INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

DISPUTE CONCERNING HYDROCARBON EXPLOITATION IN THE SOUTH-WEST ATLANTIC OCEAN. PROVISIONAL MEASURES

ARGENTINE REPUBLIC	**v.**	**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**
(Applicant)		**(Respondent)**

REQUEST FOR THE PRESCRIPTION OF PROVISIONAL MEASURES UNDER ARTICLE 290, PARAGRAPH 5, OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

13 OCTOBER 2026

TABLE OF CONTENTS

1.- INTRODUCTION 5

2.- STATEMENT OF FACTS 7

3.- JURISDICTION 13

I. Basis of jurisdiction 13

II. Existence of a dispute relating to the interpretation and application of UNCLOS 13

A. The context of the dispute 14

B. The rights and obligations at stake 16

III. Exchange of views 19

4.- STATEMENT ON LEGAL GROUNDS 22

I. Provisional measures requested 22

II. The reasons why the measures are requested 22

A. The rights that must be preserved are more than plausible. 25

B. The rights of Argentina may suffer irreversible and irreparable damage and there is a risk of further aggravation of the dispute 31

III. Possible consequences if the request is not granted 33

IV. Urgency of the situation 35

V. The United Kingdom cannot absolve itself of its obligations by manipulating the principle of self-determination 37

VI. Conclusion 38

5.- SUBMISSIONS 40

6.- APPOINTMENT OF AGENT AND ADDRESS FOR SERVICE 41

7.- ANNEXES 43

1

INTRODUCTION

1. Pursuant to Article 290, paragraph 5, of the United Nations Convention on the Law of the Sea (hereinafter "UNCLOS" or "the Convention"), the Argentine Republic (hereinafter "Argentina") requests that the International Tribunal for the Law of the Sea (hereinafter "the Tribunal" or "ITLOS") prescribe the provisional measures specified below in the dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland (hereinafter "United Kingdom") over the illegal authorization to begin the exploitation of the natural resources of the continental shelf around the Malvinas Islands, an area that is the subject of a dispute between Argentina and the United Kingdom.

2. Argentina instituted proceedings against the United Kingdom before an arbitral tribunal established under Annex VII of the Convention by a note of 28 September 2026, received the same day (hereinafter "Institution of Arbitral Proceedings"). A certified copy of this note and its annexes is attached to this request (**Annex 1**). The institution of arbitral proceedings included a Statement of Claim, the grounds upon which it is based in accordance with Article 1 of Annex VII, a request to the United Kingdom to adopt provisional measures in order to prevent the beginning of the exploitation of hydrocarbons in the so-called "Sea Lion" Project in the Malvinas Northern Basin, as well as other measures. By a note dated 11 October 2026, the United Kingdom rejected Argentina's claims and refused to implement the provisional measures requested. Consequently, Argentina hereby submits to the Tribunal a request for the prescription of provisional measures.

3. As will be developed below, the object of the arbitral proceedings raises questions regarding the interpretation and application of UNCLOS, in particular the rights and obligations of States Parties with respect to the exploration, exploitation, conservation, and management of the natural resources of maritime areas in circumstances where a dispute relating to them remains pending. This includes the duty to refrain from conduct capable of aggravating or extending the dispute pending its settlement. These questions must be examined in light of the particular circumstances of the dispute concerning the Malvinas Islands, a question under the scrutiny of the United Nations General Assembly (hereinafter "the UNGA" or "the General Assembly") in the context of its powers in matters of decolonization.

