INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

YEAR 2026

28 November 2026

List of Cases:
No. 37

CASE CONCERNING HYDROCARBON EXPLOITATION IN THE SOUTH-WEST ATLANTIC OCEAN

(ARGENTINA *v.* UNITED KINGDOM)

Request for the prescription of provisional measures

ORDER

Present: *President* KAMGA; *Judges* ATTARD, KULYK, KOLODKIN, LIJNZAAD, INFANTE CAFFI, DUAN, BROWN, CARACCIOLO, HORINOUCHI, JOYINI, RHEE, KEH KAMARA, MARCINIAK, LAGHMANI, ADUSU, PATEL, NGUYEN, BANDEIRA GALINDO; *Judges* ad hoc VINUESA, LOWE; *Registrar* HINRICHS OYARCE.

THE TRIBUNAL,

composed as above,

after deliberation,

Having regard to article 290 of the United Nations Convention on the Law of the Sea (hereinafter "the Convention" or "UNCLOS") and articles 21 and 25 of the Statute of the Tribunal (hereinafter "the Statute"),

Having regard to articles 89 and 90 of the Rules of the Tribunal (hereinafter "the Rules"),

Having regard to the "Note dated 28 September 2026 of the Argentine Minister of Foreign Affairs, International Trade and Worship to the Secretary of State for Foreign, Commonwealth and Development Affairs of the United Kingdom instituting arbitral proceedings against the United Kingdom under Annex VII of UNCLOS" (hereinafter "the Notification and Statement of Claim") addressed by the Argentine Republic (hereinafter "Argentina") to the United Kingdom of Great Britain and Northern Ireland (hereinafter "the United Kingdom"), instituting arbitral proceedings under Annex VII to the Convention in respect of "the dispute concerning the unilateral exploration and exploitation by the British Government of the natural resources of the maritime areas surrounding the Malvinas, South Georgias and South Sandwich Islands",

Having regard to the request for provisional measures contained in the Notification and Statement of Claim submitted by Argentina to the United Kingdom, pending the constitution of an arbitral tribunal under Annex VII to the Convention,

Makes the following Order:

1. On 13 October 2026, Argentina submitted to the Tribunal a Request for the prescription of provisional measures (hereinafter "the Request") against the United Kingdom under article 290, paragraph 5, of the Convention in a "dispute concerning hydrocarbon exploitation in the South-West Atlantic Ocean". The case was entered in the List of Cases as Case No. 37 and named *Case concerning hydrocarbon exploitation in the South-West Atlantic Ocean.*

2. By letter dated 12 October 2026, received by the Registrar on 13 October 2026, the Minister of Foreign Affairs, International Trade and Worship of Argentina notified the Tribunal of the appointment of Ambassador Mario Javier Agustín Oyarzábal, Director General of International Legal Affairs and Legal Adviser, Ministry of Foreign Affairs, International Trade and Worship, as Agent, and Ambassador

Betina Pasquali de Fonseca, Ambassador of Argentina to the Federal Republic of Germany, as Co-Agent for Argentina.

3. On 13 October 2026, the Registrar transmitted a certified copy of the Request and a copy of the letter referred to in paragraph 2 above electronically to the Secretary of State for Foreign, Commonwealth and Development Affairs of the United Kingdom, as well as to the British Ambassador to the Federal Republic of Germany.

4. In accordance with article 24, paragraph 3, of the Statute, the Registrar notified the States Parties to the Convention of the Request by a note verbale dated 14 October 2026.

5. Pursuant to the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea of 18 December 1997, the Registrar notified the Secretary-General of the United Nations of the Request by a letter dated 14 October 2026.

6. Since the bench of Tribunal does not include a member of British nationality, the United Kingdom, by letter dated 14 October 2026, pursuant to article 17, paragraph 2, of the Statute, chose Mr Vaughan Lowe to sit as judge *ad hoc* in the case.

7. By letter dated 16 October 2026, the British Ambassador to the Federal Republic of Germany notified the Tribunal of the appointment of Ms Sally Langrish, Legal Adviser at the Foreign, Commonwealth and Development Office, as Agent, and Mr Paul McKell, Legal Director at the Foreign, Commonwealth and Development Office, as Co-Agent for the United Kingdom.

8. On 19 October 2026, pursuant to articles 45 and 73 of the Rules, the President of the Tribunal held consultations by videoconference with the Agents and Co-Agents of Argentina and the United Kingdom to ascertain the views of Argentina and the United Kingdom with regard to questions of procedure.

9. By Order dated 20 October 2026, the President, pursuant to article 27 of the Statute and articles 45 and 90, paragraph 2, of the Rules, fixed 10 and 11 November 2026 as the dates for the hearing. The Order was communicated to the Parties on the same date.

10. In the Request, Argentina requested the President to "urgently call upon the Parties to act in such a way as will enable any order the Tribunal may make on the request for provisional measures to have its appropriate effects, as established by Article 90 of the Rules of the Tribunal". On 28 October 2026, the President addressed a letter to both Parties, calling upon them, in conformity with article 90, paragraph 4, of the Rules, "to avoid taking any measures which might hinder any order the Tribunal may make on the Request for provisional measures to have its appropriate effects."

11. By communication dated 29 October 2026, Judge Tomas Heidar notified the President of his intention not to participate in the decision of the case, pursuant to article 8, paragraph 2, of the Statute. By letters dated 2 November 2026, the Parties were informed accordingly.

12. By letter of 30 October 2026, the Agent of Argentina requested the correction of some clerical errors in the Request. A copy of the letter was transmitted to the Agent of the United Kingdom on 2 November 2026.

13. By letter of 2 November 2026, the Agent of the United Kingdom informed the Tribunal that the United Kingdom "has elected not to provide a written statement in response to the Request for Provisional Measures" and that "[i]ts submissions will be presented orally at the Hearing." By the same letter, the Agent of the United Kingdom submitted three "witness statements", together with a cover note. Copies of the letter and the attached documents were transmitted to Argentina on the same day.

14. In this letter of 2 November 2026, the Agent of the United Kingdom informed the Tribunal that a figure contained in one of the "witness statements" (Mr Ramsay) had been redacted because of its "highly commercially sensitive" nature and

requested that “only the redacted version of the witness statement … be published or disseminated in any way”.

15. By letter dated 4 November 2026, the Agent of Argentina stated that it “does not object to the redacted version” of the “witness statement” (Mr Ramsay) but saw “no reason ... why the three witness statements submitted by the United Kingdom should not be made available to the public”. The Parties further expressed their views on the issue in letters dated 5 and 6 November 2026 from the Agent of the United Kingdom and the Agent of Argentina, respectively.

16. By letter of 4 November 2026, the Registrar informed the Agent of Argentina that no comments had been received from the United Kingdom with regard to the correction referred to in paragraph 12 above and that the correction had been accepted by leave of the President, pursuant to article 65, paragraph 4, of the Rules.

17. By communication dated 4 November 2026, the Vice-President, Judge Frida María Armas Pfirter, notified the President of her intention not to participate in the decision of the case, pursuant to article 8, paragraph 2, of the Statute. By letters dated 5 November 2026, the Parties were informed accordingly.

18. Consequently, since the bench of the Tribunal no longer included a member of Argentine nationality, Argentina, by letter dated 5 November 2026, pursuant to article 17, paragraph 3, of the Statute, chose Mr Raúl Vinuesa to sit as judge *ad hoc* in the case.

19. By letter dated 5 November 2026, the Agent of the United Kingdom addressed matters relating to the “[a]lleged urgency of the Request”. A copy of the letter was transmitted to the Agent of Argentina on the same day.

20. By letters dated 5 and 8 November 2026, the Agent of Argentina submitted supplementary documents to the Tribunal, consisting of Annexes 66 to 78 and Annexes 79 to 82, respectively, to which it intended to refer during the oral proceedings. Copies of the letters and documents were transmitted to the Agent of the United Kingdom on 5 and 9 November 2026, respectively.

