

## **APPLICATION OF JAPAN**



INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

**THE 88<sup>TH</sup> HOSHINMARU**

**JAPAN    V.    RUSSIAN FEDERATION**

**(APPLICANT)      (RESPONDENT)**

**APPLICATION FOR THE PROMPT RELEASE OF A VESSEL AND ITS CREW**

6 JULY 2007

**APPLICATION FOR PROMPT RELEASE OF  
THE VESSEL AND THE CREW OF THE 88<sup>TH</sup> HOSHINMARU**

**Application of Japan**

**A. Introduction**

1. Pursuant to Article 292 of the United Nations Convention on the Law of the Sea (hereinafter “the Convention”), the Applicant requests the International Tribunal for the Law of the Sea (hereinafter “the Tribunal”), by means of a judgment:
  - a. to declare that the Tribunal has jurisdiction under Article 292 of the Convention to hear the application concerning the detention of the vessel and the crew of the 88<sup>th</sup> *Hoshinmaru* (hereinafter “the *Hoshinmaru*”) in breach of the Respondent’s obligations under Article 73(2) of the Convention;
  - b. to declare that the application is admissible, that the allegation of the Applicant is well-founded, and that the Respondent has breached its obligations under Article 73(2) of the Convention; and
  - c. to order the Respondent to release the vessel and the crew of the *Hoshinmaru*, upon such terms and conditions as the Tribunal shall consider reasonable.
2. The Applicant makes this application based on Articles 73 and 292 of the Convention. Supporting documents, as listed below, are attached to this Application.
3. Pursuant to Article 56 (2), of the Rules of the Tribunal, Mr. Ichiro KOMATSU, Director-General of the International Legal Affairs Bureau, Ministry of Foreign Affairs of Japan has been appointed by the Government of Japan as its Agent for the purpose of all proceedings in connection with this Application. The Government of Japan has also appointed Mr. Tadakatsu ISHIHARA, Consul-General of Japan in Hamburg as its Co-agent for the purpose of all

proceedings in connection with this Application.

4. The Government of Japan gives the following contact details for the communications between the Court and the Government of Japan.

Address:

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## **B. Statement of Facts**

### **(a) General Overview**

5. This Application is made in respect of the *Hoshinmaru*, a Japanese fishing vessel which was boarded in the Russian exclusive economic zone (hereinafter “EEZ”) by the authorities of the Respondent on 1 June 2007 and which was detained since 3 June 2007 in the Russian port of Petropavlovsk-Kamchatskii.
6. The *Hoshinmaru* is a fishing vessel owned and operated by Ikeda Suisan Co., a Japanese company registered at 370, Ashizaki, Nyuzen-machi, Shimoniikawa-gun, Toyama Prefecture, Japan. The *Hoshinmaru* was flying the Japanese flag at the time of detention and retains Japanese nationality at the time of filing of this Application. It is registered at Nyuzen-machi. The *Hoshinmoru* is a vessel of 173 tons. It has a cargo capacity of 22.48 cubic meters for freezer and of 140.35 cubic meters for cargo. Its estimated value is 18,843,000 yen. Documents that evidence

the ownership and specifications of the *Hoshinmaru* and support the estimate of value are attached as Annex 1.

7. The *Hoshinmaru* had 17 Japanese crew members including its Master, all of whom remain in detention in Petropavlovsk-Kamchatskii.
8. Both criminal proceedings against the Master of the vessel and administrative proceedings against the owner of the vessel have been instituted by the authorities of the Respondent. No bond or other security has been fixed which would enable the vessel and crew to leave Petropavlovsk-Kamchatskii upon its posting.

**(b) The Sequence of Events**

9. The *Hoshinmaru* was licensed by the Respondent to fish in the Respondent's EEZ during the period between 15 May and 31 July 2007 (see Annex 2). Pursuant to that licence, the *Hoshinmaru* was fishing in the Respondent's EEZ off the eastern coast of the Kamchatka Peninsula.
10. The *Hoshinmaru* was off the eastern coast of the Kamchatka Peninsula when it was boarded by officials from a patrol boat belonging to the Respondent. The *Hoshinmaru* was ordered to stop at around 08:30 (Japan Standard Time) on 1 June 2007 by the patrol boat and boarded at 12:00 (Japan Standard Time) on 1 June 2007 by three officials belonging to the authorities of the Respondent. It was re-routed to the Respondent's port of Petropavlovsk-Kamchatskii on 3 June 2007, where the vessel and its crew have been detained since 5 June 2007.
11. The arrest of the *Hoshinmaru* was mentioned in a letter dated 2 June 2007 from Major-General Lebedev, Federal Security Service of the Russian Federation to Mr. Takumi Nakano, Vice-Consul, Consulate-General of Japan in Vladivostok (see

