



Pursuant to Article 28 of the Convention,

served as registry to two review panels established under Article 17 and Annex 1 of the Convention on the Conservation and Management of Highly Migratory Fishery Resources in the South Pacific Ocean (entered into force on 24 August 2012), with regard to objections respectively made by the Russian Federation

On 5 September 2016, the Tribunal issued its Award on jurisdiction, admissibility, liability, and entitlement to reparation. The Tribunal found that it had jurisdiction over the dispute and that, while the initial detention of the vessel fell within the lawful exercise by São Tomé of its law enforcement jurisdiction, the other penalties imposed by São Tomé could not be regarded as proportional to the original offence or the interest of ensuring respect for São Tomé's sovereignty. Accordingly, the Tribunal held that the cumulative effect of the sanctions imposed by São Tomé was incompatible with Article 49 of the Convention and that Malta was entitled to claim reparation in a further phase of the proceedings. Judge Kateka disagreed with the majority's finding that São Tomé had violated Article 49 of the Convention and appended a dissenting opinion.

Following the issuance of the Tribunal's Award of 5 September 2016, the proceedings were temporarily suspended while the Parties pursued direct negotiations, which were ultimately unsuccessful.

Accordingly, on 27 June 2017, the proceedings were resumed, and on 12 July 2017, Malta submitted its Claim for Reparation. São Tomé did not submit a written submission or otherwise participate in the final phase of the proceedings. Nevertheless, at the request of Malta, the Tribunal confirmed that it would continue with the proceedings in accordance with Article 9 of Annex VII to the Convention, concerning the non-appearance of a party. The Tribunal sought and received clarifications from Malta in respect of a number of aspects of its Claim for Reparation. The Tribunal also appointed an expert marine surveyor to examine Malta's claim for extraordinary repairs to the Duzgit Integrity for loss of hire during the period of such repairs. The expert prepared a report on which both Parties were invited to comment.

On 18 December 2019, the Tribunal issued its Award on Reparation, in which it scrutinized Malta's claim for reparation.

jurisdiction by India. It is alleged that the fishermen were killed by the Italian marines stationed on the Enrica Lexie.

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 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. At the start of the hearing, the Agent of the Italian Republic and the Agent of the Republic of India each made a brief opening statement, which was webcast live on the Internet and remains available on the PCA website. Pursuant to Article 2(3) of the Rules of Procedure, as amended by Rule Order No. 7 dated 16 May 2019, the remaining parts of the hearing were confidential and not webcast.

5.3. Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov and Kerch Strait (Ukraine v. the Russian Federation), PCA Case No. 2016/16

Commencement date	16 September 2016
Jurisdictional basis	Article 287 and Annex VII to the Convention
Tribunal members	Judge Ji-Hyun Paik (President), Judge Boualem Bouguetaia, Judge Alonso Gómez-Roldán, Prof. Vaughan Lowe QC, Judge Vladimir Golitsyn
Status	Ongoing
Further information	https://pcacpa.org/en/cases/149/

These proceedings were instituted on 16 September 2016, when Ukraine served on the Russian Federation a Notification and Statement of Claim⁶ 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."

⁶ 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"

The Tribunal was constituted on 29 November 2016. On 12 May 2017, the Tribunal held its first procedural

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

Commencement date 1 April 2019

Jurisdictional basis Article 287 and Annex VII to the Convention

Tribunal members Professor Donald McRae (President), Judge Gudmundur Eiriksson, Judge Rüdiger Wolfrum

Russia, as well as delegations from ASEAN countries, Eastern African countries, a number of MENA-