21. Since no objections to the Parties' choices of judges *ad hoc* were raised by the respective other Party and no objections appeared to the Tribunal itself, Mr Raúl Vinuesa and Mr Vaughan Lowe were admitted to participate in the proceedings as judges *ad hoc* after having made the solemn declaration required under article 9 of the Rules at a public sitting of the Tribunal held on 9 November 2026.

22. On 9 November 2026, the Parties each submitted the materials required under paragraph 12 of the Guidelines Concerning the Preparation and Presentation of Cases before the Tribunal.

23. In accordance with article 68 of the Rules, the Tribunal held initial deliberations on 9 November 2026 concerning the written pleadings and the conduct of the case.

24. On the same date, in accordance with article 45 of the Rules, the President held consultations with the Agents of the Parties with regard to questions of procedure.

25. By letter dated 9 November 2026, the Agent of the United Kingdom requested the correction of "two errors made in [a] table appended to [a] witness statement". By letter of 10 November 2026, the Agent of Argentina requested the United Kingdom to "clarify its position" on the proposed corrections.

26. By letter dated 9 November 2026, received by the Registry on 10 November 2026, the Agent of Argentina stated that it was "prepared to agree that the United Kingdom may submit in writing the figure" in the redacted "witness statement" (Mr Ramsay), provided that Argentina was given "an equal opportunity to respond to that figure in writing".

27. By letter dated 10 November 2026, the Registrar informed the Parties that the Tribunal had taken note of their agreement, reached during the consultations held by the President on the preceding day, that the three "witness statements", with the relevant paragraph redacted, "should be made public as of the opening of the

hearing but should not be published on the website". In addition, with reference to the letter from the Agent of Argentina referred to in paragraph 26 above, the United Kingdom was invited to transmit the figure in the redacted "witness statement" (Mr Ramsay) and, upon receipt, Argentina would be invited to submit comments thereon. By letter of 10 November 2026, the Agent of the United Kingdom provided the unredacted figure "[o]n the agreed understanding that the Argentine Republic will keep the redacted information confidential and will not refer to it during the public proceedings or elsewhere".

28. By letter of 11 November 2026, the Agent of the United Kingdom provided further clarification concerning the proposed corrections referred to in paragraph 25 above. By letter of 12 November 2026, the Registrar informed the Agent of the United Kingdom that the corrections had been accepted by leave of the President, pursuant to article 65, paragraph 4, of the Rules.

29. Pursuant to article 67, paragraph 2, of the Rules, the cover note of the United Kingdom dated 2 November 2026 and the "witness statements" attached thereto were made accessible to the public upon the opening of the oral proceedings.

30. Oral statements were presented at public sittings held on 10 and 11 November 2026 by the following:

On behalf of Argentina:	Ambassador Mario Javier Agustín Oyarzábal, *as Agent,* Mr Marcelo Gustavo Kohen, Mr Nicolaas Jan Schrijver, *as Counsel and Advocates*;
On behalf of the United Kingdom:	Ms Sally Langrish, *as Agent,* Rt. Hon. Ellie Reeves KC MP, Sir Michael Wood KC, Mr Sam Wordsworth KC, Lord Verdirame KC, Ms Amy Sander KC,

Ms Belinda McRae,
as Counsel and Advocates.

31. During the course of the oral proceedings, a number of exhibits, including extracts from documents, were displayed by the Parties on video monitors.

* * *

32. In paragraph 17 of the Notification and Statement of Claim, Argentina requests the arbitral tribunal to be constituted under Annex VII to the Convention (hereinafter "the Annex VII arbitral tribunal") to declare that:

> the United Kingdom of Great Britain and Northern Ireland, by unilaterally authorizing the exploration and exploitation of natural resources in the maritime areas surrounding the Malvinas, South Georgias and South Sandwich Islands, and by refusing to settle the dispute thus arisen with the Argentine Republic:
> (1) is in breach of the international obligation to respect the sovereignty and sovereign rights of the Argentine Republic over the maritime areas, in accordance with Articles 2, 56 and 77 of UNCLOS;
> (2) is in breach of the obligation to refrain from taking unilateral measures of exploration and exploitation of the natural resources of maritime areas subject to an international dispute between the two States within the framework of the decolonization process governed by the United Nations;
> (3) is in breach of the obligations set forth in Part XII of UNCLOS by preventing the Argentine Republic from fulfilling its obligations to protect and preserve the marine environment under Articles 192 and 194 of that Convention with respect to the disputed maritime areas;
> (4) is in breach of the obligation to settle international disputes by peaceful means, and in particular disputes concerning the interpretation or application of UNCLOS, as provided in Articles 279 and 300 of the Convention and in Article 2, paragraph 3, of the Charter of the United Nations.

33. In paragraph 18 of the Notification and Statement of Claim, Argentina requests the Annex VII arbitral tribunal to order the United Kingdom to:

> (1) cease immediately the breach of its international obligations described in the preceding paragraph;
> (2) provide guarantees of non-repetition of the conduct constituting the internationally wrongful acts described in the preceding paragraph;
> (3) transmit to the Argentine Republic all the information obtained in the exploration of hydrocarbon resources and the information relating to the exploitation of fish resources in the disputed maritime areas;
> (4) settle its disputes with the Argentine Republic in accordance with UNCLOS and general international law and, pending their settlement, consult with the Argentine Republic and enter into provisional

> arrangements of a practical nature with that State for as long as the process of decolonization of the territory in question continues and, during that transitional period, refrain from doing anything that might jeopardize or delay the settlement of the disputes;
> (5) make full reparation for the injury caused to the Argentine Republic by means of adequate compensation.

34. In paragraph 115 of its Request, Argentina requests this Tribunal to order the following provisional measures:

> (a) that the United Kingdom prevent the commencement or continuation of the exploitation of hydrocarbon resources on the continental shelf in the North Malvinas Basin by the so-called "Sea Lion" project;
> (b) that the United Kingdom refrain from using the information obtained in the exploration of the natural resources of the disputed maritime areas to the detriment of the rights of the Argentine Republic;
> (c) that the United Kingdom cease preventing the Argentine Republic from complying with its obligation under Articles 192 and 194 of UNCLOS to protect and preserve the marine environment of the maritime areas subject to dispute; and
> (d) that the United Kingdom refrain from taking any other measure that might aggravate the dispute, in particular the granting of new permits for the exploitation of the resources of the disputed continental shelf.

35. At the public sitting held on 11 November 2026, the Agent of Argentina made the following final submissions:

> On the basis of the facts and the law set out in its Request for the prescription of provisional measures and in its oral pleadings, the Argentine Republic respectfully requests the Tribunal, pending the constitution of the arbitral tribunal under Annex VII to the Convention, to prescribe the following provisional measures:
> (a) the United Kingdom shall take all necessary measures to ensure that no new drilling for exploitation, and no installation of production infrastructure, takes place in the North Malvinas Basin in connection with the project known as "Sea Lion", whether carried out by the United Kingdom or by any natural or juridical person under its jurisdiction or control;
> (b) the United Kingdom refrain from using the information obtained in the exploration of the natural resources of the disputed maritime areas to the detriment of the rights of the Argentine Republic;
> (c) the United Kingdom cease preventing the Argentine Republic from complying with its obligation under Articles 192 and 194 of UNCLOS to protect and preserve the marine environment of the maritime areas subject to dispute; and
> (d) the United Kingdom refrain from taking any other measure that might aggravate the dispute, in particular the granting of new authorizations for the exploitation of the resources of the disputed continental shelf.

36. At the public sitting held on 11 November 2026, the Agent of the United Kingdom made the following final submission:

> In accordance with Article 75, paragraph 2, of the Tribunal's Rules, and for the reasons presented by the United Kingdom at the hearing on 10 and 11 November 2026, the United Kingdom respectfully invites the Tribunal to reject all the requests by the Argentine Republic for the prescription of provisional measures.

