IN THE MATTER OF AN ARBITRATION BEFORE AN ARBITRAL TRIBUNAL
CONSTITUTED UNDER ANNEX VII TO THE 1982 UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA

PCA Case No. 2017-06

Permanent Court of Arbitration
Peace Palace, The Hague
The Netherlands

B E T W E E N

UKRAINE

– and –

THE RUSSIAN FEDERATION

- before -

JUDGE JIN-HYUN PAIK (Presiding Arbitrator)
JUDGE BOUALEM BOUGUETAIA
JUDGE ALONSO GOMEZ-ROBLEDO
JUDGE VLADIMIR GOLITSYN
PROFESSOR VAUGHAN LOWE QC

Heard on:
Monday, 10 June 2019

MS O ZERKAL, Agent for Ukraine, and PROF H KOH, PROF
F SOONS, PROF J THOUVENIN, MS M CHEEK, MR J GIMBLETT,
MR D ZIONTS, MR N GORE, of Counsel, appeared on behalf of
Ukraine

MR D LOBACH, Agent for the Russian Federation, and MR
S WORDSWORTH QC, PROF A PELLET, PROF T TREVES, MR S USOSKIN,
MS A SANDER, of Counsel, appeared on behalf of the Russian
Federation

REGISTRY: DR DIRK PULKOWSKI, Senior Legal Counsel, appeared
for the Permanent Court of Arbitration
ALSO PRESENT:

FOR THE PERMANENT COURT OF ARBITRATION
Ms Ashwita Ambast, Legal Counsel
Mr Juan Ignacio Massun, Legal Counsel

INTERPRETERS (FRENCH-ENGLISH)
Ms Marie Dalcq
Mr Jean-Christophe Pierret

SUBTEXT ASIA
www.subtext.asia
jade.king@subtext.asia
(10.00 am)


The present hearing will concern the parties' arguments in relation to the preliminary objections raised by the Russian Federation.

I am joined today by my colleagues and fellow members of the arbitral tribunal in this proceeding. To my left are Judge Gomez-Robledo and Judge Vladimir Golitsyn; to my right are Judge Boualem Bouguetaia and Prof Vaughan Lowe. My name is Jin-Hyun Paik.

On behalf of the arbitral tribunal, I welcome the agents, co-agents, counsel, advisors, assistants, and observers of Ukraine and the Russian Federation to the hearing, and I express our gratitude to the parties for their cooperation in the conduct of these proceedings.

Pursuant to procedural order number 5, the arbitral tribunal shall sit today, 10 June 2019, and tomorrow, 11 June 2019, for the first round of oral arguments; and on 13 and 14 June 2019 for the second round of oral
arguments.

I now call on the registrar to summarise the procedure to date and to read out the submissions of the parties in respect of the jurisdiction of the arbitral tribunal as formulated in their written pleadings.

DR PULKOWSKI: Thank you, Mr President.

This arbitration was instituted by Ukraine on 16 September 2016 when it served on the Russian Federation a notification under article 287 under Annex VII, article 1 of UNCLOS, a statement of the claim and grounds on which it is based, dated 14 September 2018, in respect of a dispute concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait.

On 12 May 2017, a first procedural meeting with the arbitral tribunal and parties was held at the Peace Palace. At that meeting the procedure to be followed in this arbitration was considered, following which the Rules of Procedure were adopted on 18 May 2017. The Rules of Procedure established a timetable for written pleadings and set out the process for addressing any preliminary objections.


The Russian Federation requested that its
preliminary objections be heard in a preliminary phase of the proceedings.

On 28 May 2018, the arbitral tribunal invited Ukraine to comment on the Russian Federation's request to deal with its preliminary objections in a preliminary phase. Ukraine provided such comments on 18 June 2018. On 4 July 2018, upon the arbitral tribunal's request, the Russian Federation provided its reply to Ukraine's comments of 18 June 2018.

On 20 August 2018, the arbitral tribunal issued procedural order number 3, regarding bifurcation of the proceedings, in which it unanimously, and I quote, decided that "the preliminary objections of the Russian Federation shall be addressed in a preliminary phase of these proceedings."

At the same time, the proceedings on the merits were suspended.

On 27 August 2018, having consulted with the parties, the arbitral tribunal issued procedural order number 4 regarding the timetable for the parties' written pleadings on jurisdiction.

On 27 November 2018, Ukraine filed its written observations concerning the preliminary objections of the Russian Federation.

