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## PCA PRESS RELEASE

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### ARBITRATION BETWEEN THE REPUBLIC OF CROATIA AND THE REPUBLIC OF SLOVENIA

THE HAGUE, 25 September 2015

#### **Tribunal reconstituted by appointment of Norwegian and Swiss arbitrators, H.E. Mr. Rolf Fife and Professor Nicolas Michel**

In accordance with Article 2, paragraph 2 of the Arbitration Agreement, President Gilbert Guillaume has appointed H.E. Mr. Rolf Einar Fife, a national of Norway, and Professor Nicolas Michel, a national of Switzerland, as arbitrators in the arbitration between the Republic of Croatia and the Republic of Slovenia. With these appointments, which are effective as of today, 25 September 2015, the Tribunal is reconstituted.

#### *H.E. Mr. Rolf Einar Fife*

Ambassador Fife was Director-General of Legal Affairs at the Ministry of Foreign Affairs of Norway from 2002 to 2014. Prior to that, he had occupied various positions within the Ministry, including at Norway's permanent mission to the United Nations and as head of the division for the law of international organizations and the law of the sea. Since 2014, he has been the ambassador of Norway to France and Monaco.

In the course of his career, Ambassador Fife has represented Norway before international courts and tribunals. Mr. Fife has conducted numerous negotiations in bilateral and multilateral settings on behalf of Norway, including in the area of the law of the sea, United Nations law and international economic law. He notably was chief negotiator in respect of maritime boundary treaties with Russia and headed the Norwegian delegation to the Commission on the Limits of the Continental Shelf at the United Nations. He also headed the Norwegian delegation at the Rome Conference leading to the adoption of the statute of the International Criminal Court and chaired several working groups in the negotiation process. In 2009 and 2010, Mr. Fife was elected to preside over the Committee of Legal Advisers on Public International Law (CAHDI) of the Council of Europe.

Ambassador Fife is a member of the Permanent Court of Arbitration. He is a former president of the Norwegian society of international law and has taught and published widely in the area of public international law.

#### *Professor Nicolas Michel*

Professor Michel was the Legal Adviser of the Swiss Federal Department of Foreign Affairs from 1998 to 2004. During most of that period, he also acted as the Director of the International Law Directorate. Professor Michel headed the Swiss delegation to international conferences, as well as the Preparatory Commission of the International Criminal Court and the first Assembly of the States Parties to the Rome Statute. He chaired various international committees, including the Workshop on Article 51 of the United Nations Charter in Light of Future Threats to International Peace and Security, the Drafting Committee of the International Conference on "The Missing" and the Consultation and Preparatory Meeting on a Third Protocol to the Geneva Conventions. Professor

Michel was elected to preside over the Committee of Legal Advisers on Public International Law (CAHDI) of the Council of Europe in 2003 and 2004.

From 2004 to 2008, Professor Michel was the United Nations Under-Secretary-General for Legal Affairs and Legal Counsel—the highest-ranking legal officer of the United Nations. In that capacity, Professor Michel oversaw the Office of Legal Affairs, which acts as legal service for the Secretariat and organs of the United Nations, is responsible for the codification of international law, monitors the application of the law of the sea, and performs the depositary functions with respect to treaties of the United Nations Secretary-General. On behalf of the Secretary-General, Mr. Michel led, or participated in, several interstate mediations relating to land and maritime border disputes.

From 1987 to 1998 and from 2003 to 2004, Professor Michel was professor of international law and European law at the University of Fribourg in Switzerland. From 2008 to 2015, he was full professor at the University of Geneva as well as a member of the faculty of the Graduate Institute of International Studies in Geneva. He has published widely in the area of public international law.

#### *Appointment Process*

Following the resignation of Professor Budislav Vukas (on 30 July 2015) appointed by Croatia, and the successive resignations of Dr. Jernej Sekolec (on 23 July 2015) and Judge Ronny Abraham (on 3 August 2015) appointed by Slovenia, the Tribunal had invited each Party to appoint a replacement arbitrator. No appointment was made by Croatia. Slovenia informed the Tribunal on 13 August 2015 that, “in order to preserve the integrity, independence and impartiality of the Arbitral Tribunal and the ongoing proceedings, it will refrain from appointing a member of the Tribunal to replace Judge Abraham”. Instead, Slovenia requested “the President of the Arbitration Tribunal, Judge Gilbert Guillaume, in exercise of his powers under Article 2, paragraph 2, of the Arbitration Agreement, to appoint a member of the Arbitration Tribunal”.

Article 2, paragraph 2 of the Arbitration Agreement provides that, “[i]n case that no appointment has been made within [15 days], the respective member shall be appointed by the President of the Arbitral Tribunal”. Since neither Party made an appointment within 15 days after the resignation of Professor Vukas and Judge Abraham, it fell to the President to appoint the remaining two members of the Tribunal.

Professor Michel was appointed to succeed Professor Vukas on the Tribunal, and Ambassador Fife was appointed to succeed Judge Abraham.

#### *Further Proceedings*

The Tribunal now intends to consider the Parties’ positions carefully, including in respect of the effect of Croatia’s stated intention to terminate the Arbitration Agreement and in respect of the possible implications for the present proceedings of the events reportedly underlying Croatia’s decision. In this regard, the Tribunal may invite further submissions from the Parties on questions of fact and law as may be necessary.

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

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