

(b) Letter dated 24 October 2013 from the Agent of the Netherlands to the Registrar stating that the request for provisional measures is maintained



Ministry of Foreign Affairs

International Tribunal for the Law of the Sea
Mr Philippe Gautier, Registrar
Am Internationalen Seegerichtshof 1
22609 HAMBURG

Legal Affairs Department
Postbus 20061
2500 EB The Hague
The Netherlands
www.government.nl

Contact
International Law Division
T +31 (0) 70 348 4855
F +31 (0) 70 348 5128
djz-ir@minibuzza.nl

Our reference
MinBuza-2013.296995

Date 24 October 2013
Re The *Arctic Sunrise* Case (Case No. 22)

Dear Mr Gautier,

With reference to your letter dated 23 October 2013, the Kingdom of the Netherlands notes, with regret, that the Russian Federation does not accept the arbitration procedure under Annex VII to the Convention in regard to the case concerning the ‘Arctic Sunrise’ and that it does not intend to participate in the proceedings of the International Tribunal for the Law of the Sea (‘Tribunal’) 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, dated 21 October 2013 (‘Request for Provisional Measures’).

The Kingdom of the Netherlands welcomes the readiness of the Russian Federation to continue to seek a mutually acceptable solution to the situation, and anticipates engaging with the Russian Federation in the near future.

Nonetheless, the Kingdom of the Netherlands maintains its Request for Provisional Measures for the reasons set out therein, in particular given the urgency of the situation.

It is the position of the Kingdom of the Netherlands that in the present case the declaration of the Russian Federation upon ratification of the Convention does not affect the jurisdiction of the arbitral tribunal to be constituted under Annex VII of the Convention, nor the jurisdiction of the Tribunal in connection with the Request for Provisional Measures. In this respect, the Kingdom of the Netherlands refers to paragraph 13 of the ‘Statement of claim and the grounds upon which it is based’ annexed to its notification to the Russian Federation instituting the proceedings before the arbitral tribunal, dated 4 October 2013 (see Annex 1 to the Request for Provisional Measures).

In light of the foregoing, in accordance with Article 28 of the Statute of the Tribunal, the Kingdom of the Netherlands respectfully requests the Tribunal to continue the proceedings and make its decision on the Request for Provisional Measures, even if, regrettably, these proceedings would be in default of appearance by the Russian Federation.

Finally, in order to explore the possibilities of finding a mutually acceptable solution to this situation between the parties, and keeping in mind the urgency of this situation, the Kingdom of the Netherlands respectfully suggests that the hearing scheduled for 5 and 6 November 2013 be deferred until 6 and 7 November 2013.

Yours sincerely,



Liesbeth Lijnzaad
Agent for the Kingdom of the Netherlands

Legal Affairs Department
International Law Division

Date
24 October 2013

Our reference
MinBuza-2013.296995