Annex 3) and by a general description of the case written by the Federal Security Service of the Russian Federation delivered to Mr. Takumi Nakano, Vice-Consul, Consulate-General of Japan in Vladivostok (see Annex 4). According to these documents, the place of boarding was at 56-09N, 165-28E, which lies within the Respondent's EEZ. The former letter alleged that the amount and the kind of fish actually carried by the *Hoshinmaru* appeared to differ from those which had been recorded in its logbook, and that this discrepancy constituted a violation of domestic law of the Respondent.

12. A letter dated 26 June 2007 from the Northeast Border Coast Guard Directorate, Federal Security Service of the Russian Federation to the Consulate-General of Japan in Vladivostok (see Annex 5) mentioned that a criminal investigation had been initiated against the Master of the *Hoshinmaru*. According to the explanation by an official of the Northeast Border Coast Guard Directorate to the Consulate-General of Japan in Vladivostok, administrative proceedings against the owner have also been instituted and the investigation against the owner would continue. The crew was ordered not to leave the city of Petropavlovsk-Kamchatskii. The crew remains under detention.
13. The authorities of the Respondent inspected the cargo of the *Hoshinmaru* on 7 June at the port of the Petropavlovsk-Kamchatskii. The allegedly illegal catch of the *Hoshinmaru* was seized and is held in custody by the authorities of the Respondent, and the rest of the catch is conserved in the vessel of the *Hoshinmaru*.
14. More than four weeks have passed since the time of time of detention of the vessel and the crew of the *Hoshinmaru* and its crew, and no bond or other security has been fixed which would enable the vessel and its crew to leave Petropavlovsk-Kamchatskii upon its posting.

(c) **Communications between the Government of Japan and the Government of the Russian Federation**

15. The Applicant has demanded to the Respondent the prompt release of the *Hoshinmaru* and its crew. On 6 June 2007, a Note Verbale was conveyed from Mr. Takashi Kurai, Minister, Embassy of Japan in the Russian Federation to Mr. O.V. Ivanov, Deputy Director, First Asian Department, Ministry of Foreign Affairs of the Russian Federation (see Annex 6). In this Note Verbale, the Japanese Embassy urged immediate action to set a reasonable bond or other security, and to release the *Hoshinmaru* promptly upon the posting of the bond or other security in accordance with Article 73 (2) of the Convention.
16. The Consulate-General of Japan in Vladivostok also sent a letter for the same purpose to the Representative Office of the Ministry of Foreign Affairs of the Russian Federation in Petropavlovsk-Kamchatskii on 8 June 2007 (see Annex 7), attaching a duplicate of the Note Verbale of the Embassy cited above.
17. On 9 June 2007, Mr. Tomonori Hasegawa, Acting Consul-General of Japan in Vladivostok, made the same request by telephone to Major-General A.A Lebedev, Federal Security Service of the Russian Federation.
18. Thereafter, the Applicant continued to make similar démarches to the Respondent, such as those delivered by Mr. Akira Muto, Director, Russian Division, Ministry of Foreign Affairs of Japan to Mr. A.V. Costin, Counsellor, Embassy of the Russian Federation in Japan on 12 June 2007 and by Mr. Yasuo Saito, Ambassador Extraordinary and Plenipotentiary of Japan to the Russian Federation to Mr. A.P. Losyukov, Deputy Foreign Minister of the Russian Federation on 21 June 2007.



19. In these communications, the Applicant referred to the obligation to release the vessel and the crew promptly upon the posting of reasonable bond or other security under Article 73(2) of the Convention. The Applicant also referred to Article 292(1) of the Convention and reminded the Respondent that, failing an agreement within 10 days from the time of detention by the parties on the court or tribunal to which the question of release from detention may be submitted, the question could be submitted to the Tribunal.
20. Despite the Japanese démarches, no bond or other security that would allow the release of the *Hoshinmaru* and its crew upon its posting has been set by the Respondent.

