

PCA Case No. 2017-06

IN THE MATTER OF AN ARBITRATION

before

AN ARBITRAL TRIBUNAL CONSTITUTED UNDER ANNEX VII
TO THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

between

UKRAINE

and

THE RUSSIAN FEDERATION

in respect of a

**DISPUTE CONCERNING COASTAL STATE RIGHTS
IN THE BLACK SEA, SEA OF AZOV, AND KERCH STRAIT**

**REPLY OF THE RUSSIAN FEDERATION TO THE WRITTEN OBSERVATIONS
AND SUBMISSIONS OF UKRAINE ON JURISDICTION**

Volume II - EXHIBITS

ARBITRAL TRIBUNAL:

**Judge Jin-Hyun Paik, President
Judge Boualem Bouguetaia
Judge Alonso Gómez-Robledo
Judge Vladimir Golitsyn
Professor Vaughan Lowe, QC**

REGISTRY:

The Permanent Court of Arbitration

28 January 2019

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- RU-1** Constitution of the Union of the Soviet Socialist Republics, 21 January 1924 (excerpt)
- RU-2** General Instructions for interaction of the USSR authorities with foreign military and merchant ships at peacetime, approved by Order of the Revolutionary Military Council of the USSR No. 641, 22 June 1925, Article 2 (excerpts)
- RU-3** Act No. 431 concerning the use of radio equipment for foreign vessels within the territorial waters of the Union, 24 July 1928, Articles 1 and 3, *UN Legislative Series, Laws and Regulations on the Regime of the High Seas*, Vol. I, United Nations, 1951, p. 121
- RU-4** Order of the Council of People's Commissars, No. 2157, for the regulation of fishing and the conservation of fisheries resources, 25 September 1935, Article 2 and Schedule I, *UN Legislative Series, Laws and Regulations on the Regime of the High Seas*, Vol. I, United Nations, 1951, p. 124
- RU-5** *Historic Bays: Memorandum by the Secretariat of the United Nations*, doc. A/CONF.13/1, extract from the *Official Records of the United Nations Conference on the Law of the Sea*, Vol. I (Preparatory Documents), 30 September 1957 (excerpts)
- RU-6** Statute on the Protection of the State Border of the Union of SSR, approved by the Presidium of the Supreme Soviet of the USSR on 5 August 1960, Article 4
- RU-7** Third United Nations Conference on the Law of the Sea, Fourth session, *Official Records*, Vol. V, 59th Plenary Meeting, 5 April 1976, A/CONF.62/SR.59 (excerpts)
- RU-8** Third United Nations Conference on the Law of the Sea, Fourth session, *Official Records*, Vol. V, 60th meeting, 6 April 1976, A/CONF.62/SR.60 (excerpts)
- RU-9** Third United Nations Conference on the Law of the Sea, Fourth session, *Official Records*, Vol. V, 61st meeting, 6 April 1976, A/CONF.62/SR.61 (excerpts)
- RU-10** Third United Nations Conference on the Law of the Sea, Ninth session, *Official Records*, Vol. XIII, 126th Plenary Meeting, 2 April 1980, A/CONF.62/SR.126 (excerpts)
- RU-11** Declarations of the USSR and of the Ukrainian SSR upon signature of UNCLOS, 10 December 1982, *Law of the Sea Bulletin*, 1985, Vol. 5, p. 23
- RU-12** Declaration of the USSR 4450 containing list of geographical coordinates defining the position of the baselines, 25 January 1985 (excerpts)
- RU-13** Agreement between the Government of the United Republic of Tanzania and the Government of the People's Republic of Mozambique regarding the Tanzania/Mozambique Boundary, Maputo, 28 December 1988