* * *

37. The factual background, as presented by the Parties, can be summarized as follows. The "Sea Lion" Project is a project for hydrocarbon exploitation in the "Sea Lion" field. It is operated by Navitas Petroleum Development and Production Ltd (hereinafter "Navitas"), which holds a 65 per cent ownership stake in the project. Its partner, Rockhopper Exploration Plc (hereinafter "Rockhopper"), holds the remaining 35 per cent. The "Sea Lion" field is a reservoir located within 200 nautical miles north of the group of islands referred to by Argentina as "Malvinas Islands" and by the United Kingdom as "Falkland Islands" (hereinafter "the Falkland Islands (Malvinas)"). According to information provided by the United Kingdom, the "Sea Lion" field lies approximately 500 kilometres to the east of the South American mainland coast. Argentina states that the field covers an area of approximately 541.40 square kilometres.

38. On 10 December 2025, Rockhopper and Navitas announced that they had taken a "Final Investment Decision" on the "Sea Lion" Project. Rockhopper indicated that "[t]he Falkland Islands Government … has approved the field development and production programme for Phases 1 & 2 of the Northern Development Area within the Sea Lion field", and that, "[f]ollowing the approval, the licences covering Sea Lion will move into the Exploitation Phase, which lasts 35 years, or longer if needed to complete production."

39. By note verbale dated 12 December 2025 addressed to the United Kingdom, Argentina "condemn[ed] in the strongest terms the publication of the 'Final Investment Decision' on the 'Sea Lion' field that has been recently announced" by Rockhopper and Navitas. In the note verbale, Argentina claimed that

> the unilateral exploration and exploitation of renewable and non-renewable natural resources in the areas of disputed sovereignty is contrary to international law, including Resolution 2065 (XX) and especially Resolution 31/49 of the United Nations General Assembly,

and added that the United Kingdom's act was contrary to the domestic law of Argentina.

40. On 24 August 2026, Rockhopper and Navitas reported that "[d]evelopment works in the Falkland Islands are progressing to plan and … are focused on … carrying out additional infrastructure works in preparation for the arrival of the drilling rig in the Falklands and commencement of drilling in early 2027." They also reported that phase 1 of the Northern Development Area "remains on track for first oil in Q1 2028".

41. By a further note verbale dated 24 August 2026 addressed to the United Kingdom, with reference to the hydrocarbon activities conducted by Rockhopper and Navitas, Argentina stated that "said activities are part of a succession of illegal acts carried out … in the territory and maritime areas of the Argentine Republic, which have been condemned in the strongest terms by the Argentine government". In Argentina's view, these activities "deriv[ed] from unilateral and illicit acts" of the United Kingdom that were contrary to international law, including the Convention, and the domestic law of Argentina. In the same note verbale, Argentina invited the United Kingdom

> to undertake an exchange of views in order to resolve the controversy over the conduct of hydrocarbon-related activities in the Northern Malvinas Basin, and also to engage in negotiations to find a solution to the sovereignty dispute.

42. In a statement dated 15 September 2026, the United Kingdom noted that

> [h]ydrocarbon activities on the continental shelf of the Falkland Islands are regulated under Falkland Islands legislation, in accordance with the [Convention], and the UK Government fully supports the Falkland Islanders' right to pursue such activities.

The United Kingdom moreover asserted that, in its view, Argentina had "no right to exercise jurisdiction over the Falkland Islands or to apply its domestic law within the Islands".

43. By note verbale dated 22 September 2026 addressed to the United Kingdom, Argentina rejected "any … action relating to illegitimate hydrocarbon exploration and exploitation activities on the Argentine continental shelf near the Malvinas Islands, including … 'Sea Lion'". It further stated that "[a]ny attempt … to authorize the conduct of the aforementioned activities constitutes an unlawful act under both international law and Argentine law". In the same note verbale, Argentina

> reiterate[d] its intention to pursue constructive and substantive dialogue with the United Kingdom as a basis for resuming negotiations aimed at resolving the sovereignty dispute over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas.

44. By note verbale dated 25 September 2026 addressed to Argentina, the United Kingdom stated that it had no doubt of "its sovereignty over the Falkland Islands and surrounding areas" and rejected the applicability of the domestic legislation of Argentina. It also emphasized that "hydrocarbons exploration in the Falkland Islands is a legitimate commercial activity, undertaken under the authority of the Falkland Islands Government", and that, in its view, economic development was not prohibited by resolutions 2065 (XX) or 31/49 of the United Nations General Assembly. In the same note verbale, the United Kingdom "reiterate[d] its intention to maintain a constructive and substantive dialogue with Argentina as a basis for cooperation on issues of mutual interest and concern, in the South Atlantic and more widely."

I. *Prima facie* jurisdiction

45. Article 290, paragraph 5, of the Convention provides:

> Pending the constitution of an arbitral tribunal to which a dispute is being submitted under this section, any court or tribunal agreed upon by the parties or, failing such agreement within two weeks from the date of the request for provisional measures, the International Tribunal for the Law of the Sea … may prescribe, modify or revoke provisional measures in

> accordance with this article if it considers that *prima facie* the tribunal which is to be constituted would have jurisdiction and that the urgency of the situation so requires.

46. Argentina and the United Kingdom are States Parties to the Convention. Argentina ratified the Convention on 1 December 1995 and the United Kingdom acceded to the Convention on 25 July 1997. Upon ratification, Argentina declared, on the basis of article 287 of the Convention, that it accepted the jurisdiction of the Tribunal, first in order of preference, as a means for the settlement of disputes concerning the interpretation or application of the Convention. For its part, the United Kingdom chose the International Court of Justice.

47. The Tribunal notes that Argentina instituted proceedings against the United Kingdom before an arbitral tribunal to be established under Annex VII of the Convention by the Notification and Statement of Claim, pursuant to article 287, paragraph 5, of the Convention. On 13 October 2026, the time limit of two weeks from the request for provisional measures provided for in article 290, paragraph 5, of the Convention expired. Pending the constitution of the Annex VII arbitral tribunal, Argentina submitted the Request to the Tribunal.

48. The Tribunal may prescribe provisional measures under article 290, paragraph 5, of the Convention only if the provisions invoked by the Applicant *prima facie* appear to afford a basis on which the jurisdiction of the Annex VII arbitral tribunal could be founded, but it need not definitively satisfy itself that the Annex VII arbitral tribunal has jurisdiction over the dispute submitted to it (see *"ARA Libertad" (Argentina* v. *Ghana), Provisional Measures, Order of 15 December 2012, ITLOS Reports 2012*, p. 332, at p. 343, para. 60; *Detention of three Ukrainian naval vessels (Ukraine* v. *Russian Federation), Provisional Measures, Order of 25 May 2019*, *ITLOS Reports 2018-2019*, p. 283, at p. 293, para. 36; *M/T "San Padre Pio" (Switzerland* v. *Nigeria), Provisional Measures, Order of 6 July 2019, ITLOS Reports 2018-2019*, p. 375, at p. 387, para. 45).

Existence of a dispute concerning the interpretation or application of the Convention

49. Argentina invokes articles 286 and 287 of the Convention as the basis on which the jurisdiction of the Annex VII arbitral tribunal could be founded. The question the Tribunal has to address is whether the dispute submitted to the Annex VII arbitral tribunal is a "dispute concerning the interpretation or application of this Convention" as referred to in those articles *(Detention of three Ukrainian naval vessels (Ukraine* v. *Russian Federation), Provisional Measures, Order of 25 May 2019*, *ITLOS Reports 2018-2019*, p. 283, at p. 293, para. 37).