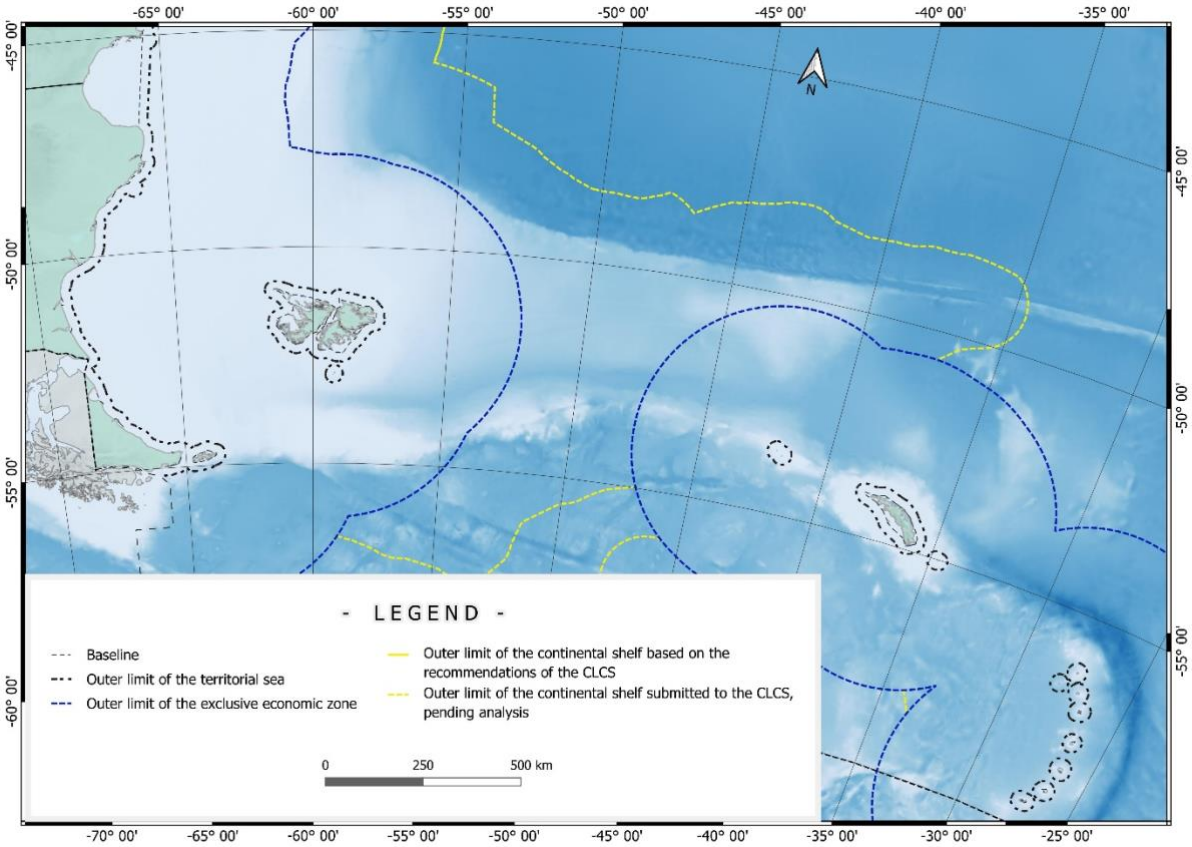


Figure 1: South America, the Malvinas, South Georgias and South Sandwich Islands

2

STATEMENT OF FACTS

4. By way of factual background, the Malvinas Islands are the subject of a sovereignty dispute between Argentina and the United Kingdom. The "Question of the Malvinas Islands", as registered by the United Nations, consists of a dispute concerning sovereignty over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas [see Figure 1] in the context of the process of decolonization. The first UNGA resolution specifically dealing with it was Resolution 2065 (XX) of 16 December 1965.[1] The General Assembly and its Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (hereinafter "Decolonization Committee") have consistently indicated the manner in which this "special and particular case of decolonization", as they have characterized it, must be brought to an end. This is defined in the following manner:

> UNGA Resolution 3160 (XXVIII): Mindful that resolution 2065 (XX) indicates that the way to put an end to this colonial situation is the peaceful solution of the conflict of sovereignty between the Governments of Argentina and the United Kingdom with regard to the aforementioned islands.[2]
>
> Last Decolonization Committee's Resolution: [T]he way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over the sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland.[3]

5. From the very beginning of the British unilateral projects and measures to explore and exploit the hydrocarbon resources of the continental shelf around the Malvinas Islands, Argentina has protested against each and every one of them —including the granting of licenses[4]— [see Figure 2] and has insisted that those unilateral actions are contrary to international law, taking into account Argentina's rights under UNCLOS and the fact that this is an area subject to a dispute between the two States in the context of the United Nations process of decolonization. The numerous notes submitted by Argentina to the United Kingdom, referenced in the Institution of Arbitral Proceedings, evidence this action.[5]

6. At the same time, Argentina warned Rockhopper Exploration plc and Navitas Petroleum Development and Production, the companies involved in the exploitation of the "Sea Lion" field, as well as others, that their planned hydrocarbon activities would take place in an area

---

[1] United Nations, General Assembly, "Question of the Falkland Islands (Malvinas)", Resolution 2065 (XX) of 16 December 1965 **(Annex 2)**.

[2] United Nations, General Assembly, "Question of the Falkland Islands (Malvinas)", Resolution 3160 (XXVIII) of 14 December 1973 **(Annex 3)**.

[3] United Nations, Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, "Question of the Falkland Islands (Malvinas)", Resolution of 25 June 2026 **(Annex H of the Institution of Arbitral Proceedings)**.