- RU-14** Declaration of Austria upon ratification of UNCLOS, 14 July 1995, *Law of the Sea Bulletin*, 1995, Vol. 29, p. 6
- RU-15** Draft Treaty between Ukraine and the Russian Federation on the Legal Status of the Sea of Azov and Navigation in its Water Area, Annex to *Note Verbale* of the Ministry of Foreign Affairs of Ukraine to the Ministry of Foreign Affairs of the Russian Federation No. 12/42-994, 19 October 1995
- RU-16** Working Minutes of the Session of the Sub-Commission on Border Issues of the Mixed Russian-Ukrainian Commission on Cooperation, No. 426/2dsng, 14 August 1996
- RU-17** Minutes of the Second Session of the Sub-Commission on Border Issues of the Mixed Russian-Ukrainian Commission on Cooperation, 6 May 1997
- RU-18** Order of the Ministry of Transport of Ukraine No. 721, Rules of Navigation by Ships through the Kerch-Enikalskiy Channel and the Approach Channels to It, 9 October 2002 (excerpts)
- RU-19** Treaty between the Russian Federation and Ukraine on the Russian-Ukrainian State Border, 28 January 2003 (without Annexes)
- RU-20** Treaty between the Russian Federation and Ukraine on Cooperation in the Use of the Sea of Azov and the Kerch Strait, 24 December 2003
- RU-21** Joint Statement by the President of Ukraine and the President of the Russian Federation on the Sea of Azov and the Strait of Kerch, 24 December 2003, *Law of the Sea Bulletin*, 2004, Vol. 54, p. 131
- RU-22** United Nations General Assembly, Sixty-first session, 68th Plenary Meeting, 7 December 2006, A/61/PV.68 (excerpts)
- RU-23** United Nations General Assembly, Sixty-third session, 62nd Plenary Meeting, 4 December 2007, A/63/PV.62 (excerpts)
- RU-24** United Nations General Assembly, Sixty-second session, 65th Plenary Meeting, 10 December 2007, A/62/PV.65 (excerpts)
- RU-25** “Ukraine protests are no longer just about Europe”, *The Guardian*, 22 January 2014
- RU-26** “Exclusive: Leader of Far-Right Ukrainian Militant Group Talks Revolution with Time”, *Time.com*, 4 February 2014
- RU-27** “Right-Wing Thugs Are Hijacking Ukraine’s Liberal Uprising”, *Time.com*, 28 January 2014
- RU-28** Speech by the Russian Foreign Minister, Sergey Lavrov, during the high-level segment of the 25th session of the United Nations Human Rights Council, Geneva, Ministry of Foreign Affairs of Russia official website (<http://www.mid.ru/en>), 3 March 2014
- RU-29** “Far-right party jeopardises Ukraine’s path to democracy”, *The Conversation*, 7 March 2014
- RU-30** Statement by the Russian Ministry of Foreign Affairs regarding the adoption of the Declaration of Independence of the Autonomous Republic of Crimea and Sevastopol,

- Ministry of Foreign Affairs of Russia official website (<http://www.mid.ru/en>), 11 March 2014
- RU-31** Comment by the Russian Ministry of Foreign Affairs regarding statements by the OSCE Chair-in-Office, Ministry of Foreign Affairs of Russia official website (<http://www.mid.ru/en>), 14 March 2014
- RU-32** “All-Russia People’s Front: High voter turnout points to legitimacy of Crimea referendum”, *Tass Russian News Agency*, 17 March 2014
- RU-33** Resolution “On the Independence of the Crimea” taken at an extraordinary plenary session of the Supreme Soviet of the Autonomous Republic of Crimea on 17 March 2014
- RU-34** “Agreement on the accession of the Republic of Crimea to the Russian Federation signed”, President of Russia official website (<http://en.kremlin.ru>), 18 March 2014
- RU-35** Speech by Russia’s Permanent Representative to the United Nations, Vitaly Churkin, at the session of the UN General Assembly, New York, Ministry of Foreign Affairs of Russia official website (<http://www.mid.ru/en>), 27 March 2014
- RU-36** Communication from the Government of the Russian Federation, circulated by IMO Circular Letter No. 3471, 7 July 2014
- RU-37** Notices to Mariners No. 43/2014, 25 October 2014 (excerpts)
- RU-38** “President: We will do everything to return Crimea via international legal mechanisms”, President of Ukraine official website (<http://www.president.gov.ua/en>) 6 December 2015
- RU-39** *Maritime Claims Reference Manual*, issued by the U.S. Department of Defense Representative for Ocean Policy Affairs (excerpts)
- RU-40** *Note Verbale* of the Ministry of Foreign Affairs of Ukraine to the Ministry of Foreign Affairs of the Russian Federation No. 72/22-194/510-1654, 14 July 2016
- RU-41** Transcript of the Russian-Ukrainian Consultations on the United Nations Convention on the Law of the Sea, Minsk, 11 August 2016
- RU-42** Minister of Foreign Affairs of Ukraine’s official twitter account (<https://twitter.com/PavloKlimkin/status/763724030943821824>), 11 August 2016
- RU-43** *Note Verbale* of the Ministry of Foreign Affairs of the Russian Federation to the Ministry of Foreign Affairs of Ukraine No. 10949/2dsng, 5 September 2016
- RU-44** “Statement of the Ministry of Foreign Affairs of Ukraine on the Initiation of Arbitration against the Russian Federation under the United Nations Convention on the Law of the Sea”, Ministry of Foreign Affairs of Ukraine official website (<http://mfa.gov.ua/en>), 14 September 2016
- RU-45** “President instructed Foreign Ministry to file a lawsuit against Russia to international arbitration”, President of Ukraine official website (<http://www.president.gov.ua/en>), 14 September 2016

