



**CONTRIBUTION OF THE PERMANENT COURT OF ARBITRATION TO  
THE REPORT OF THE UNITED NATIONS SECRETARY-GENERAL ON OCEANS  
AND THE LAW OF THE SEA, AS AT 18 JUNE 2021<sup>1</sup>**

## EXECUTIVE SUMMARY

The Permanent Court of Arbitration (“PCA”) is an intergovernmental organization that provides dispute resolution services to the international community. It has unparalleled experience in the administration of inter-State dispute resolution proceedings concerning oceans and the law of the sea.

To date, the PCA has acted as registry in 14 of the 15 arbitrations conducted pursuant to Annex VII of the 1982 United Nations Convention on the Law of the Sea (“**Convention**”), as well as in the first compulsory conciliation under Annex V of the Convention. The PCA has also administered dispute resolution proceedings involving the law of the sea that were brought under other legal instruments.

In the period since the PCA’s last contribution to the report of the United Nations Secretary-General on oceans and the law of the sea in June 2020 (“**Reporting Period**”), the PCA administered three cases under the Convention:

- [\*The “Enrica Lexie” Incident \(Italy v. India\)\*](#), PCA Case No. 2015-28, which was instituted in June 2015 and remains pending;
- [\*Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait \(Ukraine v. the Russian Federation\)\*](#), PCA Case No. 2017-06, which was instituted in September 2016 and remains pending; and
- [\*Dispute Concerning the Detention of Ukrainian Naval Vessels and Servicemen \(Ukraine v. the Russian Federation\)\*](#), PCA Case No. 2019-28, which was instituted in April 2020 and remains pending.

Additionally, during the Reporting Period, the PCA has continued to engage in outreach and education activities relevant to the law of the sea.

## 1. INTRODUCTION

The Under-Secretary-General for the Office of Legal Affairs has invited the PCA to contribute to the 2021 report of the United Nations Secretary-General on oceans and the law of the sea. The invitation requests information on the activities which have been undertaken or are ongoing in the implementation of specific provisions of United Nations General Assembly Resolution 75/239 of 31 December 2020 (“**Resolution 75/239**”) relevant to the PCA. In addition, the invitation requests information on the main developments at the PCA in the field of ocean affairs and the law of the sea that have occurred since the last reporting period. The part of Resolution 75/239 that is most relevant to the PCA is Section IV on the “Peaceful settlement of disputes”.

Section 2 of this report provides background on the PCA. Sections 3 and 4 provide an overview of the PCA’s case activities in relation to the Convention and in other dispute resolution proceedings involving the law of the sea. Section 5 contains a case-by-case description of relevant arbitration proceedings

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<sup>1</sup> For developments after 18 June 2021 and further information about the PCA, including its 2020 Annual Report, see [www.pca-cpa.org](http://www.pca-cpa.org).

administered by the PCA in this Reporting Period. Finally, Section 6 sets out additional relevant activities undertaken by the PCA, particularly in the areas of outreach and education.

As some dispute resolution proceedings administered by the PCA are confidential, in whole or in part, this report is limited to publicly available information.

## **2. BACKGROUND ON THE PERMANENT COURT OF ARBITRATION**

The PCA is an intergovernmental organization designed to facilitate arbitration and other modes of dispute resolution between States, State entities, intergovernmental organizations, and private parties. It is an autonomous institution, governed by the 122 Contracting Parties to one or both of its founding conventions: the 1899 and 1907 Conventions for the Pacific Settlement of International Disputes.

While it is the oldest intergovernmental organization for the resolution of international disputes, the PCA has developed into a modern, multifaceted institution well situated to meet the evolving dispute resolution needs at the international level. In addition to arbitration, the PCA administers a range of dispute resolution mechanisms, including mediation, conciliation, fact-finding commissions, expert determinations, and review panels. The PCA is also a center for scholarship and publication, and a forum for legal discourse.

The PCA is currently administering 183 cases. These cases comprise 7 inter-State arbitrations; 107 investor-State arbitrations arising under bilateral or multilateral investment treaties or national investment laws; and 69 arbitrations arising under contracts involving States, other State-controlled entities, or intergovernmental organizations.