50. Argentina maintains that "[t]he present dispute between Argentina and the United Kingdom concerns the interpretation and application of UNCLOS" and it specifies that it is so because, in particular, the following rights or obligations are engaged:

> (a) the rights of the coastal State to the natural resources of its maritime areas;
> (b) the rights and obligations of States Parties to UNCLOS in the event of a dispute relating to those maritime areas, pending its settlement and in the context of the United Nations' decolonization process;
> (c) the rights and obligations of States Parties to UNCLOS with respect to the protection of the marine environment of the disputed maritime area; and
> (d) the UNCLOS and general international law obligation to settle disputes by peaceful means and in good faith.

51. Argentina contends that "[i]t is a matter of common knowledge that a dispute exists between Argentina and the United Kingdom concerning sovereignty over the Malvinas Islands and sovereignty and sovereign rights over the surrounding maritime areas." It further adds that "[t]his is a dispute concerning maritime areas of a territory subject to the decolonization process governed by the UN." In this context, Argentina explains that Resolution III of the Final Act of the Third Conference on the Law of the Sea (hereinafter "Resolution III") "is a text with a clearly legal content", which concerns "the interpretation of the Convention by the Conference, as applied to a specific situation: decolonization".

52. Argentina clarifies, however, in this context that it

> has **not** requested the Arbitral Tribunal to settle the territorial sovereignty dispute and hence to determine which State is the holder of the sovereign rights over the contested continental shelf. Through these proceedings, Argentina aims to protect its sovereign rights over the continental shelf under UNCLOS pending the settlement of the territorial sovereignty dispute, which remains unsettled due to the persistent refusal of the United Kingdom to resolve it.

53. The United Kingdom contends that "Argentina cannot satisfy the Tribunal that the Annex VII Tribunal has jurisdiction over its claims, even on a *prima facie* basis". It claims that

> the fundamental question for this Tribunal, when assessing *prima facie* jurisdiction, is whether the claim now brought by Argentina concerns the interpretation or application of UNCLOS; that is, falls within the provisions of UNCLOS.

54. The United Kingdom asserts that

> Argentina has submitted an alleged "dispute concerning the unilateral exploration and exploitation by the British Government of the natural resources of the maritime areas surrounding the Malvinas, the South Georgia and the South Sandwich Islands". … [T]his is a dispute which concerns Argentina's claim to land sovereignty.

55. The United Kingdom argues that "jurisdiction under article 288(1) does not extend to the determination of longstanding disputes over land sovereignty". It observes that almost all of the 32 notes submitted by Argentina

> just assert Argentina's sovereignty over the Falkland Islands and, in certain cases, allege incompatibility with UN General Assembly resolutions. Only two refer to UNCLOS, one of these being dated 24 August 2026; that is, when the current proceedings were plainly in contemplation. The other is dated 17 December 2013.

It adds in this respect that

> UNCLOS provides no rules on identification of the coastal State in cases where sovereignty over the land territory fronting a coast is disputed. This would involve the application of rules of international law lying entirely outside the law of the sea.

56. The United Kingdom states that "[g]reat weight was also placed … [by Argentina] on the particular context of decolonization, and the alleged importance of resolution III." However, the United Kingdom disputes their relevance for the present proceedings. It contends, *inter alia*, that "resolution III is not a relevant source of rights and obligations under UNCLOS, and expressly not." The United Kingdom further contends that

> the Third Conference of the Law of the Sea specifically considered the issue of decolonization, and the participants in the negotiations decided that the text that had been developed to deal with this issue belonged outside the Convention. In these circumstances, there is no justification for seeking to bring the decolonization issue to bear on the interpretation of provisions of the Convention that have absolutely nothing to do with it.

* * *

57. In light of the foregoing, the Tribunal notes that the Parties are not in agreement whether the dispute submitted to the Annex VII arbitral tribunal concerns the interpretation or application of this Convention and therefore whether that arbitral tribunal would have jurisdiction.

58. Article 288, paragraph 1, of the Convention provides that "[a] court or tribunal referred to in article 287 shall have jurisdiction over any dispute concerning the interpretation or application of this Convention which is submitted to it in accordance with this Part." Thus, the jurisdiction of the Annex VII arbitral tribunal is confined to "any dispute concerning the interpretation or application of this Convention" (*Arbitration between Ukraine and the Russian Federation in respect of Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait, Award concerning the Preliminary Objections of the Russian Federation of 21 February 2020*, para. 156).

59. At the stage of provisional measures under article 290, paragraph 5, of the Convention, the Tribunal "has to determine whether, on the date of the institution of arbitral proceedings, a dispute appears to have existed between the Parties and, if so, whether such dispute concerns the interpretation or application of the

Convention" (*M/T "San Padre Pio" (Switzerland* v. *Nigeria), Provisional Measures, Order of 6 July 2019, ITLOS Reports 2018-2019*, p. 375, at p. 389, para. 56).

60. The Tribunal recalls relevant jurisprudence, according to which "a dispute, which requires the determination of a question of territorial sovereignty, may not be regarded as a dispute concerning the interpretation or application of the Convention under article 288, paragraph 1, of the Convention" (*Delimitation of the maritime boundary in the Indian Ocean (Mauritius/Maldives)*, *Preliminary Objections, Judgment, ITLOS Reports 2020-2021*, p. 17, at p. 51, para. 110; see also *Arbitration regarding the Chagos Marine Protected Area between Mauritius and the United Kingdom of Great Britain and Northern Ireland, Award of 18 March 2015, RIAA, Vol. XXXI*, p. 359, at p. 460, para. 220; *The South China Sea Arbitration between the Republic of the Philippines and the People's Republic of China, Award of 12 July 2016, RIAA, Vol. XXXIII,* p. 153, at pp. 184-185, para. 5; and *Arbitration between Ukraine and the Russian Federation in respect of Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait, Award concerning the Preliminary Objections of the Russian Federation of 21 February 2020,* para. 157).

* * *

61. The Tribunal will now proceed to ascertain whether any of the provisions invoked by Argentina in the four claims as stated in its Notification and Statement of Claim appears *prima facie* to afford a basis on which the jurisdiction of the Annex VII arbitral tribunal might be founded.

62. Argentina submits in the Notification and Statement of Claim that the United Kingdom,

> by unilaterally authorizing the exploration and exploitation of natural resources in the maritime areas surrounding the Malvinas, South Georgias and South Sandwich Islands, and by refusing to settle the dispute thus arisen with the Argentine Republic,

has violated

> (1) … the international obligation to respect the sovereignty and sovereign rights of the Argentine Republic over the maritime areas, in accordance with Articles 2, 56 and 77 of UNCLOS;
> (2) … the obligation to refrain from taking unilateral measures of exploration and exploitation of the natural resources of maritime areas subject to an international dispute between the two States within the framework of the decolonization process governed by the United Nations;
> (3) … the obligations set forth in Part XII of UNCLOS by preventing the Argentine Republic from fulfilling its obligations to protect and preserve the marine environment under Articles 192 and 194 of that Convention with respect to the disputed maritime areas;
> (4) … the obligation to settle international disputes by peaceful means, and in particular disputes concerning the interpretation or application of UNCLOS, as provided in Articles 279 and 300 of the Convention and in Article 2, paragraph 3, of the Charter of the United Nations.

63. During the oral proceedings, Argentina stated that several articles of the Convention are relevant to the dispute, namely, articles 56, 77, 81, 192, 193, 194, 204, 205, 206, 242, 246, 279 and 300. The Tribunal notes that not all of these provisions were mentioned in the Notification and Statement of Claim.

64. The Tribunal recalls that Argentina argues that "[s]ome articles [of the Convention] may be read in isolation, whilst others must be read in conjunction with one another in order to apply them to the issues at the heart of the dispute", and that it is the "combined effect of several articles of the Convention" that makes it "possible to establish *prima facie* that … [the] Tribunal has jurisdiction to order provisional measures".

65. The Tribunal also recalls that the United Kingdom disputes this approach and states in particular that "Argentina cannot locate an applicable provision in UNCLOS, and hence it seeks to create a patchwork of provisions to fill the gap."