On 28 January 2019, the Russian Federation filed its
reply.

On 28 March 2019, Ukraine filed its rejoinder. On 8 April 2019, the arbitral tribunal issued procedural order number 5, regarding the schedule for the hearing on jurisdiction, establishing the schedule and modalities for the hearing on the preliminary objections of the Russian Federation.

In its preliminary objections, the Russian Federation states, and I quote:

"For the reasons set out in these preliminary objections the Russian Federation requests the tribunal to adjudge and declare that it is without jurisdiction in respect of the dispute submitted to this tribunal by Ukraine."

In its reply, the Russian Federation affirms, and I quote:

"For the reasons set out in the preliminary objections of the Russian Federation and this reply, the Russian Federation requests the tribunal to dismiss the submissions of Ukraine made in its written observations of 27 November 2018 and to adjudge and declare that it is without jurisdiction in respect of the dispute submitted to this tribunal by Ukraine."

In its written observations, Ukraine states, and I quote:
"For the foregoing reasons, Russia's preliminary objections fail to show that the tribunal lacks jurisdiction over any aspect of the submissions in Ukraine's memorial. Ukraine accordingly:

(a) reiterates and renews the submissions and requests for leave contained in chapter 7 of its memorial;

(b) requests that this tribunal adjudge and declare that its submissions fall within the jurisdiction conferred on the tribunal pursuant to the Convention; and

(c) requests that the tribunal award Ukraine its costs for the jurisdictional phase of these proceedings, pursuant to article 25 of the Rules of Procedure."

In its rejoinder, Ukraine affirms, and I quote:

"For the foregoing reasons, Ukraine reiterates and renews the submissions and requests for relief contained in chapter 7 of its memorial and chapter 6 of its written observations on jurisdiction."

Mr President.

THE PRESIDENT: Thank you, Mr Registrar.

The arbitral tribunal, in consultation with the parties, has fixed a schedule for this hearing. According to the schedule, the Russian Federation will present its first round of oral arguments today. The
time of the Russian Federation will begin to run only
once the initial housekeeping matters have been dealt
with.

Article 27, paragraph 3 of the Rules of Procedure
states that:

"The presentation of the parties' opening statements
at any hearing shall be open to the public."

Paragraph 2 of the procedural order number 5 notes
the parties' agreement that:

"The opening statement of each party's agent in the
first round of oral pleadings will be made accessible to
the public through an online stream available on the
website of the PCA ..."

Accordingly, I note that this portion of the hearing
is being webcast live on the internet. Members of the
diplomatic corps and the general public are also
following this public portion of the hearing in another
room in the Peace Palace. After the opening statement
made by the agent for the Russian Federation this
morning, the webcast will end. No other parts of
today's proceedings will be webcast.

May I now invite the agent for each party to
introduce their delegations. Since the Russian
Federation, which has raised the preliminary objection
in this case, will be heard first today, let me turn the
floor over to the agent to the Russian Federation,
Mr Dmitry Lobach, to introduce the delegation of the
Russian Federation.

MR LOBACH: Mr President, distinguished members of the
Tribunal, it is my privilege and honour to appear before
you as agent for the Russian Federation. Let me first
introduce myself. I am Dmitry Lobach,
ambassador-at-large, Ministry of Foreign Affairs of the
Russian Federation.

I also have the honour to introduce our renowned
counsel who will take the floor in this hearing. They
are Mr Samuel Wordsworth QC, member of the English and
Paris bars, Essex Court Chambers; Professor Alain
Pellet, emeritus professor, University of Paris
Nanterre, member of the Institute of International Law;
Professor Tullio Treves, emeritus professor, University
of Milan, member of the Institute of International Law;
Mr Sergey Usoskin, member of St Petersburg bar; Ms Amy
Sander, member of the English bar, Essex Court Chambers.

Thank you, Mr President.

THE PRESIDENT: Thank you, Mr Lobach.

I now invite the agent for Ukraine, Ms Olena
Zerkal, to introduce the delegation of Ukraine.

MS ZERKAL: Mr President, distinguished members of the
tribunal. It's an honour for me to appear before this
tribunal as Ukraine's agent. My name is Olena Zerkal.
I am the Deputy Minister for Foreign Affairs of Ukraine.
And before I introduce the rest of our delegation,
I would like to take this opportunity to thank you, the
members of the tribunal, for your continued attention to
this critical case. And I would like to thank the
registry for the work that has gone into preparing
today's hearing.