The International Bureau of the PCA, headed by the PCA Secretary-General, is the secretariat of the organization. The International Bureau is engaged in the day-to-day work of the organization in providing administrative support to tribunals or commissions operating under the PCA's auspices. The PCA's secretariat is also available to assist in the selection of arbitrators, and the PCA Secretary-General may be called upon to designate an appointing authority or act as appointing authority to assist in constituting tribunals or decide challenges against arbitrators. The PCA Secretary-General has received over 800 such requests to date. In other mechanisms, the Secretary-General may appoint members of review panels, commissions of inquiry, or other dispute settlement bodies. For example, the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean designates the Secretary-General as appointing authority to ensure the constitution of review panels, which provide findings and recommendations on objections to commission decisions.

The International Bureau has its headquarters at the Peace Palace in The Hague, the Netherlands, as well as permanent offices in Buenos Aires, Mauritius, and Singapore. The PCA has concluded Host Country Agreements with a number of its Contracting Parties and cooperation arrangements with many institutions across the globe in order to make its dispute resolution services more widely accessible. During the Reporting Period, the PCA signed a Framework Cooperation Agreement with Mexico. The PCA also concluded a cooperation agreement with the Madrid International Arbitration Centre (CIAM).

## **3. PCA CASE ACTIVITIES IN RELATION TO THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA**

The Convention sets forth in Part XV rules for the resolution of disputes between States Parties arising out of its interpretation or application.

Pursuant to Article 287 of the Convention, arbitration under Annex VII is the default means of dispute settlement if a State has not expressed any preference with respect to the means of dispute resolution available under Article 287(1), or if the parties have not accepted the same procedure for the settlement of the dispute. Since the Convention came into force in 1994, the PCA has administered all but one of

the fifteen arbitrations conducted pursuant to Annex VII of the Convention. The Annex VII arbitrations of this Reporting Period are discussed in further detail in Section 5 below.

Additionally, Article 298 of the Convention provides for compulsory conciliation under Annex V where a State has elected to exclude certain subject-matters from arbitration or judicial settlement. In 2016-2018, the PCA assisted a 5-member Conciliation Commission in the first (and thus far only) compulsory conciliation under Annex V of the Convention: the *Timor Sea Conciliation between Timor-Leste and Australia* (PCA Case No. 2016-10). The Conciliation Commission held extensive confidential meetings with the two States, during which they first agreed to an integrated package of confidence-building measures intended to facilitate the conciliation process, and eventually reached agreement on a maritime boundaries treaty, which was signed on 6 March 2018 at a ceremony hosted by the Secretary-General of the United Nations.<sup>2</sup>

#### **4. OTHER PCA DISPUTE RESOLUTION PROCEEDINGS INVOLVING THE LAW OF THE SEA**

##### **4.1. Arbitrations**

As noted in the PCA's prior reports, the PCA has administered historical and contemporary arbitrations involving the law of the sea that were not brought under the Convention. Some of the earliest arbitrations administered by the PCA continue to provide significant jurisprudence on aspects of the law of the sea, including: the flagging of vessels (*Muscat Dhows (France/Great Britain)*, 1905); maritime delimitation (*The Grisbådarna Case (Norway/Sweden)*, 1909); fisheries (*North Atlantic Coast Fisheries (Great Britain/United States)*, 1910); port State obligations (*The Orinoco Steamship Company (United States/Venezuela)*, 1910); and vessel seizure (*The "Carthage" and French Postal Vessel "Manouba" (France/Italy)*, 1913).