### **C. The Tribunal's Jurisdiction and the Admissibility of the Application**

#### **(a) Jurisdiction**

21. Both the Applicant and the Respondent are Parties to the Convention. Japan ratified the Convention on 20 June 1996 and the Convention entered into force for Japan on 20 July 1996. The Russian Federation ratified the Convention on 12 March 1997 and the Convention entered into force for the Russian Federation on 11 April 1997. The *Hoshinmaru* and its crew has been detained since 3 June 2007.
22. Article 292 of the Convention reads as follows:

*“Article 292 Prompt release of vessels and crews*

1. Where the authorities of a State Party have detained a vessel flying the flag of another State Party and it is alleged that the detaining State has not complied with the provisions of this Convention for the prompt release of the vessel or its crew upon the posting of a reasonable bond or other

financial security, the question of release from detention may be submitted to any court or tribunal agreed upon by the parties or, failing such agreement within 10 days from the time of detention, to a court or tribunal accepted by the detaining State under article 287 or to the International Tribunal for the Law of the Sea, unless the parties otherwise agree.

2. The application for release may be made only by or on behalf of the flag State of the vessel.

3. The court or tribunal shall deal without delay with the application for release and shall deal only with the question of release, without prejudice to the merits of any case before the appropriate domestic forum against the vessel, its owner or its crew. The authorities of the detaining State remain competent to release the vessel or its crew at any time.

4. Upon the posting of the bond or other financial security determined by the court or tribunal, the authorities of the detaining State shall comply promptly with the decision of the court or tribunal concerning the release of the vessel or its crew.”

23. The Applicant applied to the Respondent for the prompt release of the vessel and the crew of the *Hoshinmaru*. The Applicant and the Respondent did not agree to submit the question of the release to any other court or tribunal within 10 days from the date of detention. Article 292 of the Convention specifies the Tribunal as the court or tribunal to which the question of prompt release can be submitted failing an agreement upon submission to some other court or tribunal. The Union of Soviet Socialist Republics, the predecessor of the Respondent, recognized “the competence of the International Tribunal for the Law of the Sea, as provided for in article 292, in matters relating to the prompt release of detained vessels and crews” in its declaration on the occasion of the signature of the Convention on 10 December 1982 (see Annex 8). The Applicant did not make any such declaration

or statement upon the signature or the ratification of the Convention.

24. The *Hoshinmaru* is a fishing vessel which was flying the Japanese flag at the time of detention and retains Japanese nationality at the time of filing this Application.

25. Accordingly, the Applicant has at all material times been, and still is, the flag state of the *Hoshinmaru*, and the Tribunal has jurisdiction over this Application for the prompt release of the vessel of the *Hoshinmaru* and its crew under Article 292 and Annex VI of the Convention.

**(b) Time elapsed since the initial boarding of the vessel enables the Tribunal to render judgment**

26. There is a question whether sufficient time has elapsed since the arrest and the start of the detention of the *Hoshinmaru*.

27. The Tribunal has rendered several judgments based on Articles 73(2) and 292 of the Convention. The time that elapsed between the date of arrest and the submission of the application to the Tribunal varied in these cases. Nevertheless, judging by preceding cases and by the reference to a 10-day period in Article 292(1) for agreement upon a court or tribunal to which to submit a question of prompt release, it could be considered that it is necessary for some time to have passed after the detention before a prompt release application is made to the Tribunal.

28. In the *M/V Saiga* case, the vessel was arrested by Guinea on 28 October 1997. Saint Vincent and Grenadines filed the application of the case to the Tribunal half a month after the arrest, on 13 November 1997. In the *Monte Canfurco* case, the vessel was boarded by French officials on 8 November 2000. Seychelles filed its application to the Tribunal about 20 days after the arrest, on 27 November 2000.

