arbitration (PCA) acts as Registry in the arbitration by agreement of the Parties.

The arbitral proceedings were commenced by Italy on 26 June 2015, when Italy served India with a notification of dispute under Article 287 and Annex VII, Article 1 of UNCLOS. According to Italy, the Parties’ dispute concerns “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.

The Tribunal now intends to hold a first procedural meeting with the Parties to discuss the procedural framework, including the applicable rules of procedure, and the timetable for written and oral pleadings.

Further information about the proceedings may be made available on the PCA Case Repository (<http://www.pcacases.com>).

The PCA is an independent intergovernmental organization established by the 1899 Hague Convention on the Pacific Settlement of International Disputes. The PCA has 117 Member States, including India and Italy. 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 has served as Registry in numerous arbitrations between States, including in twelve cases brought under Annex VII to UNCLOS.

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