The PCA also administered more recent arbitrations involving the law of the sea brought in accordance with special agreements. In the *Eritrea/Yemen* case (PCA Case No. 1996-04), the parties concluded an agreement providing for a two-phase arbitration to resolve the issue of sovereignty over certain islands and maritime features located in the Red Sea and, thereafter, to delimit the maritime boundary between the two States. The parties designated the PCA as registry. The PCA also acted as registry in the *Arbitration between the Republic of Croatia and the Republic of Slovenia* (PCA Case No. 2012-04), which was conducted pursuant to an arbitration agreement between the parties tasking the arbitral tribunal to determine (i) "the course of the maritime and land boundary between the Republic of Slovenia and the Republic of Croatia"; (ii) "Slovenia's junction to the High Sea"; and (iii) "the regime for the use of the relevant maritime areas."<sup>3</sup>

##### **4.2. Other flexible dispute settlement mechanisms**

The PCA also administers dispute settlement mechanisms other than arbitration in cases related to oceans and the law of the sea that are not brought under the Convention. In 2013 and 2018, the PCA served as registry to two review panels established under Article 17 and Annex II of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (entered into force on 24 August 2012), with regard to objections respectively made by the Russian Federation and the Republic of Ecuador to fisheries conservation and management measures adopted by the Commission of the South Pacific Regional Fisheries Management Organisation ("SPRFMO"). Each

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<sup>2</sup> The conciliation is described in greater detail in Section E of the PCA's contribution to the 2019 United Nations Secretary-General's report, at <https://pca-cpa.org/en/documents/publications/reports-to-un-division-for-ocean-affairs-and-the-law-of-the-sea/>. Further information is also available on the PCA website at <https://pca-cpa.org/en/cases/132/>.

<sup>3</sup> This arbitration is described in greater detail in Section E of the PCA's contribution to the 2019 United Nations Secretary-General's report, at <https://pca-cpa.org/en/documents/publications/reports-to-un-division-for-ocean-affairs-and-the-law-of-the-sea/>. Further information is also available on the PCA website at <https://pca-cpa.org/en/cases/3/>.

of the two review proceedings was conducted within less than three months, and allowed for the participation, through oral and written submissions, of the objecting State and the representatives of the SPRFMO, as well as of all other members of the SPRFMO Commission and cooperating non-contracting parties.<sup>4</sup>

The PCA has also administered conciliations involving intergovernmental organizations and other public entities under the UNCITRAL Conciliation Rules 1980, and a matter referred to arbitration under the PCA Optional Rules for Arbitration of Disputes Relating to the Environment and/or Natural Resources was subsequently referred, by party agreement, to conciliation under the PCA Optional Rules for Conciliation of Disputes Relating to the Environment and/or Natural Resources.

## 5. RELEVANT PCA ARBITRATIONS ADMINISTERED IN THIS REPORTING PERIOD

### 5.1. The “Enrica Lexie” Incident (Republic of Italy v. Republic of India), PCA Case No. 2015-28

<b>Commencement date</b>	26 June 2015
<b>Jurisdictional basis</b>	Article 287 and Annex VII to the Convention
<b>Tribunal members</b>	Judge Vladimir Golitsyn (President), Judge Jin-Hyun Paik, Judge Patrick L. Robinson, Prof. Francesco Francioni, Judge P. Chandrasekhara Rao (until 11 October 2018), Dr. Pemmaraju Sreenivasa Rao (as of 26 November 2018)
<b>Status</b>	Ongoing
<b>Further information</b>	<a href="https://pca-cpa.org/en/cases/117/">https://pca-cpa.org/en/cases/117/</a>

These proceedings were instituted on 26 June 2015, when Italy served a Notification and Statement of Claim<sup>5</sup> on India under Annex VII of the Convention.

According to Italy, the Parties’ dispute arises from an incident that occurred on 15 February 2012 approximately 20.5 nautical miles off the coast of India involving the *MV Enrica Lexie*, an oil tanker flying the Italian flag, and India’s subsequent exercise of criminal jurisdiction over the incident and over two Italian marines from the Italian Navy, Chief Master Sergeant Massimiliano Latorre and Sergeant Salvatore Girone (the “**Marines**”). According to India, the “incident” in question concerns the killing of two Indian fishermen on board an Indian vessel named the *St. Antony*, and the subsequent exercise of jurisdiction by India. It is alleged that the fishermen were killed by the Marines.