29. In the past six cases in which the Tribunal ordered the prompt release of vessels or crew, the Respondents in four cases (*Camouco* case, *Monte Confurco* case, *Grand Prince* case, *Juno Trader* case) had set the bond within approximately 2-3 weeks after the initial arrest.
30. In the present case, more than four weeks have passed since the arrest of the *Hoshinmaru*. It is clear that a sufficient period of time has elapsed between the arrest of the vessel and the filing of the case.
31. The Applicant has made this Application reluctantly and after sustained and serious attempts to find an agreed solution to what has become an increasingly urgent problem. The arrest and detention of the *Hoshinmaru* by the Respondent is not an isolated incident: this is part of a pattern of illegal measures taken by the Respondent against fishing vessels flying the Japanese flag in the Northwest Pacific Ocean. For example, the 3<sup>rd</sup> *Kaiyomaru* was arrested on 14 March 2003 and it with its crew was released on 21 January 2004 after detention of more than 10 months. The 63<sup>rd</sup> *Yoshieimaru* was arrested on 28 July 2004, and its Master was released on 20 November 2004 after detention for nearly four months. The 28<sup>th</sup> *Marunakamaru* was arrested by the Respondent on 9 February 2005 and its Master was released on 4 May 2005 after detention for three months. The 35<sup>th</sup> *Jinpomaru* was arrested on 17 March 2005 and its Master was released 1 June 2005 after detention for two and a half months.
32. From 2 to 4 November 2006 the 53<sup>rd</sup> *Tomimaru*, the 5<sup>th</sup> *Youkeimaru* and *Gyokuryumaru* were arrested by the Respondent. The Applicant has made a separate Application concerning the prompt release of the 53<sup>rd</sup> *Tomimaru*, which remains in detention. The *Gyokuryumaru* and its crew were released on 29<sup>th</sup> December 2006. The 5<sup>th</sup> *Youkeimaru* and its crew (except for the Master) were released on 12 January 2007, and the Master was allowed to leave for Japan on 28 February 2007. This is not an exhaustive list. In many other cases, vessels and

members of crew had been detained for several months or more by the Respondent.

33. It is not the intention of the Applicant to request the Tribunal to render judgment on the illegality of detentions of other vessels and their Masters than the *Hoshinmaru* in the present proceeding. (The Applicant is requesting the Tribunal in a separate application to render judgment on the illegality of the detention of the vessel of the 53<sup>rd</sup> *Tomimaru*). The Applicant puts these facts before the Tribunal to explain why its patience has been exhausted and it now considers no reasonable alternative is available except to seek the enforcement of its rights under the Convention. The Applicant does, however, reserve all of its rights under international law to pursue the State responsibility of the Respondent in respect of violations of its duties under the Convention concerning the prompt release of those other vessels and their crews.

**(c) The Tribunal can render judgment although domestic proceedings are continuing and even if the vessel is confiscated**

34. Proceedings have been instituted against the Master of the *Hoshinmaru* by the authorities of the Respondent and these proceedings are continuing. However, it is the very purpose of the prompt release provisions in the Convention to secure the release of vessels and crews before proceedings in the arresting State's courts conclude, and to prevent the confiscation of vessels and detention of crews without the fixing of bonds permitting the prompt release of vessels and crew.

35. The effect of continuing domestic procedures was considered in the *Camouco* case. There the Tribunal stated:

“55. The other objection to admissibility pleaded by the Respondent is that domestic legal proceedings are currently pending before the court of

appeal of Saint-Denis involving an appeal against an order of the court of first instance at Saint Paul, whose purpose is to achieve precisely the same result as that sought by the present proceedings under article 292 of the Convention. The Respondent, therefore, argues that the Applicant is incompetent to invoke the procedure laid down in article 292 as ‘a second remedy’ against a decision of a national court and that the Application clearly points to a ‘situation of *lis pendens* which casts doubt on its admissibility’. The Respondent draws attention in this regard to article 295 of the Convention on exhaustion of local remedies, while observing at the same time that “strict compliance with the rule of the exhaustion of local remedies, set out in article 295 of the Convention, is not considered a necessary prerequisite of the institution of proceedings under article 292’.

56. The Applicant rejects the argument of the Respondent and maintains that its taking recourse to local courts in no way prejudices its right to invoke the jurisdiction of the Tribunal under article 292 of the Convention.

57. In the view of the Tribunal, it is not logical to read the requirement of exhaustion of local remedies or any other analogous rule into article 292. Article 292 of the Convention is designed to free a ship and its crew from prolonged detention on account of the imposition of unreasonable bonds in municipal jurisdictions, or the failure of local law to provide for release on posting of a reasonable bond, inflicting thereby avoidable loss on a ship owner or other persons affected by such detention. Equally, it safeguards the interests of the coastal State by providing for release only upon the posting of a reasonable bond or other financial security determined by a court or tribunal referred to in article 292, without prejudice to the merits of the case in the domestic forum against the vessel, its owner or its crew.

58. Article 292 provides for an independent remedy and not an appeal against a decision of a national court. No limitation should be read into article 292 that would have the effect of defeating its very object and

purpose. Indeed, article 292 permits the making of an application within a short period from the date of detention and it is not normally the case that local remedies could be exhausted in such a short period.”