First claim

66. The Tribunal now turns to the provisions of the Convention invoked by Argentina in its first claim, namely, articles 2, 56 and 77 of the Convention. Article 2 concerns the legal status of the territorial sea, of the airspace over the territorial sea and of its bed and subsoil. Article 56 sets out the rights, jurisdiction and duties of the

coastal State in the exclusive economic zone, while article 77 identifies the rights of the coastal State over the continental shelf.

67. In this respect, in its Request Argentina contends that

> [u]nder Articles 56, paragraph 1, and 77, paragraph 1, of UNCLOS, the coastal State possesses sovereign rights for the purpose of exploring and exploiting the natural resources of the seabed and its subsoil. These rights are exclusive, in that no other State may undertake – without the coastal State's express consent – activities involving the exploration or exploitation of the natural resources of the continental shelf in the area in question (Article 77, paragraph 2, of UNCLOS), nor even conduct a marine scientific research project having a "direct significance for the exploration or exploitation of natural resources" (Article 246 of UNCLOS). Moreover, Article 81 of UNCLOS provides that "the coastal State shall have the exclusive right to authorize and regulate drilling on the continental shelf for all purposes."

68. This line of reasoning is further developed by Argentina during the oral proceedings, where it explains the rationale underlying its reliance on articles 56, 77 and also 81 of the Convention. According to it, these provisions relate to the rights and obligations of the coastal State and Argentina is therefore entitled to invoke them, noting that the United Kingdom does the same "since it asserts that it is its own *de facto* authorities on the Islands that hold these rights."

69. In submitting that the conduct of the United Kingdom amounts to a violation of Argentina's rights under article 77 of the Convention, Argentina clarifies that it is "well aware of the existence of a sovereignty dispute over the territory and, consequently, over its continental shelf, which is the natural prolongation of that territory." On that point, it further submits that it "has **not** requested the Arbitral Tribunal to settle the territorial sovereignty dispute and hence to determine which State is the holder of the sovereign rights over the contested continental shelf."

70. Argentina clarifies that

> the fact the dispute concerning territorial sovereignty is governed by rules of international law doesn't mean that the maritime areas generated by that territory are not governed by the Convention. Consequently, the States Parties to the dispute aren't exempt from the rights and obligations incumbent upon them – including in their mutual relations – so long as jurisdiction over those areas has not been determined.

71. According to Argentina, the aim of invoking the violation by the United Kingdom of articles 56, 77 and 81 of the Convention is not to obtain recognition by the Annex VII arbitral tribunal of Argentina's status as a coastal State, "but to point out that the possible sovereign rights of either Party are at stake and that they must be preserved until the dispute is settled." From Argentina's perspective, if its "sovereign rights cannot be recognized in the present proceedings, surely the same applies to the alleged sovereign rights invoked by the United Kingdom."

72. In Argentina's view, the purpose of instituting these proceedings is

> to protect its sovereign rights over the continental shelf under UNCLOS pending the settlement of the territorial sovereignty dispute, which remains unsettled due to the persistent refusal of the United Kingdom to resolve it. As case law shows, the existence of a sovereignty dispute, including over islands, does not preclude the jurisdiction of Arbitral Tribunals or ITLOS over relevant issues concerning the law of the sea.

73. The United Kingdom contests the assertion of Argentina that articles 2, 56 and 77 of the Convention serve as a basis for *prima facie* jurisdiction of the Annex VII arbitral tribunal. In the United Kingdom's view, "Argentina fails to satisfy the threshold for *prima facie* jurisdiction" as Argentina's claim under these provisions "is premised on its alleged sovereign rights as the relevant coastal State."

74. More specifically, according to the United Kingdom

> Article 2 provides that "[t]he sovereignty of a coastal State extends … to an adjacent belt of sea, described as the territorial sea". Article 56 provides that in the EEZ, as defined in article 55, "the coastal State has sovereign rights" for the purpose of exploring and exploiting natural resources. Article 77 provides that "the coastal State exercises over the continental shelf", as defined in article 76, "sovereign rights for the purpose of exploring it and exploiting its natural resources". So the rights set out in those articles are all premised on the State with the relevant rights being the coastal State, that is to say sovereign over the land territory which comprises the relevant coast.

75. The United Kingdom's position is, therefore, that Argentina is asking the Annex VII arbitral tribunal

> to say that Argentina, and not the United Kingdom, is the coastal State for the purposes of articles 2, 56 and 77. And that is simply a different way of saying that Argentina is asking the Tribunal to determine that it is sovereign over the Falkland Islands.

76. The United Kingdom maintains that the present dispute does not concern the interpretation or application of articles 2, 56 and 77 of the Convention. On the contrary

> [i]t is a dispute grounded in rules of customary international law concerning sovereignty over territory, which depends on introducing absent obligations into UNCLOS concerning settlement of land territory disputes and prohibition of unilateral activities.

77. In the United Kingdom's view, "[a]rticles 2, 56 and 77 do not concern disputes over claims to land territory and do not establish protections to a claimed plausible right to coastal State status" and consequently they "do not provide any right for a State that simply asserts the existence of a dispute as to who is the coastal State."

78. With respect to Argentina's first claim, based on articles 2, 56 and 77 of the Convention, the United Kingdom's view is that this claim "is premised on its alleged sovereign rights as the relevant coastal State. This requires a determination as to whether Argentina is in fact sovereign over the Falkland Islands."

* * *

79. The Tribunal notes that, in its first claim, Argentina alleges that the United Kingdom has violated "the international obligation to respect the sovereignty and sovereign rights of the Argentine Republic over the maritime areas, in accordance with articles 2, 56 and 77 of UNCLOS". The Tribunal considers that the adjudication of the first claim of Argentina requires the identification of the coastal State that has sovereignty over the Falkland Islands (Malvinas), and presupposes the determination of a question of territorial sovereignty. In order to make such a determination, the Annex VII arbitral tribunal would be required to interpret and apply

not the Convention but other rules of international law. The Tribunal is of the view that a dispute requiring the determination of a question of territorial sovereignty may not be regarded as a dispute concerning the interpretation or application of the Convention under article 288, paragraph 1, of the Convention (see para. 60 above).

80. In light of the above, in respect of Argentina's first claim, the Tribunal is of the view that articles 2, 56 and 77 of the Convention invoked by Argentina do not appear *prima facie* to afford a basis for the Annex VII arbitral tribunal's jurisdiction.

Second claim

81. The Tribunal will now consider the provisions of the Convention invoked by Argentina in the second claim. In the Notification and Statement of Claim, Argentina alleges that the United Kingdom has violated the

> obligation to refrain from taking unilateral measures of exploration and exploitation of the natural resources of maritime areas subject to an international dispute between the two States within the framework of the decolonization process governed by the United Nations.

82. In the Notification and Statement of Claim, Argentina refers to the provisions concerning "provisional arrangements of a practical nature" in articles 74, paragraph 3, and 83, paragraph 3, of the Convention and maintains in particular that the present dispute

> *does not concern the delimitation of maritime areas between the States with opposite or adjacent coasts* but rather concerns *the entirety* of the maritime areas of the disputed territories that are subject to decolonization. The obligations of the parties expressly referred to in the aforementioned articles 74 and 83 do not apply exclusively to maritime delimitation. This was recognized by Resolution III of the Third United Nations Conference on the Law of the Sea. … Resolution III provides that the parties shall consult, taking into account the relevant resolutions of the United Nations, and "shall make every effort to enter into provisional arrangements of a practical nature and shall not jeopardize or hamper the reaching of a final settlement of the dispute".

83. In its Request, Argentina further elaborates on the significance of articles 74, paragraph 3, and 83, paragraph 3, of the Convention in the present dispute. In this respect, Argentina states that

> the obligations contained in paragraph 3 of those articles reflect, in their specific situations, the consequence of what emerges from other rules of the Convention; hence, they are not exclusively applicable to maritime delimitations. They are the logical consequence of the existence of a dispute relating to maritime areas and the obligation of States Parties to settle such disputes by peaceful means and in good faith, as stipulated by Articles 279 and 300 of UNCLOS. Pending such settlement, and all the more so when disputes concern areas with non-renewable natural resources, the parties must make every effort to reach a settlement and, to that end, envisage interim arrangements and refrain from taking actions that aggravate or extend the dispute.