The Tribunal was constituted on 30 September 2015. On 11 December 2015, Italy filed a request for provisional measures. On 18 January 2016, the Tribunal held a first procedural meeting with the Parties at the Peace Palace in The Hague. India submitted comments on Italy’s request for provisional measures on 26 February 2016. On 30 and 31 March 2016, a public hearing on provisional measures was held at the Peace Palace.

On 29 April 2016, the Tribunal adopted its Order in respect of Italy’s request for the prescription of provisional measures. The Tribunal unanimously (i) prescribed that Italy and India shall cooperate to achieve a relaxation of the bail conditions of Sergeant Girone; (ii) confirmed Italy’s obligation to return

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<sup>4</sup> These proceedings are described in greater detail in the PCA’s contributions to the 2015 and 2019 Secretary-General’s reports on oceans and the law of the sea, which can be accessed at [https://www.un.org/Depts/los/general\\_assembly/contributions\\_2015\\_2/PCA\\_Contribution.pdf](https://www.un.org/Depts/los/general_assembly/contributions_2015_2/PCA_Contribution.pdf) and <https://pca-cpa.org/en/documents/publications/reports-to-un-division-for-ocean-affairs-and-the-law-of-the-sea/>.

<sup>5</sup> The full title of the document is “Notification under Article 287 and Annex VII, Article 1 of [the Convention] and Statement of Claim and Grounds on which it is Based.”

Sergeant Girone to India in case the Tribunal finds that India has jurisdiction over him; and (iii) decided that Italy and India shall each report to the Tribunal on compliance with its provisional measures.

Between September 2016 and March 2018, the Parties exchanged several rounds of written pleadings on the Tribunal's jurisdiction and the merits of the case. In its pleadings, India raised objections to the jurisdiction of the Tribunal and the admissibility of Italy's claims, and presented counter-claims.

On 11 October 2018, the member of the Tribunal originally appointed by India, Judge Patibandla Chandrasekhara Rao, passed away. In accordance with Article 6 of the Tribunal's Rules of Procedure, on 26 November 2018, India appointed Dr. Pemmaraju Sreenivasa Rao to succeed Judge Rao on the Tribunal. Due to the illness of Judge Rao, the hearing originally scheduled to take place in the autumn of 2018 was postponed until July 2019.

From 8 to 20 July 2019, a hearing addressing the jurisdiction of the Tribunal as well as the merits of Italy's claim and India's counter-claims was held at the Peace Palace in The Hague.

During the Reporting Period, on 21 May 2020, the Tribunal issued its [Award](#) to the Parties, and on 20 July 2020, published its operative part on the PCA Case Repository. Pursuant to the Rules of Procedure, the Parties were provided with the opportunity to consider whether any parts of the Award should be designated as containing "confidential information". The Award was published on the PCA Case Repository on 10 August 2020, with certain redactions made at the Parties' request.

In its submissions, Italy argued that (i) India's legislation on which, according to Italy, India's conduct vis-à-vis the *Enrica Lexie* and the Marines was based (*i.e.*, the 1976 Maritime Zones Act<sup>6</sup> and a 1981 Notification<sup>7</sup>), is incompatible with the Convention; (ii) India violated provisions of Part VII (High Seas) of the Convention, specifically Article 87 (Freedom of the High Seas), Article 92 (Status of Ships), Article 97 (Penal Jurisdiction in Matters of Collision or Any Other Incident of Navigation), Article 100 (Duty to Cooperate in the Repression of Piracy), and Article 300 (Good Faith and Abuse of Rights); and (iii) by the same conduct, India violated the immunity of the Marines.

India objected to the Tribunal's jurisdiction on various grounds and further argued that in relation to the *St. Anthony* Italy violated the Convention. In particular, India has argued that Italy (i) violated India's rights under Article 56 (Rights, Jurisdiction and Duties of the Coastal State in the Exclusive Economic Zone); (ii) breached its obligation under Article 58 (Rights and Duties of Other States in the Exclusive Economic Zone); (iii) violated India's right and freedom under Article 87 (Freedom of the High Seas) and Article 90 (Right of Navigation); and (iv) infringed upon India's rights under Article 88 (Reservation of the High Seas for Peaceful Purposes).