*(The Camouco case, Judgment, 7 February 2000)*

36. For these reasons, the present Application falls within the Tribunal’s jurisdiction and is admissible.

## **D. The Respondent is in Breach of its Obligations of Prompt Release**

### **(a) General considerations**

37. There is no doubt from the facts set out in Section B above that the vessel of the *Hoshinmaru* was arrested and detained by the authorities of the Respondent. The owner of the vessel has been ready and willing to post bonds or other security necessary for the release of the vessel and its crew, provided that it is reasonable, and remains ready and willing to do so. However, no bond or other security has yet been set by the Respondent and the *Hoshinmaru* and its crew have not been released.

38. It is clear from the provision of Article 73(2) of the Convention, interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the Article, that the Respondent is under an obligation to fix a reasonable bond or other security in respect of arrested vessels and their crew and to release the arrested vessels and their crew promptly upon the posting of that bond or security. Article 73 of the Convention reads as follows:

#### *Article 73*

*Enforcement of laws and regulations of the coastal State*

1. The coastal State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Convention.
  2. Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security.
  3. Coastal State penalties for violations of fisheries laws and regulations in the exclusive economic zone may not include imprisonment, in the absence of agreements to the contrary by the States concerned, or any other form of corporal punishment.
  4. In cases of arrest or detention of foreign vessels the coastal State shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.
39. Article 73 strikes a fair balance between the interests of the flag State and that of the coastal State. The Tribunal, in the *Monte Confurco* case, identified the nature of Article 73 as follows:
- “70. Article 73 identifies two interests, the interest of the coastal State to take appropriate measures as may be necessary to ensure compliance with the laws and regulations adopted by it on the one hand and the interest of the flag State in securing prompt release of its vessels and their crews from detention on the other. It strikes a fair balance between the two interests. It provides for release of the vessel and its crew upon the posting of a bond or other security, thus protecting the interests of the flag State and of other persons affected by the detention of the vessel and its crew. The release from detention can be subject only to a “reasonable” bond.
71. Similarly, the object of article 292 of the Convention is to reconcile the



interest of the flag State to have its vessel and its crew released promptly with the interest of the detaining State to secure appearance in its court of the Master and the payment of penalties.”

*(The Monte Confurco case, Judgment, 18 December 2000)*

40. The Applicant fully accepts that the Respondent has an interest in taking effective measures to ensure compliance with its domestic laws and regulations concerning its sovereign rights in its EEZ. The rights and interests of the coastal State, however, are not absolute and they do not exist in isolation. The flag State also has rights and interests. A fair balance must be struck between these rights and interests; and this is precisely what Article 73 aims at by creating a right to demand prompt release upon the posting of a reasonable bond or other security. In the present case, the rights of the Applicant, as the flag State of the *Hoshinmaru* to secure prompt release of the vessel in question have clearly been infringed by the Respondent.

**(b) The *Hoshinmaru* and its crew are “detained”**

41. As has been observed in Section B above, the vessel was arrested and detained by the Respondent. There can be no doubt that the *Hoshinmaru* and its crew have been under the control of the authorities of the Respondent since 3 June 2007, and remain under its control at the present time.

**(c) The vessel has not been “promptly” released**

42. As is clear from the facts described in Section B above, more than four weeks have passed since the arrest by the Respondent’s officials of the *Hoshinmaru*. The Respondent has not released the *Hoshinmaru* “promptly” as required by Article 73(2) of the Convention.

(d) **State responsibility: reservation of rights**

43. Under international law, a State responsible for an internationally wrongful act is under an obligation to cease that act and to ensure that it is not repeated. Also, the responsible State is under an obligation to make full reparation for the injury caused by the international wrongful act. (See respectively ILC Articles on Responsibility of States for Internationally Wrongful Acts, annexed to GA resolution 56.83, 12 December 2001, Articles 30 and 31.).
44. This Application is concerned only with the prompt release of the *Hoshinmaru* and its crew. The Applicant reserves all rights to pursue the responsibility of the Respondent under international law arising from detention of the vessel and the crew, including the question of reparation.

**E. Bonds in the Present Case**

45. The Respondent has failed to fulfill its obligation to set a reasonable bond or other security and to permit the prompt release of the *Hoshinmaru* and its crew upon its posting. The approach of the Tribunal to the determination of reasonableness of bonds or other security is now well established. In the *Volga* case the Tribunal said:
- “63. In its previous judgments, the Tribunal indicated some of the factors that should be taken into account in assessing a reasonable bond for the release of a vessel or its crew under article 292 of the Convention. In the “*Camouco*” Case, the Tribunal indicated factors relevant in an assessment of the reasonableness of bonds or other financial security, as follows:

The Tribunal considers that a number of factors are

relevant in an assessment of the reasonableness of bonds or other financial security. They include the gravity of the alleged offences, the penalties imposed or imposable under the laws of the detaining State, the value of the detained vessel and of the cargo seized, the amount of the bond imposed by the detaining State and its form.

