

**PRESS RELEASE****DISPUTE CONCERNING THE DETENTION OF UKRAINIAN NAVAL VESSELS AND SERVICEMEN
(UKRAINE V. THE RUSSIAN FEDERATION)**

THE HAGUE, 30 SEPTEMBER 2021

Hearing Concerning Preliminary Objections of the Russian Federation

In its Procedural Order No. 3, issued on 17 September 2021, the Arbitral 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 on the Dispute Concerning the Detention of Ukrainian Naval Vessels and Servicemen, has established the schedule and modalities for a hearing concerning the Russian Federation’s Preliminary Objections to be held at the seat of the Permanent Court of Arbitration (“PCA”) at the Peace Palace, The Hague, in the Netherlands.

The hearing is scheduled to begin on 11 October 2021 and will take place in a hybrid format, with some of the members of the Parties’ delegations and some of the members of the Arbitral Tribunal joining in person and others by videoconference.

Hearing Schedule

In accordance with the schedule fixed by the Arbitral Tribunal, the hearing will be conducted in two rounds. On Monday, 11 October 2021, the Russian Federation will deliver its first round of oral arguments. On Tuesday, 12 October 2021, Ukraine will deliver its first round of oral arguments. On Thursday, 14 October 2021, the Russian Federation will present its second round of oral arguments. On Friday, 15 October 2021, Ukraine will present its second round of oral arguments. If required, a further session of the hearing will be conducted on Saturday, 16 October 2021.

Live-streaming on the Internet

The opening statement made by each Party’s Agent in the first round of oral pleadings will be webcast on the internet via live-streaming. The live-stream may be accessed through the following link:

<https://pca-cpa.org/en/news/hearing-on-preliminary-objections-in-arbitration-concerning-the-detention-of-ukrainian-naval-vessels-and-servicemen/>

The opening statement of the Russian Federation will be delivered on Monday, 11 October 2021, shortly after the hearing commences at 1 p.m. (CEST); the statement is expected to conclude by 1:30 p.m. (CEST).

The opening statement of Ukraine will be delivered on Tuesday, 12 October 2021, shortly after the hearing commences at 1 p.m. (CEST); the statement is expected to conclude by 1:30 p.m. (CEST).

Public Access to the Hearing

Pursuant to Article 28(3) of the Rules of Procedure of the Arbitral Tribunal, only the opening statement made by each Party’s Agent in the first round of oral pleadings will be open to the public. The transcripts for each Party’s opening statements shall be public and published on the PCA website (<https://pca-cpa.org/en/cases/229/>) in due course.

No public access will be available for the remainder of the hearing in any form. However, under Article 28(4) of the Rules of Procedure, transcripts for said portions of the hearing shall be published together with the Arbitral Tribunal's final award, subject to any redactions of confidential information authorized by the Arbitral Tribunal.

Publication of the Parties' Written Pleadings

In accordance with Article 28(2) of the Rules of Procedure, the Parties' written pleadings on the Preliminary Objections, as well as any non-confidential documentary evidence related thereto, shall be published on 11 October 2021 on the PCA website (<https://pca-cpa.org/en/cases/229/>).

Background of the Dispute

The arbitral proceedings were instituted on 1 April 2019 when Ukraine served on the Russian Federation a Notification and Statement of Claim¹ under Annex VII to the 1982 United Nations Convention on the Law of the Sea (UNCLOS). The Notification and Statement of Claim refers to a dispute concerning the detention of Ukrainian naval vessels and servicemen.

The five-member Arbitral Tribunal is chaired by Professor Donald McRae as President (a national of Canada and New Zealand). The other members are Judge Gudmundur Eiriksson (Iceland), Judge Rüdiger Wolfrum (Germany), Judge Vladimir Vladimirovich Golitsyn (Russian Federation), and Sir Christopher Greenwood (United Kingdom). The PCA acts as Registry for the proceedings.

Further information about the proceedings is available on the PCA website at <https://pca-cpa.org/en/cases/229/>. 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 Arbitral Tribunal will be made public unless both Parties agree otherwise.

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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 7 inter-state disputes, 112 investor-State arbitrations, 63 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.

Contact: Permanent Court of Arbitration
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¹ The full title of the document is "Notification under Article 287 and Annex VII, Article 1 of the United Nations Convention on the Law of the Sea and Statement of the Claim and Grounds on which it is Based".