In its Award, in relation to jurisdiction, the Tribunal found *inter alia*: (i) by four votes to one that there exists a dispute between the Parties concerning the interpretation of the Convention; (ii) by four votes to one that the "Tribunal has jurisdiction over the dispute"; (iii) unanimously that "India's counter-claims are admissible"; and (iv) by three votes to two that the Tribunal has jurisdiction to address the question of the immunity of the Marines.

In relation to the merits of the dispute and Italy's submissions, the Tribunal decided: (i) unanimously that India is not in breach of Article 87(1)(a) of the Convention; (ii) unanimously that India has not violated Article 92(1) of the Convention; (iii) unanimously that Articles 97(1) and (3) of the Convention are not applicable to the case; (iv) unanimously that "India has not violated Article 100 of the Convention" and "therefore Article 300 cannot be invoked in the present case"; (v) by three votes to

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<sup>6</sup> The full title of the act is "The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976".

<sup>7</sup> The full title of the notification is "The Notification of the Ministry of Home Affairs of the Republic of India, No. S.O. 671(E), dated 27 August 1981".

two that “the Marines are entitled to immunity in relation to the acts [...] they committed” and “India is precluded from exercising its jurisdiction over the Marines”; and (vi) by three votes to two that while “taking note of [Italy’s commitment] during the proceedings to resume its criminal investigation into the events of 15 February 2012, that India must take the necessary steps to cease to exercise its criminal jurisdiction over the Marines, and that no other remedies are required.”

In respect of India’s submissions, the Tribunal held: (i) by three votes to two that “Italy has not violated India’s sovereign rights under Article 56 of the Convention”; (ii) by three votes to two that “Italy has not violated [Article 58(3)] of the Convention”; (iii) unanimously that “Italy has not infringed on India’s rights under Article 88 of the Convention”; (iv) unanimously that Italy is in breach of Articles 87(1)(a) and 90 of the Convention; (v) unanimously that the finding that Italy has breached Articles 87(1)(a) and 90 of the Convention “constitutes adequate satisfaction for the injury to India’s non-material interests”; (vi) unanimously that “as a result of the breach by Italy of [Articles 87(1)(a) and 90] of the Convention, India is entitled to payment of compensation”; (vii) unanimously that “the Parties are invited to consult [...] on the amount of compensation due to India”; (viii) unanimously that the Tribunal shall retain jurisdiction should the Parties wish to apply for a ruling in respect of the compensation due to India; and (ix) that each Party shall bear its own costs.

## **5.2. Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v. the Russian Federation), PCA Case No. 2017-06**

<b>Commencement date</b>	16 September 2016
<b>Jurisdictional basis</b>	Article 287 and Annex VII to the Convention
<b>Tribunal members</b>	Judge Jin-Hyun Paik (President), Judge Boualem Bouguetaia, Judge Alonso Gómez-Robledo, Prof. Vaughan Lowe QC, Judge Vladimir Golitsyn
<b>Status</b>	Ongoing
<b>Further information</b>	<a href="https://pca-cpa.org/en/cases/149/">https://pca-cpa.org/en/cases/149/</a>

These proceedings were instituted on 16 September 2016, when Ukraine served on the Russian Federation a Notification and Statement of Claim<sup>8</sup> under Annex VII of the Convention in respect of a “dispute concerning coastal state rights in the Black Sea, Sea of Azov, and Kerch Strait.”

The Tribunal was constituted on 29 November 2016. On 12 May 2017, the Tribunal held its first procedural meeting, during which it consulted with the Parties in respect of the procedural framework for the arbitration, including the calendar for oral and written pleadings.

On 19 February 2018, Ukraine filed its Memorial. Ukraine’s claims, as described in its Memorial, are that the Russian Federation has violated (i) “Ukraine’s rights to hydrocarbon resources in the Black Sea and Sea of Azov”; (ii) “Ukraine’s rights to living resources in the Black Sea, Sea of Azov, and Kerch Strait”; (iii) “Ukraine’s rights by embarking on a campaign of illegal construction in the Kerch Strait that threatens navigation and the marine environment”; (iv) “its duty to cooperate with Ukraine to address pollution at sea”; and (v) “Ukraine’s [Convention] rights and [its] own duties in relation to underwater cultural heritage.”