[4] A table containing the information relating to those illegal licenses is attached as **Annex 4**.

[5] Institution of arbitral proceedings, para. 2. All these notes are included in **Annexes 5 to 36**.

disputed between Argentina and the United Kingdom and would be in breach of the applicable Argentine legislation.[6]

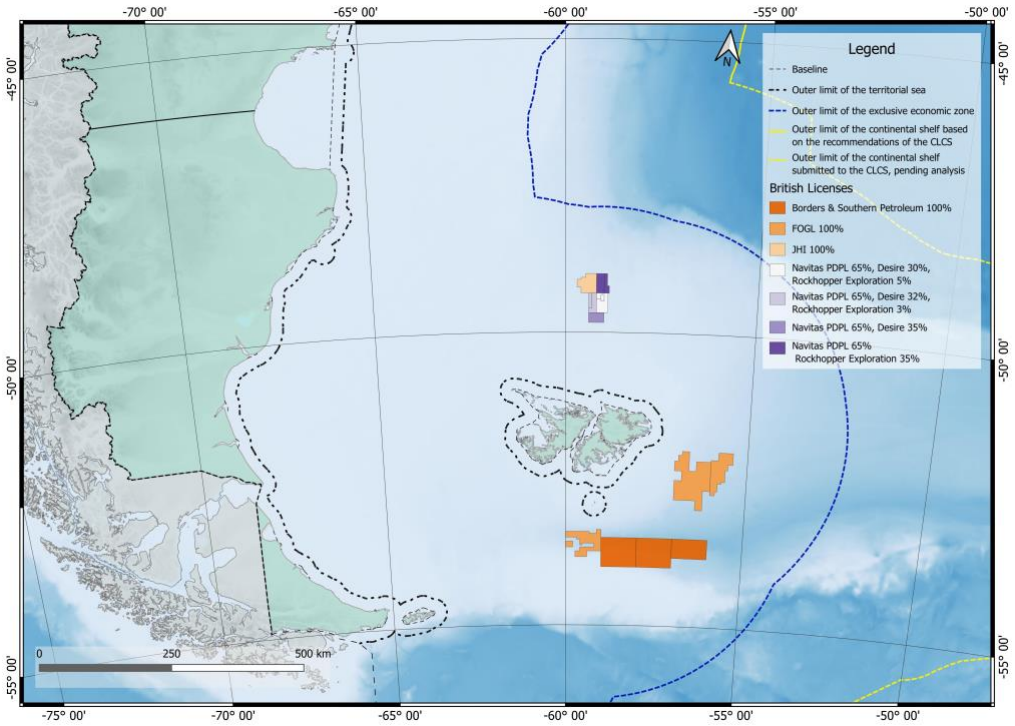


Figure 2: Unilateral British Licenses granted around the Malvinas Islands

7. The so-called "Sea Lion" field is located approximately 107 nautical miles to the north of the Malvinas Islands and covers an area of approximately 541.40 km^2. The *de facto* British authorities unilaterally granted several production licenses, including the so-called "Sea Lion discovery area (within PL032)", the PL032 and the PL004b [see Figures 3 and 4].

[6] Note PS-010/2026, dated 1 September 2026, Embassy of the Argentine Republic in the United Kingdom of Great Britain and Northern Ireland to Navitas Petroleum Development and Production **(Annex 37)**; Note PS-011/2026, dated 1 September 2026, Embassy of the Argentine Republic in the United Kingdom of Great Britain and Northern Ireland to Rockhopper Exploration plc **(Annex 38)**; Note, dated 3 September 2026, Embassy of the Argentine Republic in Israel to Navitas Petroleum Limited Partnership **(Annex 39)**; Note VEU 11/2026, dated 3 September 2026, Embassy of the Argentine Republic in the United States of America to Navitas Petroleum Limited Partnership **(Annex 40)**.

