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4 September 2025

By Electronic Mail

Mr. Martin Doe
Deputy Secretary-General
The Permanent Court of Arbitration
Peace Palace, Carnegieplein 2
2517 KJ The Hague
The Netherlands

Re: PCA Case No. 2019-28 (*Dispute Concerning the Detention of Ukrainian Naval Vessels and Servicemen*)

Dear Mr. Doe:

Ukraine writes further to the letter of the Russian Federation dated 21 August 2025 announcing Russia's withdrawal from the present arbitration following the Tribunal's decision of 29 July 2025, which rejected Russia's objections to the constitution of the Tribunal and affirmed that the Tribunal has been properly constituted in accordance with Article 3 of Annex VII to the United Nations Convention on the Law of the Sea (the "Convention").

Ukraine notes that the Tribunal's decision of 29 July 2025 was taken following extensive written exchanges and consultations in which Ukraine and the Russian Federation were provided ample and equal opportunities to be heard. Indeed, Russia expressed its views regarding the procedure for appointing new arbitrators following the resignations of Professor McRae and Judge Wolfrum in no less than twelve separate letters to this Tribunal.¹ After considering the Parties' submissions, the Tribunal, by four votes to one, rejected Russia's objections to the procedure before the President of the International Tribunal for the Law of the Sea ("ITLOS"), and affirmed that it had been properly constituted under Annex VII to the Convention in a sixty-page, reasoned decision that was issued to the Parties on 29 July 2025 and made publicly available on the PCA's website on 6 August 2025.

In these circumstances, the Russian Federation's allegations in its letter of 21 August 2025 regarding supposed procedural irregularities and damage to the integrity of the arbitral process are wholly unfounded and unpersuasive. The Tribunal duly heard and considered both Parties' positions on all the issues raised by Russia: the applicable procedure for the appointment of replacement arbitrators under Annex VII to the Convention; the compliance of the procedure before the President of ITLOS with the requirements of Article 3 of Annex VII; Russia's challenge to Judge Kateka for supposed lack

¹ See letters of the Russian Federation dated 30 April 2024; 7 May 2024; 13 May 2024; 17 May 2024; 29 June 2024; 3 July 2024; 10 July 2024; 22 July 2024; 27 July 2024; 9 August 2024; 6 September 2024; and 6 December 2024.

of independence and impartiality; and the appropriate procedural modalities for deciding these issues. Under Article 288(4) of the Convention, which reflects the well-settled principle of *compétence de la compétence*, the Tribunal properly exercised its authority to settle all questions concerning its jurisdiction. Russia's substantive disagreement with the Tribunal's decision is not a legitimate ground for withdrawing from the proceedings and declaring its intention to treat any future decisions of the Tribunal as null and void.

While Russia's withdrawal of participation is unjustified and regrettable, its unilateral decision cannot prevent the Tribunal from continuing with the proceedings. Article 9 of Annex VII provides:

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. Before making its award, the arbitral tribunal must satisfy itself not only that it has jurisdiction over the dispute but also that the claim is well founded in fact and law.

Pursuant to Article 9, Ukraine hereby requests that the Tribunal continue the proceedings and make its award. Accordingly, Russia's stated intention to no longer defend the case may not constitute a bar to the proceedings.

Ukraine thanks the Tribunal for its continued attention to this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'A. Korynevych', is written over a horizontal line.

Mr. Anton Korynevych
Agent for Ukraine