

PERMANENT COURT OF ARBITRATION

Peace Palace, Carnegieplein 2,
2517 KJ The Hague, The Netherlands

Telephone : +31 70 302 4165
Facsimile : +31 70 302 4167
E-mail : bureau@pca-cpa.org
Website : www.pca-cpa.org



COUR PERMANENTE D'ARBITRAGE

Palais de la Paix, Carnegieplein 2,
2517 KJ La Haye, Pays-Bas

Téléphone : +31 70 302 4165
Télécopie : +31 70 302 4167
Courriel : bureau@pca-cpa.org
Site Internet : www.pca-cpa.org

PRESS RELEASE

**Arbitration between the Republic of the Philippines
and the People's Republic of China**

The Hague, 3 June 2014

The Arbitral Tribunal Sets Further Proceedings

The Arbitral Tribunal in the case brought by the Republic of the Philippines against the People's Republic of China under Annex VII to the United Nations Convention on the Law of the Sea ("the Convention"), has issued its second Procedural Order, establishing the next steps in the timetable for the arbitration. This follows the second meeting of the Members of the Arbitral Tribunal, held at the Peace Palace in The Hague on 14 and 15 May 2014.

In accordance with the Tribunal's first Procedural Order dated 27 August 2013, the Philippines filed its Memorial on 30 March 2014, addressing matters relating to the jurisdiction of the Arbitral Tribunal, the admissibility of the Philippines' claim, as well as the merits of the dispute. In **Procedural Order No. 2**, the Arbitral Tribunal fixes 15 December 2014 as the date for China to submit its Counter-Memorial responding to the Philippines' Memorial. The Arbitral Tribunal will determine the further course of the proceedings, including the need for, and scheduling of any other written submissions and hearings, at an appropriate later stage, after seeking the views of the Parties.

The Arbitral Tribunal has been mindful of its obligation under the Convention to determine its own procedure while "assuring to each party a full opportunity to be heard and to present its case." Before adopting Procedural Order No. 2, the Arbitral Tribunal provided to each Party the opportunity to comment on scheduling and a draft of Procedural Order No. 2. On 29 May 2014, the Philippines submitted comments. On 21 May 2014, the Permanent Court of Arbitration (PCA) received a Note Verbale from China in which it reiterated its position that "it does not accept the arbitration initiated by the Philippines" and that the Note Verbale "shall not be regarded as China's acceptance of or participation in the proceedings."

Background to the Case: The *Philippines v. China* arbitration was commenced on 22 January 2013 when the Philippines served China with a Notification and Statement of Claim "with respect to the dispute with China over the maritime jurisdiction of the Philippines in the West Philippine Sea." On 19 February 2013, China presented the Philippines with a diplomatic note in which it described "the Position of China on the South China Sea issues," and rejected and returned the Philippines' Notification. The five-member Arbitral Tribunal is chaired by Judge Thomas A. Mensah of Ghana. The other Members are Judge Jean-Pierre Cot of France, Judge Stanislaw Pawlak of Poland, Professor Alfred Soons of the Netherlands, and Judge Rüdiger Wolfrum of Germany. The PCA acts as the Registry in the proceedings.

Further information about the case, including the Rules of Procedure, may be found on the website of the PCA at http://www.pca-cpa.org/showpage.asp?pag_id=1529. The Rules of Procedure, which supplement those contained in Annex VII to the Convention, also set out the course of action to be taken by the Arbitral Tribunal in the event that one of the Parties does not appear in the proceedings.

Background to the Permanent Court of Arbitration: The PCA is an intergovernmental organization established by the 1899 Hague Convention on the Pacific Settlement of International Disputes. 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.

Contact: Permanent Court of Arbitration
E-mail: bureau@pca-cpa.org