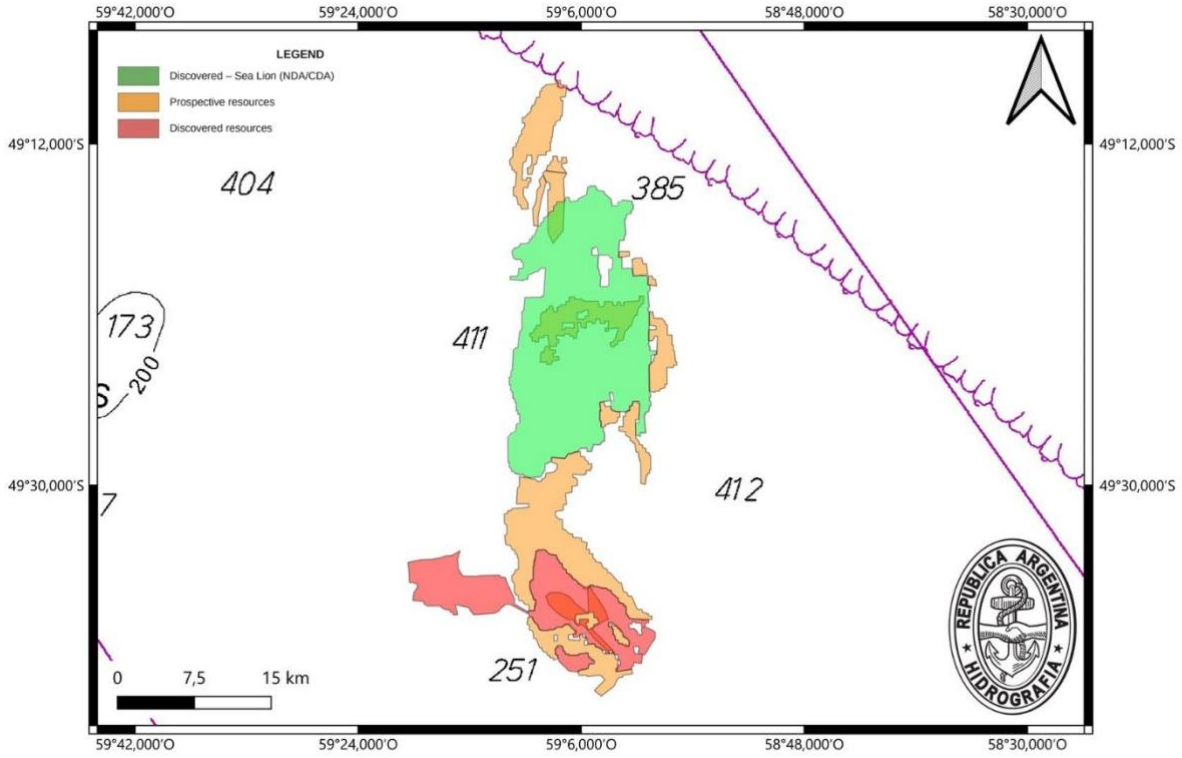


Figure 3: Spatial distribution of hydrocarbon resource areas, North Malvinas Basin