*(The Volga case, Judgment, 23 December 2002).*

64. In the “*Monte Confurco*” Case, the Tribunal confirmed this statement and added that “[t]his is by no means a complete list of factors. Nor does the Tribunal intend to lay down rigid rules as to the exact weight to be attached to each of them” (Judgment of 18 December 2000, paragraph 76).”

*(The Volga Case, Judgment, 23 December 2002)*

46. It appears that the Applicant and the Respondent are in agreement concerning the approach to the determination of what is a ‘reasonable’ bond or other security.
47. The approach to the determination of a ‘reasonable’ bond or other security was addressed by the Respondent in the *Volga* case. It said that:

“The Russian Federation says that in the previous cases of the Tribunal the reasoning and outcomes show a consistent approach to the question of bonding and prompt release, which should be followed in this case. The cases show the Tribunal setting bonds at a percentage – and we are not saying this is some kind of mathematical formula – of the total potential exposure to fines and confiscation varying in amounts between 9 per cent and 25 per cent.

.....

... those cases are examples of the principles in action which the Russian Federation says should be applied to this case when you look at the proposal of the

bonding arrangements and the dollar values of the bonding arrangements in this case”

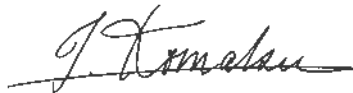
[*The Volga Case*, Hearing, 12 December 2002, a.m., pp.12, 13]

48. The Applicant concurs with the above opinion of the Respondent.
  
49. The Applicant also considers that the bond or other security must be reasonable not only as regards its amount but as regards the other conditions attached to it. Thus, in order to be reasonable a bond or other security must be set promptly and subject to reasonable conditions regarding the form and manner of posting, so that it is possible for the owner to post the bond or other security promptly and secure the release of the vessel.

<sup>F</sup>  
SUBMISSIONS

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~~51~~ For the reasons set above, the Applicant requests the Tribunal, by the means of a judgment:
- a. to declare that the Tribunal has jurisdiction under Article 292 of the Convention to hear the application concerning the detention of the vessel and the crew of the “88<sup>th</sup> *Hoshinmaru*” (hereinafter, the *Hoshinmaru*) in breach of the Respondent’s obligations under Article 73(2) of the Convention;
  - b. to declare that the application is admissible, that the allegation of the Applicant is well-founded, and that the Respondent has breached its obligations under Article 73(2) of the Convention; and
  - c. to order the Respondent to release the vessel and the crew of the *Hoshinmaru*, upon such terms and conditions as the Tribunal shall consider reasonable.

[signature]



Agent of Japan

6 July 2007

**List of Annexed Documents**

1. Fishing Vessel Original Register and crew list of the “88th Hoshinmaru”
2. 2007 License for fishing living aquatic resources issued by the Russian Federation
3. Letter dated 2 June 2007 from Major-General Lebedev, Federal Security Service of the Russian Federation to Mr. Takumi Nakano, Vice-Consul of the Consulate-General of Japan in Vladivostok (No.21/705/1/1/3008)
4. General description of the case written by the Federal Security Service of the Russian Federation
5. Letter dated 26 June 2007 from the Northeast Border Directorate, Federal Security Service of the Russian Federation to the Consulate-General of Japan in Vladivostok (No. 21/705/26/22)
6. Letter dated 26 June 2007 from the Secretariat of the Northeast Border Coast Guard Directorate of the Federal Security Service of the Russian Federation
7. Note Verbale dated 6 June 2007 from the Embassy of Japan in the Russian Federation to the Ministry of Foreign Affairs of the Russian Federation (A-96-07)
8. Letter dated 8 June 2007 from the Consulate-General of Japan in Vladivostok to the Representative Office of the Ministry of Foreign Affairs of the Russian Federation in Petropavlovsk-Kamchatskii
9. Note Verbale dated 4 July 2007 from the Embassy of Japan in the Russian Federation to the Ministry of Foreign Affairs of the Russian Federation (A-112-07)
10. Declaration by the Russian Federation upon signature on the United Nations Convention on the Law of the Sea of 10 December 1982
11. License for fishing issued by the Government of Japan to the “88th Hoshinmaru”
12. Area map of the arrest of the “88th Hoshinmaru”