

PERMANENT COURT OF ARBITRATION

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PRESS RELEASE

**ARCTIC SUNRISE ARBITRATION
(NETHERLANDS V. RUSSIA)**

THE HAGUE, 5 DECEMBER 2014

Arbitral Tribunal issues *Procedural Order No. 4 (Bifurcation)* and *Award on Jurisdiction*; Arbitral Tribunal poses questions to the Kingdom of the Netherlands.

On 21 November 2014, the Arbitral Tribunal issued *Procedural Order No. 4 (Bifurcation)* stating that it considered that the statement made by the Russian Federation in its *Note Verbale* dated 22 October 2013, relying on the declaration it made upon ratification of the United Nations Convention on the Law of the Sea (“Convention”), that it “does not accept” this arbitration, constitutes a plea concerning the Arbitral Tribunal’s jurisdiction which possesses an exclusively preliminary character (“Russia’s Plea Concerning Jurisdiction”).

After having sought the views of the Parties and given them a full opportunity to be heard on the matter, the Arbitral Tribunal decided to rule on Russia’s Plea Concerning Jurisdiction as a preliminary question without holding a hearing.

On 26 November 2014, the Arbitral Tribunal issued its *Award on Jurisdiction*. The Arbitral Tribunal unanimously held that the declaration made by Russia upon ratification of the Convention does not have the effect of excluding the present dispute from the compulsory dispute settlement procedures entailing binding decisions set out in Section 2 of Part XV of the Convention, and, therefore, does not exclude the present dispute from the jurisdiction of the Arbitral Tribunal. The Arbitral Tribunal reserved all other issues not decided in the *Award on Jurisdiction*, including any other issues concerning jurisdiction, admissibility, and merits, for further consideration.

On 28 November 2014, pursuant to Section 2.1.4.1 of *Procedural Order No. 2*, the Arbitral Tribunal posed to the Netherlands a series of questions related to the contents of the Netherlands’ *Memorial*. In accordance with Section 2.1.4.2 of *Procedural Order No. 2*, the Netherlands “shall make a supplemental submission in reply to the questions posed by the Arbitral Tribunal within 45 days from the issuance of the Tribunal’s questions.” This deadline expires on 12 January 2015.

* * *

These proceedings were commenced on 4 October 2013 when the Netherlands addressed to Russia a Notification and Statement of Claim under Article 287 and Annex VII, Article 1 of the Convention. The dispute concerns the boarding and detention of the vessel *Arctic Sunrise* in Russia’s exclusive economic zone and the detention of the persons on board the vessel by Russian authorities. By *Note Verbale* to the Permanent Court of Arbitration dated 27 February 2014, Russia indicated “its refusal to take part in this arbitration.”

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The President of the Arbitral Tribunal is Judge Thomas Mensah (Ghana). The other members of the Arbitral Tribunal are Mr. Henry Burmester (Australia), Professor Alfred Soons (the Netherlands), Professor Janusz Symonides (Poland), and Dr. Alberto Székely (Mexico).

The Netherlands' diplomatic note instituting arbitral proceedings, including its Statement of Claim, Russia's *Note Verbale* to the PCA dated 27 February 2014, *Procedural Order No. 1 (Terms of Appointment)*, the *Rules of Procedure*, *Procedural Order No. 2*, *Procedural Order No. 3 (Greenpeace International's Request to File an Amicus Curiae Submission)*, *Procedural Order No. 4 (Bifurcation)*, and the *Award on Jurisdiction* are available on the PCA's website at http://pca-cpa.org/showpage.asp?pag_id=1556.

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