- RU-46** President of Ukraine's Facebook page (<https://www.facebook.com/petroporoshenko/>), 23 December 2016
- RU-47** Certificate of registration No. 67410 of the Treaty between Ukraine and the Russian Federation of the Ukrainian-Russian State Border of 28 January 2003, Secretariat of the United Nations, 26 January 2017
- RU-48** Ozhegov S.I., *Tolkovyi slovar' russkogo jazyka*, 28-e izd. (Moskva, 2018) [Ozhegov S.I., *Dictionary of the Russian Language*, 28th ed. (Moscow, 2018)] (excerpt)
- RU-49** Statement of the Delegation of Ukraine at the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, Permanent Mission of Ukraine to the United Nations in New York official website (<http://ukraineun.org/en>), 20 February 2018
- RU-50** Note from the Office of Legal Affairs of the United Nations to the Permanent Mission of the Russian Federation to the United Nations, 28 March 2018
- RU-51** Treaty between Uruguay and Argentina concerning the Rio de la Plata and the Corresponding Maritime Boundary, Montevideo, 19 November 1973 (excerpts)
- RU-52** Third United Nations Conference on the Law of the Sea, Fourth session, *Official Records*, Vol. V, 58th Plenary meeting, 5 April 1976, A/CONF.62/SR.58 (excerpts)
- RU-53** Third United Nations Conference on the Law of the Sea, Seventh and Resumed Seventh Session, Reports of the Committees and Negotiating Groups on negotiations at the resumed seventh session contained in a single document both for the purposes of record and for the convenience of delegations, *Official Records*, Vol. X, A/CONF.62/RCNG/1, 19 May 1978 (excerpts)
- RU-54** Maritime Delimitation Treaty between the Federative Republic of Brazil and the French Republic (French Guyana), Paris, 30 January 1981
- RU-55** Agreement on the Historical Waters of the Socialist Republic of Vietnam and the People's Republic of Kampuchea, 7 July 1982
- RU-56** Statement by the Ministry of Foreign Affairs of Thailand on the Vietnamese claims concerning the so-called historical waters and the drawing of baselines, 9 December 1985, *Law of the Sea Bulletin*, 1986, Vol. 7, p. 111
- RU-57** Note of the Permanent Representative of the United States to the United Nations, *Law of the Sea Bulletin*, 1987, Vol. 10, p. 23
- RU-58** Law of Ukraine No. 1777-XII "On the State Border of Ukraine", 4 November 1991, Article 1
- RU-59** Law of the Russian Federation No. 4730-1 "On the State Border of the Russian Federation", 1 April 1993, Article 1
- RU-60** Convention for the Conservation of Southern Bluefin Tuna, 10 May 1993, *UNTS*, Vol. 1819, p. 360 (excerpts)

- RU-61** Transcript of the 42nd Plenary session of the Verkhovna Rada of Ukraine (Parliament of Ukraine), Statements of A.A. Chaly, Verkhovna Rada of Ukraine official website (<http://portal.rada.gov.ua/en/>), 13 July 1994 (excerpts)
- RU-62** *Note Verbale* of the Ministry of Foreign Affairs of the Russian Federation to the Ministry of Foreign Affairs of Ukraine No. 2378/2dsng, 30 March 1998
- RU-63** Minutes of the 6th Meeting of the Delegations of the Russian Federation and Ukraine to Determine the Legal Status of the Sea of Azov and the Kerch Strait and to Delimit the Maritime Areas in the Black Sea, 28 January 2000
- RU-64** *Note Verbale* of the Ministry of Foreign Affairs of the Russian Federation to the Embassy of Ukraine No. 2935/2dsng, 15 April 2000 (excerpts)
- RU-65** Minutes of the 7th Meeting of the Delegations of the Russian Federation and Ukraine to Determine the Legal Status of the Sea of Azov and the Kerch Strait and to Delimit the Maritime Areas in the Black Sea, 12 May 2000 (excerpts)
- RU-66** *Note Verbale* of the Ministry of Foreign Affairs of Ukraine to the Ministry of Foreign Affairs of the Russian Federation No. 5.3/42165/SBS/079-00, 8 August 2000 (excerpts)
- RU-67** Minutes of the 12th Meeting of the Delegations of the Russian Federation and Ukraine to Determine the Legal Status of the Sea of Azov and the Kerch Strait and to Delimit the Maritime Areas in the Black Sea, 19 April 2001 (excerpts)
- RU-68** Letter of the President of the Russian Federation Vladimir Putin to the President of Ukraine Leonid Kuchma, 9 July 2001
- RU-69** Draft Declaration of the Presidents of Ukraine and Russia on defining the legal status of the Sea of Azov and the Kerch Strait and delimiting the maritime areas in the Black Sea, transmitted by *Note Verbale* of the Ministry of Foreign Affairs of Ukraine to the Embassy of the Russian Federation in Ukraine No. 21/20-410-1228, 6 August 2001
- RU-70** Letter of the President of Ukraine Leonid Kuchma to the President of the Russian Federation Vladimir Putin, transmitted by *Note Verbale* of the Embassy of Ukraine in the Russian Federation to the Ministry of Foreign Affairs of the Russian Federation No. 5211/13-011-268-2001, 13 August 2001
- RU-71** Draft Declaration of the Presidents of Ukraine and Russia on defining the legal status of the Sea of Azov and the Kerch Strait and delimiting the maritime areas in the Black Sea, transmitted by *Note Verbale* of the Ministry of Foreign Affairs of Ukraine to the Embassy of the Russian Federation in Ukraine No. 21/20-410-1453, 31 August 2001
- RU-72** *Note Verbale* of the Ministry of Foreign Affairs of the Russian Federation to the Ministry of Foreign Affairs of Ukraine No. 7179/2dsng, 2 October 2001 (excerpts)
- RU-73** Minutes of the 13th Meeting of the Delegations of the Russian Federation and Ukraine to Determine the Legal Status of the Sea of Azov and the Kerch Strait and to Delimit the Maritime Areas in the Black Sea, 9 October 2001 (excerpts)
- RU-74** Draft Statement on the progress in treaty formalization of the Ukrainian-Russian State Border, transmitted by the *Note Verbale* of the Embassy of Ukraine in the Russian