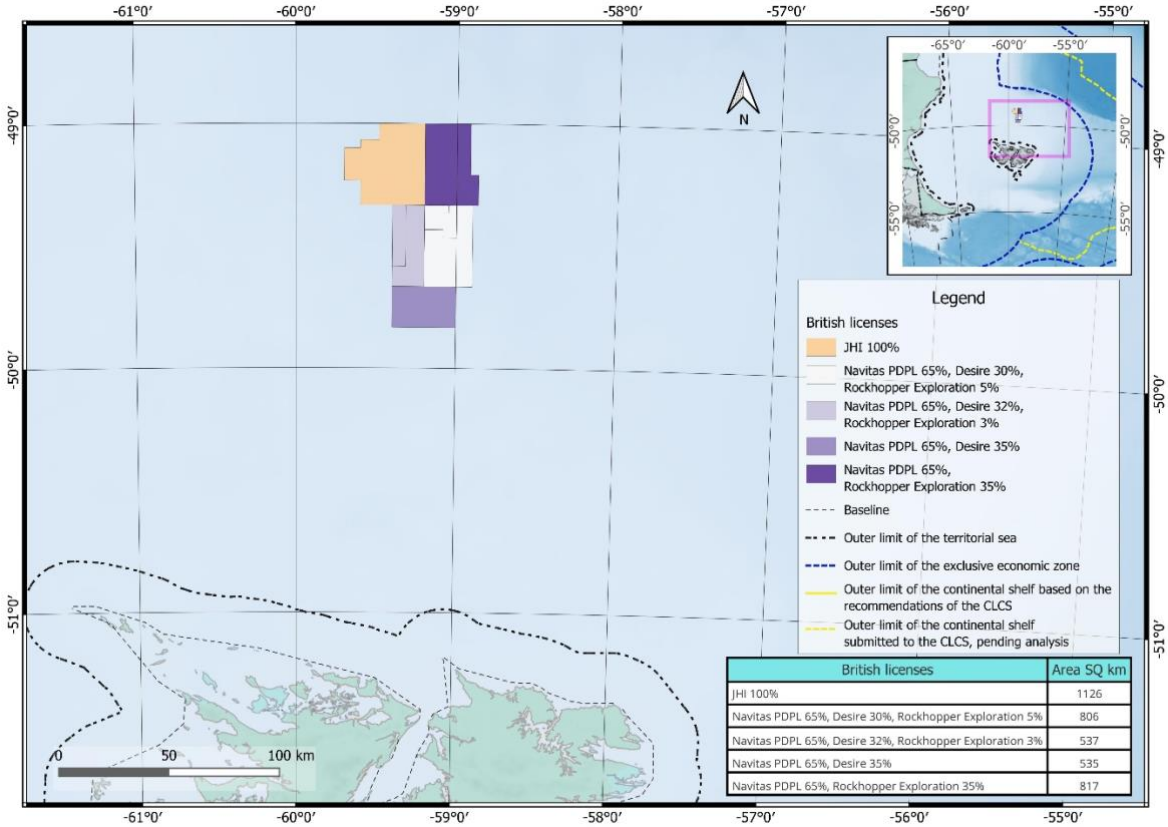


Figure 4: The Malvinas Northern Basin and the British announced exploitation licenses

8. Rockhopper Exploration plc and Navitas Petroleum Development and Production have announced their "Final Investment Decisions" on the hydrocarbon exploitation.[7]

9. On 10 December 2025, the British *de facto* authorities approved the Final Investment Decision on "Sea Lion" and, accordingly, the "Sea Lion" development area (located within the purported license PL032) moved into the 35-year production phase. Further and subsequent phases of unlawful exploration and exploitation in the North Malvinas Basin would include operations in licenses PL001, PL032, PL033, PL004a, PL004b and PL004c. The Eco, Navitas and Rockhopper groups participate in them, with interests that vary from license to license.[8]

10. Argentina rejected these measures and protested against them by a note of 12 December 2025.[9]

11. According to the information provided by Navitas Petroleum, "[t]he proposed Phase 1 & 2 Development is expected to consist of 23 completed wells comprising 16 Oil Production (OP) wells, six Water Injection (WI) wells and a remote Gas Injection (GI) well, drilled by a Mobile Offshore Drilling Unit (MODU) over six drill centres. If the remote GI well has insufficient gas flow, an additional remote GI well will be drilled, although only one of these will be completed. Further, based on historical data from drilling in the Sea Lion Field, there is a contingency for two potential redrills in the event of technical problems. Therefore, while there may be up to 26 penetrations, only 23 wells will actually be completed and operated. The MODU will be anchored to the seabed and surrounded by a 500 m exclusion zone, supported by up to two support vessels and an Emergency Response and Rescue Vessel (ERRV). A Floating, Production, Storage and Offload (FPSO) vessel (Figure 1-2 below) will be used to produce the fluids from the wells. The FPSO will be anchored to the seabed, within a 1,275 m radius exclusion zone".[10]

12. On 24 August 2026, those companies reported that works on the Islands were in progress and that drilling on the continental shelf would begin in early 2027.[11] On the same day, Argentina protested to the United Kingdom against these announcements, which derived from the illegal British unilateral acts, and considered them to be contrary to UNCLOS and other rules of international and domestic law.[12]

---

[7] Rockhopper Exploration plc, "Final Investment Decision on Sea Lion", RNS announcement, 10 December 2025; Navitas Petroleum, "Sea Lion", available at: https://www.navitaspet.com/project/sea-lion/ **(Annex F of the Institution of Arbitral Proceedings)**.

[8] "Falkland Islands Government", Department of Mineral Resources, "Production Licence Status as of 4 March 2026"; "Falkland Islands Government", "FIG Notes Final Investment Decisions for Sea Lion Development Programme", 10 December 2025 **(Annexes 41 and 42)**.

[9] Note of the Argentine Ministry of Foreign Affairs, International Trade and Worship to the Embassy of the United Kingdom of 12 December 2025 **(Annex A of the Institution of Arbitral Proceedings)**.

[10] Navitas Petroleum Development and Production Limited, Environmental Statement: The Sea Lion Field Northern Development Area, Phase 1 & 2, July 2024, p. 12, para. 1.4.1.1, available at: https://www.navitaspet.com/wp-content/uploads/2026/02/Sea-Lion-NTS_28.6.24_Rev_2_NS.pdf?_gl=1*1izul9b*_up*MQ..*_ga*Mzk1OTA0MDEwLjE3OTEzMTA0OTQ.*_ga_HQM5Z1EXVN*czE3OTEzMTA0OTQkbzEkZzAkdDE3OTEzMTA0OTQkajYwJGwwJGgw

[11] Rockhopper Exploration plc, "Sea Lion Update & Potential Capital Raise", RNS announcement, 24 August 2026, available at: https://rockhopperexploration.co.uk/2026/08/sea-lion-update-potential-capital-raise/ **(Annex G of the Institution of Arbitral Proceedings)**.

