



INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
TRIBUNAL INTERNATIONAL DU DROIT DE LA MER

Press Release

**REQUEST FOR PROVISIONAL MEASURES SUBMITTED TODAY TO THE
TRIBUNAL IN THE *ARCTIC SUNRISE* CASE
(KINGDOM OF THE NETHERLANDS *v.* RUSSIAN FEDERATION)**

A request for the prescription of provisional measures pending the constitution of an arbitral tribunal was submitted today to the International Tribunal for the Law of the Sea by the Kingdom of the Netherlands in a dispute with the Russian Federation. The dispute concerns the arrest and detention of the vessel *Arctic Sunrise* and its crew by authorities of the Russian Federation. The *Arctic Sunrise*, which flies the flag of the Netherlands, is an icebreaker operated by Greenpeace International.

According to the Netherlands, the *Arctic Sunrise* was boarded by coastguard officials on 19 September 2013, brought to the port of Murmansk Oblast and detained. The Netherlands states that 30 members of crew, nationals of Argentina, Australia, Brazil, Canada, Denmark, Finland, France, Italy, Morocco, the Netherlands, New Zealand, Poland, the Russian Federation, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom and the United States, were arrested and detained in Murmansk Oblast and that judicial proceedings have been initiated against them. The *Arctic Sunrise* was being used by Greenpeace International to stage a protest directed against the offshore ice-resistant fixed platform 'Prirazlomnaya' in the Barents Sea.

4 October 2013: Institution of arbitral proceedings

Further to the arrest of the vessel, on 4 October 2013 the Netherlands instituted arbitral proceedings against the Russian Federation under Annex VII of the United Nations Convention on the Law of the Sea ("the Convention"). The Netherlands claim that the arrest and detention of the *Arctic Sunrise* and its crew took place in violation of the provisions of the Convention.

The Convention provides for compulsory third-party settlement of disputes concerning the interpretation or application of the Convention. To this purpose, States Parties to the Convention may choose one or more of the mechanisms for the settlement of their disputes made available to them under article 287 of the Convention (International Tribunal for the Law of the Sea, International Court of Justice or arbitration). In cases where parties to a dispute have not made such a declaration or have selected different mechanisms, the Convention provides that arbitration under Annex VII is the mandatory settlement procedure for the parties to the dispute.

21 October 2013: Request for provisional measures submitted to the Tribunal pending the constitution of an arbitral tribunal

Pending the constitution of an arbitral tribunal, the circumstances of a particular dispute may require the adoption of interim measures. In such a situation, any party to the dispute may request the International Tribunal for the Law of the Sea to prescribe provisional measures according to article 290, paragraph 5, of the Convention.

The Tribunal may prescribe provisional measures if it considers that, prima facie, the arbitral tribunal to be constituted would have jurisdiction and that the urgency of the situation so requires. The Tribunal may prescribe any measure which it considers appropriate under the circumstances to preserve the respective rights of the parties to the dispute or to prevent serious harm to the marine environment.

In the Request submitted to the Tribunal today, “the Kingdom of the Netherlands requests that the Tribunal prescribe as provisional measures that the Russian Federation:

- (i) Immediately enable the ‘Arctic Sunrise’ to be resupplied, to leave its place of detention and the maritime areas under the jurisdiction of the Russian Federation and to exercise the freedom of navigation;
- (ii) Immediately release the crew members of the ‘Arctic Sunrise’, and allow them to leave the territory and maritime areas under the jurisdiction of the Russian Federation;
- (iii) Suspend all judicial and administrative proceedings, and refrain from initiating any further proceedings, in connection with the incidents leading to the boarding and detention of the ‘Arctic Sunrise’, and refrain from taking or enforcing any judicial or administrative measures against the ‘Arctic Sunrise’, its crew members, its owners and its operators; and
- (iv) Ensure that no other action is taken which might aggravate or extend the dispute.”

Dates for oral proceedings to be set shortly

Article 90, paragraph 2, of the Rules of the Tribunal provides that the Tribunal, or the President if the Tribunal is not sitting, shall fix the earliest possible date for the hearing. This will be announced in a further press release in the coming days.

Note: The press releases of the Tribunal do not constitute official documents and are issued for information purposes only.

The press releases of the Tribunal, documents and other information are available on the Tribunal's websites (<http://www.itlos.org> and <http://www.tidm.org>) and from the Registry of the Tribunal. Please contact Ms Julia Ritter at: Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227; Fax: +49 (40) 35607-245; E-mail: press@itlos.org