

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



2013

Public sitting

held on Friday, 22 November 2013, at 3 p.m.,
at the International Tribunal for the Law of the Sea, Hamburg,

President Shunji Yanai presiding

THE “ARCTIC SUNRISE” CASE

(Kingdom of the Netherlands v. Russian Federation)

Verbatim Record

<i>Present:</i>	President	Shunji Yanai
	Vice-President	Albert J. Hoffmann
	Judges	Vicente Marotta Rangel
		L. Dolliver M. Nelson
		P. Chandrasekhara Rao
		Joseph Akl
		Rüdiger Wolfrum
		Tafsir Malick Ndiaye
		José Luís Jesus
		Jean-Pierre Cot
		Stanislaw Pawlak
		Helmut Türk
		James L. Kateka
		Zhiguo Gao
		Boualem Bouguetaia
		Vladimir Golitsyn
		Jin-Hyun Paik
		Elsa Kelly
		David Attard
		Markiyan Kulyk
	Judge <i>ad hoc</i>	David Anderson
	Registrar	Philippe Gautier

The Kingdom of the Netherlands is represented by:

Ms Liesbeth Lijnzaad, Legal Adviser, Ministry of Foreign Affairs,

as Agent;

Mr René Lefeber, Deputy Legal Adviser, Ministry of Foreign Affairs,

as Co-Agent;

and

Mr Thomas Henquet, Legal Counsel, Ministry of Foreign Affairs,

Mr Erik Franckx, Professor, Vrije Universiteit Brussel, Department of International and European Law, Centre for International Law, Belgium,

as Counsel and Advocates.

The Russian Federation is not represented.

1 **THE REGISTRAR** (*Interpretation from French*): The Tribunal will today deliver its
2 Order in the “*Arctic Sunrise*” Case, Request for the prescription of provisional
3 measures, Case No. 22 on the List of cases. The case was submitted to the Tribunal
4 on 21 October 2013 by the Kingdom of the Netherlands against the Russian
5 Federation.

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7 By a note verbale dated 22 October 2013, the Embassy of the Russian Federation in
8 Berlin informed the Tribunal “that it does not intend to participate in the proceedings
9 of the International Tribunal for the Law of the Sea in respect of the request of the
10 Kingdom of the Netherlands for the prescription of provisional measures under
11 Article 290, Paragraph 5, of the Convention”.

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13 The Tribunal heard the oral arguments of the Kingdom of the Netherlands at a public
14 sitting held on 6 November 2013.

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16 (*Continued in English*) At the end of the public sitting held on 6 November 2013, the
17 following final submissions were made by the Kingdom of the Netherlands:

18
19 The Kingdom of the Netherlands requests the International Tribunal for
20 the Law of the Sea with respect to the dispute concerning the “*Arctic*
21 *Sunrise*”,

22
23 to declare:

- 24
25 a) that the Tribunal has jurisdiction over the request for provisional
26 measures;
27 b) the arbitral tribunal to which the dispute is being submitted has
28 *prima facie* jurisdiction;
29 c) the claim is supported by fact and law;

30
31 to order, by means of provisional measures, the Russian Federation:

- 32
33 d) to immediately enable the “*Arctic Sunrise*” to be resupplied, to
34 leave its place of detention and the maritime areas under the
35 jurisdiction of the Russian Federation and to exercise the freedom
36 of navigation;
37 e) to immediately release the crew members of the “*Arctic Sunrise*”,
38 and allow them to leave the territory and maritime areas under the
39 jurisdiction of the Russian Federation;
40 f) to suspend all judicial and administrative proceedings, and refrain
41 from initiating any further proceedings, in connection with the
42 incidents leading to the dispute concerning the ‘*Arctic Sunrise*’,
43 and refrain from taking or enforcing any judicial or administrative
44 measures against the “*Arctic Sunrise*”, its crew members, its
45 owners and its operators; and
46 g) to ensure that no other action is taken which might aggravate or
47 extend the dispute.

48
49 Mr President.

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51 **THE PRESIDENT:** Thank you, Mr Registrar.
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1 At the outset, I would like to note that Judge Lucky is prevented by illness from sitting
2 on the bench.

3
4 I now call on the Agent of the Kingdom of the Netherlands, Ms Liesbeth Lijnzaad, to
5 introduce the delegation of the Kingdom of the Netherlands.

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7 *[Ms Lijnzaad notes the representation of the Kingdom of the Netherlands.]*

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9 **THE PRESIDENT:** Thank you, Ms Lijnzaad.

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11 I will now read extracts from the Order in the “*Arctic Sunrise*” Case.

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13 *[The President reads the extracts.]*

14
15 The sitting is now closed.

16
17 *(The sitting closes at 3.45 p.m.)*