With me is Ambassador Vsevolod Chentsov, the
ambassador of Ukraine to the Kingdom of Netherlands, who
is the co-agent of Ukraine. Ukraine's counsel and
advocates are Prof Harold Koh, Prof Fred Soons, Prof
Jean-Marc Thouvenin, Ms Marney Cheek, Mr Jonathan
Gimblett, Mr David Zionts, Mr Nikhil Gore. Our team of
counsel and advisors are led by Ms Oksana Zolotaryova,
acting head of international department, law department
of the Ministry of Foreign Affairs; Mr Taras Kachka,
advisor to the Ministry of Foreign Affairs of Ukraine.
Also participating in our delegation are Ms Svitlana
Nizhnova and Mr Andrii Kondratov from the National Joint
Stock Company Chornomornaftogaz, which is Ukraine's
offshore natural gas producer; Mr Ivan Ivanchyk, who
works on port and other maritime issues on the Ukrainian
Ministry of Infrastructure; Mr Vladyslav Smirnov, the
Sea Guard of the State Border Guard Service of Ukraine;
and Mr Sergei Lopatiuk, who is an attorney with the State Border Guard Service of Ukraine.

Mr President, this concludes my introduction of the Ukrainian team. Thank you.

THE PRESIDENT: Thank you, Ms Zerkal.

I now request the agent for the Russian Federation to proceed with his opening statement.

Opening submissions by THE RUSSIAN FEDERATION

MR LOBACH: Mr President, distinguished members of the Tribunal. In accordance with the Tribunal’s procedural order number 3 of 20 August 2018 regarding bifurcation of the proceedings, Russia will focus this week exclusively on the issues of this Tribunal’s jurisdiction which, as is common ground, is limited to disputes “concerning the interpretation or application”¹ of the United Nations Convention on the Law of the Sea.

I will introduce Russia’s position on the case, and then outline our jurisdictional objections. In the course of today’s pleading, our counsel will address those objections in detail.

Ukraine asserts that the object of its claim in the current proceedings “is to obtain redress for significant maritime harms”². The key point is, however, that the so-called “maritime claims” that Ukraine puts forward depend substantially on prior determination of which

¹ Article 288(1) of UNCLOS.
² Ukraine’s Rejoinder, p. 1, para. 4.
state is sovereign of Crimea and derived from the change of the Peninsula's status.

Of course, Ukraine submits that this case is not about land sovereignty. Ukraine's counsel have formulated the case in the Statement of Claim and the Memorial using the terminology of the Convention and enumerating various articles allegedly violated by Russia. None of this, however, can change the fact that Ukraine's claims regarding Russia's "actions at sea" concern Russia's legitimate exercise of its coastal State rights in the waters adjacent to the Crimean Peninsula. So, no matter how its submissions have been framed to match the UNCLOS language, it is clear that the thrust of Ukraine's case is the disputed sovereignty over Crimea and appertaining maritime zones.

Mr President, members of the Tribunal. Despite the high regard with which Russia views this Tribunal constituted under Annex VII to UNCLOS and exercising jurisdiction pursuant to article 288 of the Convention, it cannot determine which state is sovereign over Crimea; it is not entitled to determine disputed issues of land territory such as the Crimean Peninsula.

It is clear that the state parties, including Russia, when acceding to UNCLOS, did not consent to confer upon arbitral tribunals, constituted in

---

3 Ukraine’s Rejoinder, p. 3, para. 8.
accordance with Part XV, a power to decide disputes on the sovereignty over land territory that may have a sea coast. Were it otherwise, many states would have brought their territorial disputes within the compulsory dispute settlement under the Convention.

Mauritius' attempt to do this with respect to its sovereignty dispute with the United Kingdom over the Chagos archipelago was rejected. The Annex VII tribunal confirmed that it was without jurisdiction, noting that to read the Convention "as a warrant to assume jurisdiction over matters of land sovereignty on the pretext that the Convention makes use of the term 'coastal State' would do violence to the intent of the drafters of the Convention to craft a balanced text and to respect the manifest sensitivity of States to the compulsory settlement of disputes relating to sovereign rights and maritime territory"4.

