

№ 3838 /H

The Embassy of the Russian Federation to the Federal Republic of Germany presents its compliments to the International Tribunal for the Law of the Sea and, in response to the communication of the Tribunal for the Law of the Sea of the 21st October 2013 regarding the request for the prescription of provisional measures under Article 290, Paragraph 5 of the United Nations Convention on the Law of the Sea submitted by the Kingdom of the Netherlands in relation to the case concerning the vessel “Arctic Sunrise” has the honor to inform the Tribunal for the Law of the Sea of the following.

The actions of the Russian authorities in respect of the vessel “Arctic Sunrise” and its crew have been and continue to be carried out as the exercise of its jurisdiction, including criminal jurisdiction, in order to enforce laws and regulations of the Russian Federation as a coastal state in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea.

Upon the ratification of the Convention on the 26th February 1997 the Russian Federation made a statement, according to which,

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inter alia, “it does not accept procedures provided for in Section 2 of Part XV of the Convention, entailing binding decisions with respect to disputes [...] concerning law-enforcement activities in regard to the exercise of sovereign rights or jurisdiction”.

Acting on this basis, the Russian Side has accordingly notified the Kingdom of the Netherlands by note verbale (attached) that it does not accept the arbitration procedure under Annex VII to the Convention initiated by the Netherlands in regard to the case concerning the vessel “Arctic Sunrise” and that it does not intend to participate in the proceedings of the International Tribunal for the Law of the Sea in respect of the request of the Kingdom of the Netherlands for the prescription of provisional measures under Article 290, Paragraph 5, of the Convention.

Meanwhile the Russian Federation has stressed its readiness to continue to seek a mutually acceptable solution to this situation.

The Embassy of the Russian Federation to the Federal Republic of Germany avails itself of this opportunity to renew to the International Tribunal on the Law of the Sea the assurances of its highest consideration.

Berlin, 22 October 2013



[Translation by the Registry from the French translation]

No 11945

The Ministry of Foreign Affairs of the Russian Federation presents its compliments to the Embassy of the Kingdom of the Netherlands and, referring to the Note from the Ministry of Foreign Affairs of the Kingdom of the Netherlands No. MinBuza-2013.279583 of 4 October 2013, attached to which is a document entitled "Statement of the Claim and the Grounds on Which It Is Based", and to Note No. MinBuza-2013.292796 of 21 October 2013, regarding the request for the prescription of provisional measures submitted to the International Tribunal for the Law of the Sea in relation to the case concerning the vessel "Arctic Sunrise", has the honour to inform it of the following.

The actions of the Russian authorities in respect of the vessel "Arctic Sunrise" and its crew have been and continue to be carried out as the exercise of the jurisdiction, including criminal jurisdiction, of the Russian Federation in order to enforce laws and regulations of the Russian Federation as a coastal State in accordance with the relevant provisions of the 1982 United Nations Convention on the Law of the Sea.

Upon ratification of the Convention on 26 February 1997 the Russian Federation made a declaration according to which, *inter alia*, "it does not accept the procedures, provided for in section 2 of Part XV of the Convention, entailing binding decisions with respect to disputes ... concerning law-enforcement activities in regard to the exercise of sovereign rights or jurisdiction".

Accordingly, the Russian Side does not accept the arbitration procedure under Annex VII to the Convention initiated by the Netherlands in regard to the case concerning the vessel "Arctic Sunrise" and does not intend to participate in the proceedings of the International Tribunal for the Law of the Sea in respect of the request of the Kingdom of the Netherlands for the prescription of provisional measures under article 290, paragraph 5, of the Convention.

While so acting, the Russian Federation stresses its readiness to continue to seek a mutually acceptable solution to this situation.

The Ministry avails itself of this opportunity to renew to the Embassy the assurances of its high consideration.

(stamp)
Moscow, 22 October 2013

Embassy of the Kingdom
of the Netherlands
in Moscow