

**PCA PRESS RELEASE****Arbitration between the Republic of the Philippines and the People's Republic of China:
Arbitral Tribunal Establishes Rules of Procedure and Initial Timetable****THE HAGUE, 27 AUGUST 2013**

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 first Procedural Order, establishing the initial timetable for the arbitration and adopting Rules of Procedure. This follows the first meeting of the Members of the Arbitral Tribunal, held at the Peace Palace in The Hague on 11 July 2013. The Arbitral Tribunal decided that the Permanent Court of Arbitration shall act as the registry in the proceedings.

In the first **Procedural Order**, the Arbitral Tribunal formally adopts the Rules of Procedure and fixes 30 March 2014 as the date on which the Philippines should submit its Memorial. The Arbitral Tribunal directs the Philippines to fully address all issues, including matters relating to the jurisdiction of the Arbitral Tribunal, the admissibility of the Philippines' claim, as well as the merits of the dispute. 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 **Rules of Procedure**, which supplement those contained in Annex VII to the Convention, set out the procedures applicable to such matters as communications, language, publicity, organization of hearings, consideration of objections to the Arbitral Tribunal's jurisdiction, requests for provisional measures, and the appointment of experts to assist the Arbitral Tribunal. The Rules of Procedure 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.

Before adopting the Rules of Procedure and timetable, the Arbitral Tribunal provided to each Party the opportunity to comment on the draft Rules of Procedure. On 31 July 2013, the Philippines submitted comments on the draft. On 1 August 2013, China addressed a Note Verbale to the Permanent Court of Arbitration in which it reiterated its position that "it does not accept the arbitration initiated by the Philippines" and stated that it was not participating 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.

Further information about the case is available on the PCA's website at www.pca-cpa.org.

The PCA: The Permanent Court of Arbitration 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.

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