84. With regard to the relevance of Resolution III to the second claim, Argentina's view is that in the case of territories under colonial domination which are the subject of a dispute over their sovereignty, and in respect of which the United Nations has recommended specific means of settlement,

> Resolution III provides that the parties shall consult, taking into account the relevant resolutions of the United Nations, and "shall make every effort to enter into provisional arrangements of a practical nature and shall not jeopardize or hamper the reaching of a final settlement of the dispute".

85. According to Argentina, although Resolution III is not part of the Convention,

> it serves as an instrument for interpreting UNCLOS and, therefore, attests to the obligation of States parties to a sovereignty dispute over a colonial territory in respect of which the United Nations has recommended specific means of settlement – as is precisely the case here – to "make every effort to enter into provisional arrangements of a practical nature" and to "not jeopardize or hamper the reaching of a final settlement of the dispute".

86. Argentina highlights that Resolution III is "an official document that was adopted by the Conference and which, for the purposes of interpretation of the Convention, can be considered as forming part of the context in the meaning of article 31(2)(a) of the Vienna Convention on the Law of Treaties."

87. In the course of the oral proceedings, Argentina refers to what it identifies as the "obligation not to compromise the settlement/provisional arrangements." According to Argentina, this obligation entails, on the one hand, a duty "on both States to refrain from introducing irreversible unilateral changes to the continental shelf as long as the dispute remains unresolved". On the other hand, it entails "the obligation on the Parties to consult with one another – taking into account the

relevant UN resolutions – while making every effort to reach practical provisional arrangements that neither compromise nor hinder the achievement of a final settlement of the dispute."

88. In this respect, Argentina also maintains that the obligation arises from "the combined effect of articles 56, 77, 81, 279 and 300 of the Convention in the specific context of this case." Argentina admits that this obligation also exists under general international law, but it emphasizes that such obligation derives primarily from the Convention whose articles must not be interpreted in isolation but as a whole.

89. In particular, in Argentina's view,

> [s]ince both States claim exclusive rights over the same continental shelf, and there is an obligation to settle disputes in good faith, neither may unilaterally introduce irreversible changes to the continental shelf that would undermine the settlement of the dispute or aggravate it. There is, thus, to use the terminology employed by the ICJ and by [the] Tribunal, a "sufficient connection" between the aforementioned provisions of the Convention.

90. The United Kingdom denies that articles 74 and 83 of the Convention have any relevance to the *prima facie* determination of the jurisdiction of the Annex VII arbitral tribunal. To that end, the United Kingdom makes a distinction between a maritime area that is claimed by two coastal States with overlapping entitlements given their respective coastlines, and a maritime area that is claimed by two States, each of them claiming sovereignty over the same coastline. According to the United Kingdom, only the former claim "is governed by the Convention, in articles 15, 74 and 83, as well as Part XV. The latter is a dispute concerning sovereignty over land territory and is completely outside the Convention and Part XV."

91. The United Kingdom underscores that articles 74, paragraph 3, and 83, paragraph 3, of the Convention concern the position of opposite or adjacent States pending agreement on maritime delimitation. In the United Kingdom's view, "any claim based on sovereign rights over maritime areas where sovereignty turns on the question of who is the coastal State 'is a sovereignty dispute, not one about the law of the sea'". It considers that this assertion is confirmed by the fact that the Convention "provides no rules on identification of the coastal State in cases where

sovereignty over the land territory fronting a coast is disputed. This would involve the application of rules of international law lying entirely outside the law of the sea."

92. The position of the United Kingdom is therefore that the point that "all revolves around disputed land sovereignty" applies to Argentina's second claim "with respect to a purported 'obligation to refrain from taking unilateral measures' in relation to 'maritime areas subject to an international dispute'". The United Kingdom in this regard maintains that

> as in Argentina's claim (2), State A seeks a declaration that State B cannot exercise the rights of a coastal State …. These claims are all based on the same dispute over land sovereignty, and they all seek to advance State A's claim – that is Argentina's claim – to sovereignty.

93. Furthermore, the United Kingdom contends that with its second (and also fourth) claim, Argentina is arguing that Part XV was "formulated so as to enable this Tribunal and/or an Annex VII tribunal to enter into the world's very many disputes over land territory that exist between coastal States". The United Kingdom accepts that

> [i]f a State Party to UNCLOS had a complaint about the way in which the United Kingdom is applying its rights and obligations under the Convention to the Falkland Islands' maritime areas, that would, in principle, be a matter concerning the interpretation and application of the Convention, and one that, in principle, would be subject to Part XV. But that is not the case before [the Tribunal]. The United Kingdom's compliance with its own obligations is not the subject of Argentina's claim. It is Argentina's alleged rights as to being the putative coastal State that are the subject of Argentina's claim.

94. With regard to Resolution III, the United Kingdom states that it "has no relevance to the matters before the Tribunal. It is not part of the Convention, as Argentina itself seems to accept." In support of its assertion, the United Kingdom submits that "the very fact that resolution III is deliberately outside the terms of the Convention demonstrates that, as the Chairman of the Conference indicated, it is a matter extraneous to the Law of the Sea and to the Convention." The United Kingdom further observes that "resolution III does not give rise to any binding legal obligation".

95. According to the United Kingdom, it is also worth recalling that

> Argentina rejected resolution III in the strongest possible terms at the Conference itself. Indeed, Argentina even refused to sign the Final Act of the Conference because it included a reproduction of resolution III. Such a refusal has been described as "an unusual and possibly unprecedented action". What is more, Argentina has repeatedly and consistently made clear its position that resolution III did not apply to the resolution of the territorial sovereignty dispute over the Falkland Islands.

96. The United Kingdom contests also that

> the wording that Argentina would wish to find in an obligation of the Convention is in resolution III …. If it were the intention of the UNCLOS parties to include an obligation equivalent to the wording of resolution III, they would have included that wording in the Convention – or they would have seen no need for resolution III because they would have considered that it was already a matter of obligation within the Convention.

97. It further emphasizes that

> the Third Conference of the Law of the Sea specifically considered the issue of decolonization, and the participants in the negotiations decided that the text that had been developed to deal with this issue belonged outside the Convention. In these circumstances, there is no justification for seeking to bring the decolonization issue to bear on the interpretation of provisions of the Convention that have absolutely nothing to do with it. Indeed, to interpret the Convention in the way that Argentina seeks – in effect to reintegrate the wording of resolution III into the Convention – would be to go directly counter to the intention of the States Parties to UNCLOS.

* * *

98. The Tribunal recalls that, in its second claim, Argentina alleges that the United Kingdom has violated

> the obligation to refrain from taking unilateral measures of exploration and exploitation of the natural resources of maritime areas subject to an international dispute between the two States within the framework of the decolonization process governed by the United Nations.

99. The Tribunal also recalls that this claim is based on, *inter alia*, articles 74, paragraph 3, and 83, paragraph 3, of the Convention, in conjunction with Resolution III. The Tribunal notes that this claim asserts rights to the exploration and exploitation of the natural resources in the "disputed maritime areas".

100. The Tribunal is not persuaded that articles 74, paragraph 3, and 83, paragraph 3, of the Convention, even when read in conjunction with Resolution III or any provisions of the Convention, are relevant in the present case since they concern the conduct of States pending delimitation of maritime areas in which their entitlements overlap. That is not the situation in the present dispute.

101. The Tribunal is of the view that, although Argentina's second claim is formulated differently from the first one, the adjudication of this second claim also requires the identification of the coastal State that has sovereignty over the Falkland Islands (Malvinas) and presupposes the determination of a question of territorial sovereignty. The Tribunal accordingly considers that its reasoning set out in paragraph 79 above is equally applicable to the second claim.

