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Press release on the decision of The Hague Arbitration Court concerning coastal state rights in the case of Ukraine v. the Russian Federation

On February 21, the Permanent Court of Arbitration in The Hague issued a decision in the case of Ukraine v. the Russian Federation, which Ukraine initiated in 2016 under the 1982 UN Convention on the Law of the Sea (UNCLOS or Convention) to protect its coastal state rights allegedly violated in the Black Sea, Sea of Azov and Kerch Strait.

In a preliminary phase of the proceedings, the court only heard the preliminary objections raised by the Russian Federation to jurisdiction. The Russian Federation is satisfied that this decision takes into account our main argument, which is that the dispute in reality concerns Ukraine's claim to sovereignty over Crimea. It is obvious that to have a jurisdiction to rule in this case the Arbitral Tribunal would have needed to establish first of all which state should be regarded as coastal with regard to Crimea. However, the Arbitral Tribunal, which was established to deal with "the interpretation or application" of UNCLOS, does not have the authority to determine the state affiliation of dry land. It is of crucial importance that the decision was taken unanimously.

We will thoroughly analyse the Arbitral Tribunal's conclusions with regard to our other objections in order to take them into account when we prepare our reply memorandum on the merits of the dispute, which we will submit to the Tribunal by August 20, 2021.

The Russian Federation hopes that during the next phase of the proceedings the Arbitral Tribunal will fully take the Russian position into account and will therefore dismiss all Ukraine's claims.



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