



PRESS RELEASE

DISPUTE CONCERNING COASTAL STATE RIGHTS IN THE BLACK SEA, SEA OF AZOV, AND KERCH STRAIT (UKRAINE V. THE RUSSIAN FEDERATION)

THE HAGUE, 16 APRIL 2019

Tribunal Schedules Hearing Concerning Preliminary Objections of the Russian Federation

In its Procedural Order No. 5, adopted on 8 April 2019, the Tribunal constituted under Annex VII to the United Nations Convention on the Law of the Sea (“UNCLOS”) in the arbitration instituted by Ukraine against the Russian Federation has scheduled a hearing concerning the Russian Federation’s Preliminary Objections. The hearing will be held from 10 June to 15 June 2019 at the seat of the Permanent Court of Arbitration (“PCA”) at the Peace Palace, The Hague, the Netherlands.

Pursuant to Procedural Order No. 3, adopted unanimously on 20 August 2018, the Tribunal decided to hear the Russian Federation’s Preliminary Objections in a preliminary phase of the proceedings. Pursuant to the timetable set by the Tribunal in Procedural Order No. 4, adopted on 27 August 2018, the Parties submitted written pleadings, with fact exhibits and legal authorities, concerning the Preliminary Objections of the Russian Federation.

Following completion of the written phase of the proceedings, and after ascertaining the views of the Parties, the Tribunal, in Procedural Order No. 5, confirmed the dates and schedule for oral argument and determined the modalities for public access of the hearing.

Public Access of the Hearing

Pursuant to Article 27(3) of the Rules of Procedure, only the opening statement made by each Party’s Agent in the first round of oral pleadings will be open to the public. The opening statements will be live-streamed on the website of the PCA. A limited number of members of the public, including accredited press representatives and members of the diplomatic corps, will also be able to follow the opening statements directly at the Peace Palace.

The opening statement of the Russian Federation will be delivered on Monday, 10 June 2019, at 10 am. The opening statement of Ukraine will be delivered on Tuesday, 11 June 2019, at 10 am.

Further details, including the modalities for attending the hearing, will be communicated by the PCA in due course.

Background to the Dispute

The arbitral proceedings were instituted on 16 September 2016 when Ukraine served on the Russian Federation a Notification and Statement of Claim¹ under Annex VII to the UNCLOS. The Notification and Statement of Claim refers to a “dispute concerning coastal state rights in the Black Sea, Sea of Azov, and Kerch Strait”.

¹ The full title of the document is “Notification under Article 287 and Annex VII, Article 1 of UNCLOS and Statement of the Claim and Grounds on which it is Based”.

The five-member Tribunal is chaired by Judge Jin-Hyun Paik as President (a national of the Republic of Korea). The other members are Judge Boualem Bouguetaia (Algeria), Judge Alonso Gómez-Robledo (Mexico), Judge Vladimir Vladimirovich Golitsyn (Russian Federation), and Professor Vaughan Lowe QC (United Kingdom). Professor Lowe was appointed by Ukraine. Judge Golitsyn was appointed by the Russian Federation. Judges Paik, Bouguetaia, and Gómez-Robledo were appointed in accordance with the procedure set out in Article 3, paragraph 2, of Annex VII to the UNCLOS. The PCA acts as registry for the proceedings.

Further information about the proceedings is available on the PCA Case Repository (<https://pca-cpa.org/en/cases/149/>). In accordance with the Rules of Procedure, the PCA, after consultation with the Parties, will from time to time issue press releases, concerning the status of the proceedings. Moreover, procedural orders and decisions of the Arbitral Tribunal will be made publicly available on the website of PCA seven days after they have been notified to the Parties. Further, any award of the Tribunal will be made public unless both Parties object.

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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 121 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 3 inter-state disputes, 106 investor-State arbitrations, and 55 cases arising under contracts involving a State or other public entity and 2 other disputes. More information about the PCA can be found at www.pca-cpa.org.

The PCA has acted as Registry in numerous arbitrations and conciliations between States, including in 14 proceedings under UNCLOS.

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