102. The Tribunal is of the view that the meaning and scope of a provision of the Convention may be ascertained in conjunction with other provisions; it has adopted this contextual approach in previous cases (*M/V "Virginia G" (Panama/Guinea-Bissau), Judgment, ITLOS Reports 2014*, p. 4, at p. 69, para. 217; *"Enrica Lexie" (Italy* v. *India), Provisional Measures, Order of 24 August 2015, ITLOS Reports 2015*, p. 182, at p. 195, para. 74; *Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law, Advisory Opinion, 21 May 2024, ITLOS Reports 2024,* p. 4, at p. 99, para. 261). However, this interpretative method may not be used as a basis to infer new obligations not otherwise found in the Convention, including through its rules of reference.

103. The Tribunal further considers that even if articles 74, paragraph 3, and 83, paragraph 3, of the Convention are read taking into account "resolutions of the United Nations", to use the language of Resolution III, that could not, in itself, provide a basis for establishing the jurisdiction of the Annex VII arbitral tribunal. The Tribunal recalls its jurisprudence, according to which "applicable law may not be used to extend the jurisdiction of the Tribunal" (*M/V "Norstar" (Panama* v. *Italy), Judgment, ITLOS Reports 2018-2019,* p. 10, at p. 47, para. 136; see also *M/T "Heroic Idun"*

(No. 2) (Marshall Islands/Equatorial Guinea), Judgment, ITLOS Reports 2025-2026 (forthcoming), para. 142).

104. In light of the above, with respect to Argentina's second claim, the Tribunal is of the view that the provisions of the Convention invoked by Argentina, even when read together with Resolution III, do not appear *prima facie* to afford a basis for the Annex VII arbitral tribunal's jurisdiction.

Third claim

105. The Tribunal now turns to the provisions explicitly invoked by Argentina in its third claim, namely, articles 192 and 194 of the Convention. Argentina, in the course of the oral proceedings, refers to several additional provisions of the Convention, in particular, articles 199, 204, 205 and 206.

106. Argentina argues that

> [t]he *de facto* control by the United Kingdom of the disputed maritime areas around the Malvinas Islands also prevents Argentina from complying with its obligations set forth in Part XII of UNCLOS, particularly Articles 192 and 194, to protect and preserve the marine environment.

107. Argentina further asserts that article 192 of the Convention contains a "positive obligation to take active measures to protect and preserve the marine environment" and, as it further states

> [a]s a State Party *with sovereign rights over the continental shelf concerned*, Argentina has a plausible right to ensure the protection of the marine environment *under its jurisdiction* and, consequently, to fulfill its obligation under Articles 192 and 194 to take the necessary measures *in the disputed area* …
> (emphasis added by the Tribunal)

108. Argentina, in relation to its third claim, contends that the United Kingdom is obliged to "cease preventing Argentina from complying with its obligations." It clarifies that this obligation is, in its assessment, "linked" with the fact that the United Kingdom is in breach of its own obligations. Argentina explains in this context that it

> is prevented precisely because the UK does not notify it, does not communicate its assessment, as article 206 requires, and does not plan the response jointly with the State in the area affected, as article 199 requires. And under article 290(1), preventing serious harm to the marine environment is … a ground for measures in its own right, whoever holds title.

109. In response to the arguments of Argentina, the United Kingdom stresses that "the central claim under articles 192 and 194 is based on an assertion to sovereignty, which it is intended the arbitral tribunal will uphold."

110. While the United Kingdom admits that articles 192 and 194 of the Convention "establish obligations for States other than the coastal State in certain situations", it nevertheless underlines that Argentina's claim is "predicated on Argentina being the coastal State with the relevant sovereign rights and obligations".

111. The United Kingdom disputes Argentina's contention as to the "linked" nature of its claims. In this respect, it argues that "[i]f it is alleged that the United Kingdom is breaching its own obligations … this wholly new allegation that the United Kingdom firmly denies does not have any relevance to the third provisional measure". The United Kingdom proceeds in its arguments on the understanding that the claim of Argentina is that the United Kingdom is "preventing Argentina from performing its obligations" with respect both to articles 192 and 194 as "originally pleaded" and to "these new topics", as the United Kingdom referred to them, that is, allegations invoking articles 199, 205 and 206 of the Convention.

112. As to these other provisions of Part XII of the Convention invoked by Argentina, the United Kingdom claims that they were either fulfilled or not applicable in the present case. In particular, it argues that the relevant environmental impact assessment was prepared and published and, thus, that the requirements of articles 205 and 206 have been satisfied. The United Kingdom denies the applicability of article 199 of the Convention as the present case is not one in which "the marine environment is in imminent danger of being damaged or has been damaged by pollution", as required by article 199 read in conjunction with article 198 of the Convention.

* * *

113. The Tribunal recalls that Argentina's third claim alleges that, by "unilaterally authorizing the exploration and exploitation of natural resources", the United Kingdom

> is in breach of the obligations set forth in Part XII of UNCLOS *by preventing* the Argentine Republic from fulfilling *its* obligations to protect and preserve the marine environment *under Articles 192 and 194* of that Convention *with respect to the disputed maritime areas.*
> (Emphasis added by the Tribunal)

114. The Tribunal notes that, under Part XII of the Convention, all States have the obligation to protect and preserve the marine environment. The Tribunal observes, however, that Argentina's third claim is of a different nature, as it concerns the United Kingdom's alleged breach of the obligations under Part XII only to the extent that this breach prevents Argentina from fulfilling its *own* obligations under articles 192 and 194 of the Convention.

115. The Tribunal also observes that the claim is geographically restricted and concerns only "disputed maritime areas". Therefore, Argentina does not claim that it is being prevented from fulfilling its obligations under articles 192 and 194 of the Convention in all of its maritime zones but solely in the "disputed maritime areas".

116. The Tribunal considers that a determination whether the alleged "unilateral authorization" for exploring and exploiting natural resources by the United Kingdom has interfered with the exercise of Argentina's own obligations in the "disputed maritime areas" would require the Annex VII arbitral tribunal to first decide which Party has jurisdiction to discharge obligations of the coastal State to protect and preserve the marine environment in those areas. Such a determination would necessarily entail a decision on sovereignty over the Falkland Islands (Malvinas), which is beyond the scope of interpretation or application of the Convention.

117. The Tribunal is mindful of the fact that Argentina alleges that the United Kingdom is in breach of articles 199 and 204 to 206 of the Convention. The Tribunal emphasizes in this respect that Argentina does not present these allegations as a

separate claim but rather in support of its third claim. Accordingly, the Tribunal considers these arguments in the framework of the third claim and, therefore, subject to the ramifications specified in paragraphs 114 and 115 above. Notwithstanding whether these arguments merely elucidate the third claim or go beyond it (see *M/V "Louisa" (Saint Vincent and the Grenadines* v. *Kingdom of Spain), Judgment, ITLOS Reports 2013*, p. 4, at p. 44, paras. 142-143), the Tribunal is of the view that, in order to address these arguments, the Annex VII arbitral tribunal would in any event need to determine which State is the coastal State with regard to the "disputed maritime areas".

118. In light of the above, with respect to the third claim, as formulated, the Tribunal is of the view that the provisions invoked by Argentina in its third claim and in support of that claim do not appear *prima facie* to afford a basis for the Annex VII arbitral tribunal's jurisdiction.

Fourth claim

119. The Tribunal now turns to the analysis of the fourth claim put forward by Argentina, which it argues referring to articles 279 and 300 of the Convention.

120. Argentina submits in this respect that article 279 of the Convention and general international law "impose the obligation to settle disputes by peaceful means." It further contends that

> [t]he corresponding right of Argentina is violated by the United Kingdom's refusal to pursue that settlement. This attitude … demonstrates that the Respondent disregards its obligations under UNCLOS and general international law and fails to comply with the principle of good faith, as incorporated in Article 300 of UNCLOS.