Consistent with that finding, when the Philippines brought its claim against China before an Annex VII tribunal, it didn't ask the tribunal to resolve the issue of territorial sovereignty over the Scarborough Shoal and the Spratly Islands. Hence, the tribunal in the South China Sea arbitration emphasised that it was "entirely possible to approach the Philippines' submissions from the premise – as the Philippines

---

4 Chagos Marine Protected Area Arbitration (Mauritius v. United Kingdom), Award, 18 March 2015, para. 219 (UAL-18).
suggests -that China is correct in its assertion of
sovereignty over Scarborough Shoal and the Spratlys”\textsuperscript{5}.
This is not the case in the matter before this
Tribunal. Ukraine's claim relies upon precisely the
reverse premise- that its claim should be approached
from the assumption that Russia is incorrect in its
assertion of sovereignty over Crimea. The Tribunal in
the South China Sea case clearly expressed its intention
“to ensure that its decision neither advances nor
detracts from either Party's claims to land sovereignty”\textsuperscript{6}.

We urge you, Mr President and Members of the
Tribunal, to take the same approach and to ensure that
your decision neither advances nor detracts from either
Party's claim to land sovereignty over Crimea.

The way to achieve that is to conclude that this
Tribunal does not have jurisdiction to determine
Ukraine’s claims premised on its position that it is the
coastal state of Crimea.

Ukraine tries to distinguish the present case from
the well-known precedents to which I have just referred.

It claims, for instance, that the dispute concerning
land sovereignty over Crimea is an abusive claim\textsuperscript{7}, unlike
the one in the Chagos Marine Protected Area case.

We agree that the case of Crimea is in certain
respects different from that of the Chagos Archipelago,

\textsuperscript{5} Philippines v. China, Award on Jurisdiction and Admissibility, p. 60, para. 153
(UAL-3).
\textsuperscript{6} Philippines v. China, Award on Jurisdiction and Admissibility, p. 60, para. 153
(UAL-3).
\textsuperscript{7} Ukraine’s Rejoinder, paras. 26, 28.
but not in any way that assists Ukraine. The Atoll of Diego Garcia is almost 10,000 km away from London and, as was pointed out in this year's Advisory Opinion by the International Court of Justice, the placing of the Archipelago under the British administration in 1965 "was not based on the free and genuine expression of the will of the people concerned". 

As concerns Crimea, by contrast, the Peninsula was an integral part of Russia, not a colony, for more than 170 years, until it was arbitrarily transferred in 1954 within one state, the former USSR, from the Russian Soviet Socialist Republic to the Ukrainian Soviet Socialist Republic without the consent of the people concerned.

Crimea's reunification with Russia, on the contrary, is based on the free and genuine expression of the will of its inhabitants. As we have already noted in our written pleadings, more than 83 per cent of Crimea's electorate took part in the referendum of 2014, preceding the Treaty on the Accession of Crimea to Russia. Over 96 per cent of voters expressed their will to reunite with Russia.

Five years after the referendum, the Crimeans' support for their historic choice has not dwindled, notwithstanding all the hardship they have been

---

9 Russia’s Preliminary Objections, para. 11.
subjected by Ukraine in revenge, including the cutting off of water and electricity supply from the mainland to the Peninsula.

Ukraine's assertion that Russia integrated Crimea in order to exploit Ukraine's resources in the surrounding waters for Russia's own ends is inconsistent with reality. Russia spends approximately one-fifth of total federal budget targeted to all its 85 regions for the economic recovery of Crimea. In no way can Russia's claim to sovereignty over Crimea be characterised as abusive. The reunification of Crimea with Russia occurred well before Ukraine instituted the current proceedings. As early as July 2014, the Russian Federation sent a letter to the International Maritime Organisation, affirming Russia's status as a coastal state in relation to water surrounding Crimea and taking full responsibility for implementation therein of relevant rules of international law, including, where applicable, UNCLOS.

By the time that Ukraine filed its Statement of Claim in September 2016, Crimea had been fully integrated into the legal system of the Russian Federation as well as its social, political and economic life. To circumvent the obvious lack of jurisdiction of this UNCLOS Tribunal to decide territorial disputes,

---

10 Ukraine’s Memorial, p. I, para. 1.
11 Communication from the Government of the Russian Federation as per IMO Circular Letter No. 3471, 7 July 2014, Russia’s Preliminary Objections (RU-36).
Ukraine has invented two novel arguments. It insists that Russia's claim to sovereignty over Crimea is neither admissible nor plausible. As a general observation, it would be hard to find a real territorial dispute where an opposing state does consider the other state's claim in respect of the disputed territory to be plausible.