Federation to the Ministry of Foreign Affairs of the Russian Federation No. 5211/13-013-402/2001, 12 December 2001

- RU-75** *Note Verbale* of the Ministry of Foreign Affairs of the Russian Federation to the Ministry of Foreign Affairs of Ukraine No. 6437/2dsng, 8 August 2002
- RU-76** Draft Treaty between Ukraine and the Russian Federation on Ukraine-Russia State Border in the Sea of Azov, transmitted by *Note Verbale* of the Ministry of Foreign Affairs of Ukraine to the Ministry of Foreign Affairs of the Russian Federation No. 72/22-410-831, 16 February 2004 (excerpts)
- RU-77** *Notes Verbales* of the Ministry of Foreign Affairs of Ukraine to the Ministry of Foreign Affairs of the Russian Federation No. 72/22-410-96, 17 January 2007, and No. 72/22-410-3380, 6 November 2007
- RU-78** Verbatim Record of the Public sitting held on Tuesday 7 March 2017, at 10 a.m., in *the Case concerning Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*, CR 2017/2 (excerpts)
- RU-79** “Is it worth terminating the Azov Treaty with Russia – opinions of intellectuals and experts”, *Segodnya.ua*, 25 September 2018, available at: <https://www.segodnya.ua/ukraine/stoit-li-razryvat-dogovor-po-azovu-s-rossiey-mysli-intellektualov-i-ekspertov-1173717.html> (excerpt)
- RU-80** President of Ukraine, Decree No. 320/2018 “On National Security and Defense Council of Ukraine Decision dated 12 October 2018 ‘*On Urgent Measures to Protect National Interests in the South and East of Ukraine, in the Black Sea, the Sea of Azov and the Kerch Strait*’”, 12 October 2018
- RU-81** Statement of the Ministry of Foreign Affairs of the Russian Federation, No. 2215-21-11-2018, 21 November 2018
- RU-82** Law of Ukraine No. 2630-VIII “On Approval of Decree of the President of Ukraine ‘On Imposition of Martial Law in Ukraine’ No. 393 of 26 November 2018”, 26 November 2018
- RU-83** V. Socor, “Azov Sea, Kerch Strait: Evolution of Their Purported Legal Status (Part One)”, *Eurasia Daily Monitor*, 3 December 2018
- RU-84** Interview of P. Poroshenko to Fox News, 8 December 2018, available at: <https://youtu.be/5lQUeQWJXUc> (partial transcript)
- RU-85** “Russia is opposed to the whole world, blocking the freedom of navigation in the Ukrainian territorial waters – President in the interview to Fox News”, President of Ukraine official website (<https://www.president.gov.ua/en/>), 8 December 2018
- RU-86** United Nations General Assembly, Seventy-third session, 56th Plenary meeting, Record of voting for Resolution 73/194, 17 December 2018
- RU-87** United Nations General Assembly, Seventy-third session, 65th Plenary meeting, Record of voting for Resolution 73/263, 22 December 2018