



PRESS RELEASE

ARBITRATION CONCERNING THE “ENRICA LEXIE” INCIDENT (THE ITALIAN REPUBLIC V. THE REPUBLIC OF INDIA)

THE HAGUE, 25 JUNE 2019

Live-Streaming of Agents’ Opening Statements at the Hearing

In accordance with Procedural Order No. 8 dated 16 May 2019, the hearing in the arbitration concerning the “Enrica Lexie” Incident (*Italy v. India*) will be held from 8 July to 20 July 2019 at the seat of the Permanent Court of Arbitration (“PCA”) at the Peace Palace, The Hague, the Netherlands. The hearing will address the jurisdiction of the Arbitral Tribunal as well as the merits of Italy’s claims and India’s counter-claims.

At the start of the hearing, on 8 July 2019 at 9:00 a.m., the Agent of the Italian Republic and the Agent of the Republic of India will each make a brief opening statement, which will be webcast live on the Internet. Details concerning the live-streaming of the opening statements will be published on the website of the PCA shortly before the hearing. The transcript of the Agents’ opening statements will be published on the PCA Case Repository (<https://pca-cpa.org/en/cases/117/>) in due course after the hearing.

Pursuant to Article 23, paragraph 3, of the Rules of Procedure, as amended by Procedural Order No. 7 dated 16 May 2019, the remaining parts of the hearing shall be confidential and will not be webcast.

The public, members of the diplomatic corps, or the press will not have access to the Peace Palace for purposes of attending any parts of the hearing.

History of the Proceedings

The arbitral proceedings were instituted under the United Nations Convention on the Law of the Sea (“UNCLOS”) on 26 June 2015, when Italy served on India a “Notification under Article 287 and Annex VII, Article 1 of UNCLOS and Statement of Claim and Grounds on Which it is Based”.

On 21 July 2015, pending the constitution of an arbitral tribunal, Italy filed a request for the prescription of provisional measures with the International Tribunal for the Law of the Sea (“ITLOS”). On 6 August 2015, India submitted written observations on Italy’s request. Following a public hearing, on 24 August 2015, ITLOS rendered an order prescribing certain provisional measures.

On 30 September 2015, the constitution of the Arbitral Tribunal was completed. The Arbitral Tribunal is presently composed of Professor Francesco Francioni, Judge Jin-Hyun Paik, Dr. Pemmaraju Sreenivasa Rao,¹ and Judge Patrick Robinson as arbitrators, and Judge Vladimir Golitsyn as arbitrator and President of the Arbitral Tribunal.

On 11 December 2015, Italy filed a request for the prescription of provisional measures with the Arbitral Tribunal. On 26 February 2016, India submitted written observations on that request. Following a public

¹ As noted below, Dr. Pemmaraju Sreenivasa Rao succeeded the arbitrator originally appointed by India, Judge Patibandla Chandrasekhara Rao, who passed away on 11 October 2018.

hearing, on 29 April 2016, the Arbitral Tribunal issued an order prescribing certain provisional measures.

In accordance with the procedural calendar established by the Arbitral Tribunal, the Parties subsequently exchanged written pleadings on the Arbitral Tribunal's jurisdiction and the merits of the case. On 30 September 2016, Italy filed its Memorial. On 14 April 2017, India submitted its Counter-Memorial, in which it raised objections to the jurisdiction of the Arbitral Tribunal and the admissibility of Italy's claims, responded to Italy's Memorial, and presented counter-claims. On 11 August 2017, Italy filed its "Reply on the Merits – Counter-Memorial on Jurisdiction – Counter-Memorial on India's Counter-Claims". On 15 December 2017, India submitted its "Rejoinder on the Merits – Reply on Jurisdiction – Reply to Italy's Counter on India's Counter-Claims". On 9 March 2018, Italy filed its "Rejoinder on Jurisdiction and on India's Counter-Claims".

On 11 October 2018, the arbitrator originally appointed by India, Judge Patibandla Chandrasekhara Rao, passed away. In accordance with Article 6 of the Rules of Procedure, on 26 November 2018, India appointed Dr. Pemmaraju Sreenivasa Rao to succeed Judge Rao on the Arbitral Tribunal.

Due to illness of Judge Patibandla Chandrasekhara Rao, the hearing, originally scheduled to take place in the autumn of 2018, was postponed. On 19 December 2018, following the appointment of Dr. Pemmaraju Sreenivasa Rao, the Arbitral Tribunal advised the Parties that the hearing would instead be held from 8 July to 20 July 2019.

Further Information

Further information about the proceedings is available on the PCA Case Repository (<https://pcacpa.org/en/cases/117/>).

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Background on the Permanent Court of Arbitration

The Permanent Court of Arbitration is an intergovernmental organization established by the 1899 Hague Convention on the Pacific Settlement of International Disputes. The PCA has 122 Contracting Parties. 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's International Bureau is currently administering three interstate disputes, 106 investor-State arbitrations, and 54 cases arising under contracts involving a State or other public entity and two other disputes. More information about the PCA can be found at www.pca-cpa.org.

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