[12] Note SEMAS 05/26 of 24 August 2026 **(Annex B of the Institution of Arbitral Proceedings)**.

13. In September 2026, through two statements, the United Kingdom sought to conceal its international responsibility by asserting that "[h]ydrocarbon activities on the continental shelf of the Falkland Islands are regulated under Falkland Islands legislation, in accordance with the United Nations Convention on the Law of the Sea".[13] It merely considers them to be "a commercial activity".[14]

14. In a measure aimed at further aggravating the dispute, on 21 September 2026 the British *de facto* authorities decided to extend all the unlawful hydrocarbon production licenses for five years.[15] Again, by means of a note of 22 September 2026, Argentina protested against this new unilateral measure and rejected the above-mentioned arguments advanced by the United Kingdom.[16]

15. On 28 September 2026, Argentina instituted arbitral proceedings against the United Kingdom. In a note dated 25 September 2026 but delivered to the Argentine Ambassador in London on 28 September 2026, the British Government responded to the Argentine notes of 24 August 2026 and 22 September 2026, reiterating its positions with the aim of pursuing the unilateral exploitation of the natural resources of the disputed continental shelf.[17]

16. On 30 September 2026, the United Kingdom's Minister for Overseas Territories, Ms. Uma Kumaran, issued a statement asserting that "Argentina's decision to initiate arbitration against the United Kingdom under the United Nations Convention on the Law of the Sea (UNCLOS) is the latest attempt to undermine the rights and livelihoods of the people of the Falkland Islands", that Argentina's "efforts to obstruct lawful activity in the Falkland Islands are not acts of responsible international engagement" and that "[s]uch behaviour raises questions about Argentina's reliability as a partner for the United Kingdom".[18]

17. On the same day, Rockhopper Exploration plc confirmed that "Development drilling is expected to commence early in 2027".[19]

18. On 1 October 2026, Argentina reacted to the latest British statement, rejecting the characterization of its recourse to international arbitration as an attempt to undermine anyone's

---

[13] United Kingdom, Foreign, Commonwealth and Development Office and Department for Business, Innovation, Science and Trade, "Doing business with the Falkland Islands", 15 September 2026 **(Annex 43)**; United Kingdom Mission to the United Nations (@UKUN_NewYork), "UK Response to the Argentine Statement at the General Assembly", post on X (formerly Twitter), 23 September 2026 **(Annex 44)**.
[14] United Kingdom, Foreign, Commonwealth and Development Office and Department for Business, Innovation, Science and Trade, "Doing business with the Falkland Islands", 15 September 2026 **(Annex 43)**; Note 063/2026 of the Americas Directorate of the Foreign, Commonwealth and Development Office to the Embassy of the Argentine Republic in the United Kingdom of Great Britain and Northern Ireland, dated 25 September 2026 **(Annex 45)**.
[15] "Falkland Islands Government", press statement, "FIG Announces Extension of Offshore Hydrocarbon Production Licences", 21 September 2026 **(Annex 46)**.
[16] Note SEMAS 42/2026 of 22 September 2026 **(Annex C of the Institution of Arbitral Proceedings)**.
[17] Note 063/2026 of the Americas Directorate of the Foreign, Commonwealth and Development Office to the Embassy of the Argentine Republic in the United Kingdom of Great Britain and Northern Ireland, dated 25 September 2026 **(Annex 45)**.
[18] United Kingdom, Minister for Overseas Territories, Ms. Uma Kumaran, "Statement on Falkland Islands", post on X (formerly Twitter), 30 September 2026 **(Annex 47)**.
[19] Rockhopper Exploration plc, Interim Report 2026, 30 September 2026, pp. 1 and 3, available at: https://rockhopperexploration.co.uk/wp-content/uploads/2026/09/RKH_-_Interim_results_H1_2026-vF-300926.pdf **(Annex 48)**

rights, affirming that "submitting a dispute to an impartial international tribunal is the most responsible act a State can undertake (…) in full conformity with a treaty to which both States are parties (UNCLOS) and the fundamental principle of peaceful settlement of disputes". Argentina rejected the manipulation of the principle of self-determination by the United Kingdom and also reaffirmed its enduring readiness to negotiate with the United Kingdom on the whole Question of the Malvinas Islands.[20]