Mr Sam Wordsworth will further explain why such arguments are untenable. I will limit myself to a few remarks.

First, Ukraine mistakenly asserts that by admitting Russia's principal preliminary objection, the Tribunal will become the first international body to recognize an alteration in the legal status of Crimea. This is incorrect.

By doing that, the Tribunal will only acknowledge that it lacked jurisdiction to pronounce on the legality of the Crimea's status alteration.

Second, in its Rejoinder, Ukraine refers to the recent ICJ Advisory Opinion on the Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965 as confirmation that the General Assembly resolutions draw weight from the Assembly's unique role in the UN Charter system.

But that concerned a very different context arising

---

12 Ukraine’s Rejoinder, p. 6, para. 15.
13 Ukraine’s Rejoinder, p. 10, para. 21.
from the process of decolonisation. In the present context, the General Assembly has no dispute settlement function and no authority to determine whether Russia is or is not breaching international law with respect to Crimea.

Furthermore, contrary to what Ukraine asserts, there is no international consensus on the legal status of Crimea. The support for politicised General Assembly resolutions on Crimea sponsored by Ukraine has been dwindling from year to year. As regards the plausibility argument, it is obvious that Ukraine tries to draw Russia into addressing the merits of the legal dispute on the legality of Crimea's accession to the Russian Federation.

This dispute, however, is outside the scope of the jurisdiction of this Tribunal.

In its Rejoinder, Ukraine added new several arguments. The first concerns an application of the decision of the Chagos arbitration. Ukraine asserts that there is jurisdiction where the dispute over land sovereignty is ancillary or is not where the weight of the dispute lies. But Ukraine's claim that it is the Coastal State of Crimea is at the front and centre of the matter before this Tribunal.

The second new argument is that Russia is allegedly

---

15 Ukraine’s Rejoinder, p. 20, para. 42.
estopped from claiming territorial sovereignty over Crimea because of its past statements. The principle of estoppel cannot apply in the present case. Russia does not contest that for a period of time, Crimea was part of Ukraine. However, this does not change the fact that in 2014, Crimea became an integral part of Russia. The circumstances of this change -- let me repeat our basic point -- are beyond the scope of compulsory dispute settlement under the Convention.

I will remind our Ukrainian counterparts that since the signing of the Helsinki final act in 1975 to which they refer, the interstate borders in Europe have repeatedly changed. There was a reunification of Germany, the dissolution of Yugoslavia, Czechoslovakia, and the Soviet Union. In August 1991, Ukraine itself, citing the mortal danger surrounding Ukraine in connection with the coup d’Etat in the USSR”, and with reference to the right of people to self-determination, declared its independence.

Similarly, in 2014, pursuant to the outcome of the referendum, the people of Crimea declared their will to reunite with Russia.

The principle of territorial integrity has not prevented numerous states from asserting before the ICJ the legality of the Unilateral Declaration of Independence

---

16 Ukraine’s Rejoinder, p. 12, para. 25.
by Kosovo or recognising Kosovo as an independent state.

Moreover, the ICJ concluded that "the adoption of the
Declaration of Independence by Kosovo did not violate
general international law"19.

I will now return to our other objections.

The jurisdiction of the tribunal constituted under
Annex VII to UNCLOS is obviously limited by the scope of
the states' consent to compulsory jurisdiction under
Part XV of UNCLOS.

Professor Alain Pellet will demonstrate that this
Tribunal lacks jurisdiction to hear this dispute because
of the extensive declarations made by both parties in
accordance with article 298 of UNCLOS20.

Specifically, the Russian Federation did not consent
to the mandatory dispute settlement under the Convention
with respect to disputes concerning military activities
or law enforcement activities in regard to the exercise
of sovereign rights or jurisdiction. Yet, the core of
Ukraine's claim relates to the alleged Russian military
conduct in Crimea. Ukraine's claim is ultimately based
on the premise that Russia cannot be sovereign over
Crimea because it unlawfully annexed the Peninsula by
alleged use of force.

As we pointed out in our Reply, Russia strongly
rejects any such claims. Ukraine cannot, however, have

---

20 Russia's Preliminary Objections, pp. 3-4, para. 8.
it both ways. If the Tribunal were to reject Russia's preliminary objection as to sovereignty, accepting Ukraine's allegation that Russia unlawfully used force (quod non), it would then follow that the case concerns military activities and is thus outside its jurisdiction pursuant to the declarations made by both states under Article 298(1)(b).

