



## Ministry of Foreign Affairs

H.E. Mr. Shunji Yanai  
President of the International Tribunal for the Law of the Sea  
Am Internationalen Seegerichtshof 1  
22609 Hamburg  
Germany  
By mail/original by courier

### Legal Affairs Department

Postbus 20061  
2500 EB The Hague  
The Netherlands  
[www.government.nl](http://www.government.nl)

### Contact

International Law Division

T +31 (0) 70 348 4855  
F +31 (0) 70 348 5128  
[djz-ir@minbuza.nl](mailto:djz-ir@minbuza.nl)

### Our reference

MinBuza-2013.319357

Date 15 November 2013  
Re Request for the appointment of an arbitrator

Dear Sir,

On 4 October 2013, the Kingdom of the Netherlands presented a Statement of Claim and the grounds on which it is based to the Russian Federation in order to submit the case concerning the "Arctic Sunrise" to arbitration under Annex VII of the Convention on the Law of the Sea. Information on this dispute is contained in Annex I of the Request for the Prescription of Provisional Measures of 21 October 2013 submitted by the Kingdom of the Netherlands under Article 290, paragraph 5 of the Convention. At the time of initiating the arbitration, the Kingdom of the Netherlands appointed professor dr A.H.A. Soons as its arbitrator.

On 21 October 2013, the Kingdom of the Netherlands requested the International Tribunal for the Law of the Sea to prescribe provisional measures in the dispute concerning the 'Arctic Sunrise'.

On 22 October 2013 (and transmitted to the Kingdom of the Netherlands on 23 October 2013), the Embassy of the Russian Federation in Berlin in its note verbale nr. 3838 informed the Tribunal for the Law of the Sea that it does not accept the arbitration procedure under Annex VII to the Convention initiated by the Kingdom of the Netherlands.

Since the Russian Federation has not appointed its arbitrator within the timeframe specified in Article 3(c) of Annex VII, the Kingdom of the Netherlands wishes to avail itself of its right to request that an appointment of a member of the arbitral tribunal that is being constituted under Annex VII be made by you in accordance with Article 3(e) of Annex VII.

I avail myself of this opportunity to thank you for your assistance in the constitution of the arbitral tribunal so as to enable it to exercise its functions under the Convention.

Yours sincerely,

Liesbeth Lijnzaad  
Agent for the Kingdom of the Netherlands

cc. Mr. Ph. Gautier, Registrar International Tribunal for the Law of the Sea.