19. On 5 October 2026, Rockhopper relayed a statement from Navitas Petroleum stating that "[t]he Partnership clarifies that it continues the development of the Project with the full support of the Falkland Islands Government and the Government of the United Kingdom, and at this stage it estimates that no material adverse effect on the Project is expected".[21]

[20] Argentine Republic, Ministry of Foreign Affairs, International Trade and Worship, "Sobre la Cuestión Malvinas: Comunicado oficial de la República Argentina", 1 October 2026, available at: https://www.cancilleria.gob.ar/es/actualidad/noticias/sobre-la-cuestion-malvinas-comunicado-oficial-de-la-republica-argentina; English version available at: https://x.com/pabloquirno/status/2105632458033262920 **(Annex 49)**. See further Section 4 V).

[21] Rockhopper Exploration plc, "Sea Lion Operator Update", RNS announcement, 5 October 2026, available at: https://rockhopperexploration.co.uk/2026/10/sea-lion-update-4/ **(Annex 50)**.

3

JURISDICTION

I. Basis of jurisdiction

20. Argentina and the United Kingdom are parties to UNCLOS. Upon ratification, Argentina declared, on the basis of Article 287, that it accepted the jurisdiction of ITLOS, first in order of preference, as a means for the settlement of disputes concerning the interpretation or application of UNCLOS.

21. For its part, the United Kingdom has chosen the International Court of Justice (hereinafter "ICJ"). Consequently, since the parties have not chosen the same means of settlement, the dispute must be submitted to the arbitral procedure provided for in UNCLOS Annex VII, pursuant to Article 287, paragraph 5, of the Convention.

22. In the note dated 28 September 2026 (**Annex 1**), Argentina notified the British Government that the dispute referred to above had been submitted to the arbitral procedure, pursuant to Article 1 of Annex VII of UNCLOS.

23. None of the exceptions made by either Party to the acceptance of the dispute settlement procedures provided for in Part XV, Section 2, of UNCLOS concerns the subject matter of the dispute submitted to the arbitral procedure.

24. Both Argentina and the United Kingdom declared that they do not accept the procedures provided for in section 2 of Part XV of UNCLOS with respect to the categories of disputes referred to in paragraph 1 (a) of Article 298.[22] This provision refers to disputes concerning the interpretation or application of Articles 74 and 83 relating to boundary delimitations or those involving historic bays or titles. The present dispute does not concern boundary delimitations, historic bays or titles and accordingly does not fall within the scope of the declarations made by both Parties. Nor have the Parties agreed to seek settlement of the dispute by a peaceful means of their own choice that excludes any further procedure, within the meaning of Articles 281 and 282 of the Convention.

II. Existence of a dispute relating to the interpretation and application of UNCLOS

25. The present dispute between Argentina and the United Kingdom concerns the interpretation and application of UNCLOS, in particular:

(a) the rights of the coastal State to the natural resources of its maritime areas;

---

[22] Argentina, Declaration made upon ratification (1 December 1995), para. (f); United Kingdom, Declaration of 31 December 2020 under Article 298 of the Convention, in United Nations, Multilateral Treaties Deposited with the Secretary-General, Chapter XXI.6, available at: https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=_en

(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.

A. The context of the dispute

26. It 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. This is recognized by the United Nations General Assembly, as reflected in the resolutions mentioned above. Since 1999, all United Nations (UN) documents and maps mentioning the Malvinas Islands contain the following remark: "A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas)".[23]

27. As indicated above, this is a territory subject to a process of decolonization supervised by the United Nations. General Assembly Resolution 1514 (XV) applies, together with the specific resolutions concerning the Malvinas Islands: 2065 (XX) of 16 December 1965; 3160 (XXVIII) of 14 December 1973; 31/49 of 1 December 1976; 37/9 of 4 November 1982; 38/12 of 16 November 1983; 39/6 of 1 November 1984; 40/21 of 27 November 1985; 41/40 of 25 November 1986; 42/19 of 17 November 1987; and 43/25 of 17 November 1988; as well as the relevant resolutions of the Decolonization Committee of the UNGA.