On 21 May 2018, the Russian Federation raised preliminary objections to the jurisdiction of the Tribunal on the grounds that (i) the Tribunal lacks jurisdiction because the Parties’ dispute in reality concerns Ukraine’s “claim to sovereignty over Crimea” and is therefore not a “dispute concerning the

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<sup>8</sup> The full title of the document is “Notification under Article 287 and Annex VII, Article 1 of UNCLOS and Statement of the Claim and Grounds on which it is Based.”

interpretation or application of the Convention” as required by Article 288, paragraph 1, of the Convention; (ii) the Tribunal has no jurisdiction over claims concerning activities in the Sea of Azov and in the Kerch Strait; (iii) the Tribunal has no jurisdiction in light of the Parties’ declarations under Article 298(1) of the Convention, relating to military activities, law enforcement activities, delimitation, and historic bays or titles; (iv) the Tribunal has no jurisdiction over fisheries claims in light of Article 297(3)(a) of the Convention; (v) the Tribunal has no jurisdiction over fisheries, protection and preservation of the marine environment, and navigation in light of Annex VIII to the Convention; and (vi) the Tribunal has no jurisdiction pursuant to Article 281 of the Convention. The Russian Federation further asked that the Tribunal hear its objections to the Tribunal’s jurisdiction in a preliminary phase of the proceedings.

On 20 August 2018, having received comments from both Parties in respect of the Russian Federation’s request, the Tribunal issued Procedural Order No. 3, deciding that it would examine the Russian Federation’s preliminary objections in a preliminary phase of the proceedings.

Between March and May 2019, the Parties submitted written pleadings concerning the Russian Federation’s preliminary objections and, from 10 to 14 June 2019, the Tribunal held a hearing concerning the preliminary objections at the Peace Palace in The Hague.

On 21 February 2020, the Tribunal issued an Award concerning the preliminary objections of the Russian Federation. The Tribunal, unanimously: (i) upheld “the Russian Federation’s objection that the [Tribunal] has no jurisdiction over Ukraine’s claims to the extent that a ruling of the [Tribunal] on the merits of Ukraine’s claims necessarily requires it to decide, directly or implicitly, on the sovereignty of either Party over Crimea”; (ii) found “that the Russian Federation’s objection that the [Tribunal] has no jurisdiction over Ukraine’s claims concerning the activities in the Sea of Azov and the Kerch Strait does not possess an exclusively preliminary character, and accordingly decid[ed] to reserve this matter for consideration and decision in the proceedings on the merits”; (iii) rejected the other jurisdictional objections made by the Respondent; and (iv) requested Ukraine “to file a revised version of its Memorial, which shall take full account of the scope of, and limits to, the [Tribunal]’s jurisdiction as determined in the present Award.”

On 21 February 2020, the Tribunal also issued Procedural Order No. 6, fixing the procedural timetable for further proceedings.

During the Reporting Period, further to a request from Ukraine dated 4 November 2020, the Tribunal revised the timetable in its [Procedural Order No. 7](#) dated 17 November 2020.

### **Dispute Concerning the Detention of Ukrainian Naval Vessels and Servicemen (Ukraine v. the Russian Federation), PCA Case No. 2019-28**

<b>Commencement date</b>	1 April 2019
<b>Jurisdictional basis</b>	Article 287 and Annex VII to the Convention
<b>Tribunal members</b>	Professor Donald McRae (President), Judge Gudmundur Eiriksson, Judge Rüdiger Wolfrum, Judge Vladimir Golitsyn, Sir Christopher Greenwood, GBE, CMG, QC
<b>Status</b>	Ongoing
<b>Further information</b>	<a href="https://pca-cpa.org/en/cases/229/">https://pca-cpa.org/en/cases/229/</a>

These proceedings were instituted on 1 April 2019, when Ukraine served on the Russian Federation a Notification and Statement of Claim<sup>9</sup> under Annex VII of the Convention referring to a “dispute concerning the immunity of three Ukrainian naval vessels and the twenty-four servicemen on board.”