121. Argentina maintains that "[t]he obligation to not aggravate the dispute is closely tied to the obligation to settle disputes and to do so in good faith." Argentina refers in this context to the jurisprudence of Annex VII arbitral tribunals and asserts that

> [a]s the recent arbitral award handed down in the case of *Coastal States Rights in the Black Sea, the Sea of Azov, and Kerch Strait* stated

> unanimously, the duty of non-aggravation of the dispute exists under articles 279 and 300 of the Convention.

122. The United Kingdom, for its part, considers that Argentina's arguments pertaining to articles 279 and 300 of the Convention are "baseless" as these provisions are restricted to disputes concerning the interpretation and application of the Convention and, as such, "have nothing to do with an obligation to settle territorial sovereignty disputes."

123. The United Kingdom contests the reference to orders adopted by various international courts or tribunals to which Argentina refers in its Request. According to the United Kingdom, they were adopted at the provisional measures stage not to aggravate a dispute before these courts or tribunals. For it, these courts or tribunals did so "where that dispute falls, at least *prima facie*, within the relevant treaty that provides the basis of jurisdiction." In the United Kingdom's view, these examples do not suggest "the existence of the freestanding obligation for which Argentina contends."

124. In relation to the jurisprudence relied upon by Argentina, the United Kingdom contends in particular that "as appears obvious from its wording and as was confirmed by the arbitral tribunal in the *Coastal State Rights* award, article 279 cannot 'serve as the sole and independent basis or "docking point"' for a claim." It further adds that the said award also confirms, in the United Kingdom's view, that "article 300 is merely ancillary in nature" and that Argentina does not explain "how article 300 operates in any relevant way with any applicable provision of UNCLOS."

* * *

125. The Tribunal observes that the fourth claim of Argentina concerns in particular the alleged breach by the United Kingdom of the obligation to settle disputes concerning the interpretation or application of the Convention by peaceful means, as provided in article 279 of the Convention. The Tribunal notes that article 279 itself refers to Article 2, paragraph 3, of the Charter of the United

Nations. Argentina also invokes article 300 of the Convention in relation to the performance of that obligation in good faith.

126. With respect to article 279 of the Convention, the Tribunal is of the view that, as expressed by the Annex VII arbitral tribunal in the *Coastal State Rights* case, "neither Article 279 of the Convention, nor the general obligation to refrain from aggravating a dispute, can itself serve as the sole and independent basis or 'docking point'" for a claim advanced by an applicant State (*Arbitration between Ukraine and the Russian Federation in respect of Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait, Award of 22 April 2026*, para. 1219). The Tribunal agrees that

> a claim of aggravation cannot be used as a vehicle to bring within the Arbitral Tribunal's jurisdiction a claim over which the Arbitral Tribunal otherwise lacks jurisdiction. Instead, each claim and dispute must be assessed separately.
> (*Ibid*., para. 1222)

127. With respect to article 300 of the Convention, the Tribunal, in line with its established jurisprudence, is of the view that

> it is apparent from the language of article 300 of the Convention that article 300 cannot be invoked on its own. It becomes relevant only when "the rights, jurisdiction and freedoms recognised" in the Convention are exercised in an abusive manner.
> (*M/V "Louisa" (Saint Vincent and the Grenadines* v. *Kingdom of Spain), Judgment, ITLOS Reports 2013*, p. 4, at p. 43, para. 137; see also *M/V "Virginia G" (Panama/Guinea-Bissau), Judgment, ITLOS Reports 2014*, p. 4, at p. 109, para. 396; *M/V "Norstar" (Panama* v. *Italy), Preliminary Objections, Judgment, ITLOS Reports 2016*, p. 44, at p. 74, para. 131; *M/V "Norstar" (Panama* v. *Italy), Judgment, ITLOS Reports 2018-2019,* p. 10, at p. 79, para. 241)

128. For these reasons, in respect of Argentina's fourth claim, the Tribunal is of the view that articles 279 and 300 of the Convention invoked by Argentina do not appear *prima facie* to afford a self-standing basis for the Annex VII arbitral tribunal's jurisdiction.

* * *

129. In light of the foregoing, the Tribunal, having examined the claims submitted by Argentina in the Notification and Statement of Claim and in the Request, as well as the positions expressed by the Parties in the oral pleadings, is of the view that the provisions invoked by the Applicant do not appear *prima facie* to afford a basis for the jurisdiction of the Annex VII arbitral tribunal. Having reached this conclusion, the Tribunal need not examine whether any other condition for the prescription of provisional measures under article 290, paragraph 5, of the Convention is satisfied.

* * *

130. The Tribunal notes the statement of the United Kingdom during the hearing that "the United Kingdom Agent has confirmed to the Tribunal that extraction will not commence before March 2028; and indeed drilling will not commence before 21 March 2027". The Tribunal also notes that the United Kingdom stated that "[n]o further licenses will be granted as the licensing regime is suspended". The Tribunal places these assurances on record.

131. The Tribunal recalls that the United Kingdom indicates that there is "every reason to expect that the Annex VII tribunal will be constituted before the end of this year, or by January 2027 at the very latest" and that it "will continue to do all that it can to ensure the swift constitution of the arbitral tribunal". For its part, Argentina also indicates that it "would be happy to proceed expeditiously". The Tribunal encourages the Parties to continue cooperating in the swift establishment of the Annex VII arbitral tribunal, mindful of article 3 of Annex VII to the Convention.

132. The Tribunal emphasizes that the Convention is applicable in the maritime areas in dispute and expects that the Parties will act accordingly.

133. The Tribunal also recalls that the present Order in no way prejudges the question of the jurisdiction of the Annex VII arbitral tribunal to deal with the merits of the case, or any questions relating to the admissibility of Argentina's claims or relating to the merits themselves, and leaves unaffected the rights of Argentina and the United Kingdom to submit arguments in respect of those questions (*M/T* "*San*

Padre Pio" (Switzerland v. *Nigeria), Provisional Measures, Order of 6 July 2019, ITLOS Reports 2018-2019,* p. 375, at p. 408, para. 145).

* * *

II. OPERATIVE PROVISION

134. For these reasons,

THE TRIBUNAL,

By 18 votes to 3,

Given the conclusions in paragraph 129 above, *rejects* the Request for the prescription of provisional measures submitted by Argentina on 13 October 2026.

FOR: *President* KAMGA; *Judges* ATTARD, KULYK, KOLODKIN, LIJNZAAD, INFANTE CAFFI, DUAN, BROWN, CARACCIOLO, JOYINI, RHEE, KEH KAMARA, MARCINIAK, LAGHMANI, ADUSU, NGUYEN, BANDEIRA GALINDO; *Judge* ad hoc LOWE;

AGAINST: *Judges* HORINOUCHI, PATEL; *Judge* ad hoc VINUESA.

Done in English and in French, both texts being equally authoritative, in the Free and Hanseatic City of Hamburg, this twenty-eighth day of November two thousand and twenty-six, in three copies, one of which will be placed in the archives of the Tribunal and the others transmitted to the Government of Argentina and the Government of the United Kingdom, respectively.

(signed)

Maurice K. KAMGA
President

(signed)

Ximena HINRICHS OYARCE
Registrar

Judge Brown appends a declaration to the Order of the Tribunal.

Judge Marciniak appends a declaration to the Order of the Tribunal.

Judge Infante Caffi appends a separate opinion to the Order of the Tribunal.

Judge Keh Kamara appends a separate opinion to the Order of the Tribunal.

Judges Adusu and Nguyen append a joint separate opinion to the Order of the Tribunal.

Judge Bandeira Galindo appends a separate opinion to the Order of the Tribunal.

Judge Horinouchi and Judge *ad hoc* Vinuesa append a joint dissenting opinion to the Order of the Tribunal.

Judge Patel appends a dissenting opinion to the Order of the Tribunal.