In addition, delimitation disputes are also excluded from binding settlements in accordance with the Parties' declarations made under Article 298 of UNCLOS. Yet, Ukraine's claims as regards its alleged sovereign rights could not be ruled upon without first delimiting the maritime areas at issue.

Further, the automatic limitation on compulsory dispute settlement procedure provided for in Article 297(3)(a) of UNCLOS applies.

Therefore, any dispute relating to Russia's sovereign rights and their exercise with respect to their living resources in its exclusive economic zone, including in the Black Sea, is excluded from this Tribunal's jurisdiction.

Professor Alain Pellet will also address both States' declaration opting for a special Annex VIII arbitral tribunal to determine disputes related to fisheries, navigation, and protection and preservation of marine
environment, that precludes the jurisdiction of this Tribunal as to the resolution of such disputes.

Mr President, members of the Tribunal, a significant part of Ukraine's case concerns Russia's activities in the Sea of Azov, and the Kerch Strait. However, these maritime areas are not regulated by UNCLOS since they have always been and continue to be internal waters, as Ukraine has recognised on many occasions, including as recently as 2018.

As Professor Tullio Treves will further detail, both States’ shared sovereignty over the Sea of Azov has been inherited from the Russian Empire and the Soviet Union in accordance with the principles of State succession. It is confirmed by the fact of continuous state practice and bilateral agreements. Furthermore, the shared sovereignty over the Sea of Azov has never been contested by any state.

As concerns the Kerch Strait, the Russian Federation has been exercising sovereignty there since the reintegration of Crimea. The Russian Federation recognises certain rights of Ukraine related to the Kerch Strait, for instance, freedom of navigation for Ukrainian ships and a right to free passage for foreign non-military vessels sailing to and from Ukrainian ports in the Sea of Azov by virtue of the 2003
Russian-Ukrainian Treaty on Cooperation in the Sea of Azov and the Kerch Strait.

Ukraine's assertions that Russia intentionally interferes with Ukrainian and international navigation in the Kerch Strait and the Sea of Azov are baseless. The Russian Coast Guard inspects vessels sailing through the Strait in accordance with the Russian law requirements. A temporary increase in the number of such inspections was explained by the need to ensure security of the Crimean Bridge after its first stage was commissioned in 2018, rather than to exert political or economic pressure on Ukraine.

In any event, UNCLOS does not regulate the rights and obligations of coastal states in their internal waters. Accordingly, all of Ukraine's claims pertaining to Russia's activities in the Sea of Azov and the Kerch Strait should be dismissed for lack of jurisdiction.

Today's pleadings of the Russian Federation will be concluded by Mr Sergey Usoskin, who will demonstrate that this Tribunal's jurisdiction is also precluded by Article 281 of UNCLOS.

Russia and Ukraine concluded two bilateral treaties which provided that disputes between them relating to "adjacent sea areas" and "the Kerch Strait" area should be settled exclusively by agreement; in other words, by

21 Ukraine’s letter to the Tribunal regarding the aggravation of the dispute, 27 November 2018, p. 1.
Ukraine has manifestly failed to engage in genuine negotiations with Russia on these matters and thus has not fulfilled the necessary procedural requirements before submitting these issues to the Tribunal.

Mr President, members of the Tribunal, we hope to use our time efficiently and we will be endeavouring to finish well within our allotted time. But before I hand over to our counsel, we note that on 25 May 2019, the International Tribunal for the Law of the Sea rendered its Order on Ukraine's request for the prescription of Provisional Measures in the case concerning the detention of three Ukrainian naval vessels. It will not be a big surprise that the Russian Federation respectfully disagrees with the Order since in Russia's view, the tribunal to be constituted under Annex VII of UNCLOS will not have jurisdiction to rule on Ukraine's claims.

Be that as it may, the said case is different from the one under your consideration and Ukraine itself elected not to seek to include its claim regarding immunity of its warships and servicemen in the current proceedings.

In conclusion, I wish to reiterate that all of Ukraine's claims are misconceived and outside of the
1 scope of the tribunal's jurisdiction. I accordingly
2 urge the tribunal to dismiss them in their entirety.
3 I thank you for your kind attention.
4 May I ask you to call Mr Sam Wordsworth to the
5 podium. Thank you.
6 THE PRESIDENT: Thank you, Mr Lobach.
7 The live transmission of today's hearing will
8 conclude with this opening statement.