The Tribunal was constituted on 8 July 2019. On 21 November 2019, the Tribunal held its first procedural meeting at the Peace Palace in The Hague, during which it consulted the Parties in respect of the procedural framework for the arbitration, including the calendar for oral and written pleadings.

Following these discussions, on 22 November 2019, the Tribunal adopted Procedural Order No. 1, including the Rules of Procedure for the arbitration and a procedural calendar.

On 22 August 2020, the Russian Federation submitted Preliminary Objections and requested that the Tribunal hear its objections to the Tribunal’s jurisdiction in a preliminary phase of the proceedings.

In its [Procedural Order No. 2](#), issued on 27 October 2020, the Tribunal decided to hear the Russian Federation’s Preliminary Objections in a preliminary phase of the proceedings. Judge Gudmundur Eiriksson appended a Dissenting Opinion to the Order of the Tribunal.

## **6. ADDITIONAL RELEVANT PCA ACTIVITIES**

### **6.1. Education and outreach**

PCA lawyers regularly participate in conferences and publish on issues relating to the peaceful settlement of disputes in international law, including in the context of the governance of oceans and the law of the sea. During the Reporting Period, Senior Legal Counsel Garth Schofield took part in a roundtable on “Arbitration and Conciliation under the Law of the Sea Convention” hosted by the Fletcher School of Law and Diplomacy. Senior Legal Counsel Martin Doe presented at a webinar entitled “Arbitration as a Means of Effective Remedy for Human Rights Abuses at Sea”, organized by Human Rights at Sea. Former Senior Legal Counsel Judith Levine and Legal Counsel Susan Kimani contributed the chapter “Peace, Water and the Permanent Court of Arbitration: Supporting Dispute Settlement from the Rhine to the Corentyne” to H. Ruiz Fabri, et al (eds), *Dispute Resolution in the Law of International Watercourses and the Law of the Sea: A Bridge Over Troubled Waters* (Brill, October 2020).

The PCA also gives lectures to students, visiting scholars, legal practitioners, and government representatives. In many of these presentations, the PCA discusses cases that relate to the governance of oceans and the law of the sea. During the Reporting Period, the PCA Deputy Secretary-General, Brooks W. Daly, presented lectures on the Convention and related cases for the Advanced LLM in Public International Law at Leiden University and the LLM in International Dispute Settlement (MIDS) at the Geneva Centre for International Dispute Settlement. PCA Senior Legal Counsel Evgeniya Goriatcheva presented a lecture on Annex VII arbitration as part of a capacity building and training programme under the Convention funded by the Nippon Foundation. Presentations were also given to officials, diplomats, and legal professionals from Azerbaijan, Belgium, the Dominican Republic, Kenya, Malaysia, Mexico and Sierra Leone, as well as fellows from the International Tribunal for the Law of the Sea (“ITLOS”).

Given the increasing number of PCA-administered disputes involving sustainable development and environmental law, including under the Convention, the PCA also engages in education and outreach in relation to climate change related disputes. Thus, the PCA sent delegations to the 23<sup>rd</sup> and 24<sup>th</sup>

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<sup>9</sup> The full title of the document is “Notification under Article 287 and Annex VII, Article 1 of [the Convention] and Statement of the Claim and Grounds on which it is Based.”



meetings of the Conference of Parties to the United Nations' Framework Convention on Climate Change held in November 2017 and December 2018.

## **6.2. Coordination with other international institutions**

The PCA seeks to contribute to a cooperative approach amongst international institutions engaged in the peaceful settlement of international disputes relating to ocean affairs and the law of the sea. Through an exchange of letters between the Secretary-General of the PCA and the Registrar of ITLOS, the PCA and ITLOS have agreed to cooperate with respect to relevant legal and administrative matters. The PCA and ITLOS have undertaken to exchange documents and explore cooperation in areas of mutual concern.

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