28. As soon as the British Government decided to dispatch an economic survey mission covering the development of fisheries and the exploitation of hydrocarbons in the Malvinas Islands and the surrounding maritime areas (the so-called 1976 "Shackleton Mission"), Argentina protested against this unilateral measure, which was detrimental not only to Argentina's rights but also to the process of decolonization.[24] The activities of the "Shackleton Mission" in relation to hydrocarbon exploration of the continental shelf around the islands gave rise to a serious incident, as described in an Argentine note addressed to the Security Council and the General Assembly.[25] It was in this context that the General Assembly adopted resolution 31/49, in which it called upon the parties "to refrain from taking decisions that

[23] United Nations, *Nomenclature of the Falkland Islands (Malvinas)*, doc. ST/CS/SER.A/42 of 3 August 1999.
[24] See letter dated 28 March 1975 from the Permanent Representative of the Argentine Republic to the United Nations to the Secretary-General, including the government press release of 19 March 1975 (doc. A/AC.109/42) (Annex 51); Statement of the Argentine Permanent Representative, Ambassador Carlos Ortiz de Rozas, General Assembly, Thirtieth Session, 2431st plenary meeting, 8 December 1975, A/PV.2431, paras. 109-111, Official Records, pp. 1175-1176 **(Annex 52)**.
[25] Letter dated 10 February 1976 from the Permanent Representative of Argentina to the United Nations addressed to the President of the Security Council, doc. S/11973 **(Annex 53)**. An identical letter was addressed to the Secretary-General of the United Nations (doc. A/31/55).

would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the above-mentioned resolutions".[26]

29. Resolutions of the General Assembly on matters of decolonization are not mere recommendations. It is for this principal organ of the United Nations to decide which territories fall under the application of Chapter XI of the Charter and the landmark Decolonization Declaration contained in Resolution 1514 (XV), to decide the manner of putting an end to each colonial situation supervised by it, and consequently to decide when a territory has ceased to fall within the category of a non-self-governing territory.

30. The considerations of the ICJ concerning the United Kingdom's obligations in the decolonization of Mauritius and its Chagos Archipelago, as set out in its 2019 advisory opinion, are relevant to Anglo-Argentine relations and to the question of the Malvinas Islands:

> In the Court's view, by inviting the United Kingdom to comply with its international obligations in conducting the process of decolonization of Mauritius, the General Assembly acted within the framework of the Charter and within the scope of the functions assigned to it to oversee the application of the right to self-determination. The General Assembly assumed those functions in order to supervise the implementation of obligations incumbent upon administering Powers under the Charter (…) It has been the Assembly's consistent practice to adopt resolutions to pronounce on the specific situation of any non-self-governing territory. Thus, immediately after the adoption of resolution 1514 (XV), it established the Committee of Twenty-Four tasked with monitoring the implementation of that resolution and making suggestions and recommendations thereon (resolution 1654 (XVI) of 27 November 1961). The General Assembly also monitors the means by which the free and genuine will of the people of a non-self-governing territory is expressed, including the formulation of questions submitted for popular consultation.[27]

31. As the Judgment of the ITLOS Special Chamber in the *Mauritius/Maldives* case acknowledged, taking into account the *Chagos* Advisory Opinion of the ICJ:

> It should be noted in this regard that, in the [Chagos] advisory opinion, the ICJ emphasized the functions of the General Assembly with regard to decolonization, in particular the "crucial role" which it has played in the work of the United Nations on decolonization.[28]

32. Consequently, in the interpretation and application of the UNCLOS rights and obligations relating to the continental shelf, the protection of the marine environment and the settlement of disputes, the findings and ancillary determinations of law of the General Assembly on matters of decolonization must be taken into account.

---

[26] United Nations, General Assembly, Resolution 31/49 of 1 December 1976 (adopted by 102 votes to 1, with 32 abstentions) **(Annex 54)**.
[27] *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019*, p. 136, para. 167.
[28] *Delimitation of the maritime boundary in the Indian Ocean (Mauritius/Maldives), Preliminary Objections, Judgment, ITLOS Reports 2020–2021*, p. 17, at p. 82, para. 226.

B. The rights and obligations at stake

33. The British conduct is in violation of Argentina's rights over its continental shelf, as described in Article 77 of UNCLOS. Argentina 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. Argentina 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. 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.[29]

34. The British government has explicitly contended that the contested exploitation activities are in accordance with UNCLOS, although it has failed to indicate on what grounds.[30] On the contrary, Argentina considers that they are contrary to the Convention and has hence instituted arbitral proceedings under Annex VII. It is evident that a dispute as to the interpretation or application of UNCLOS exists.

35. Articles 74, paragraph 3, and 83, paragraph 3, of UNCLOS provide that in cases of disputes concerning the delimitation of the exclusive economic zone and the continental shelf, the parties must reach agreement and that, pending such agreement, they shall make every effort to enter into provisional arrangements of a practical nature. During this transitional period, they are "not to jeopardize or hamper the reaching of the final agreement". The present dispute does not concern a maritime delimitation between States with opposite or adjacent coasts. However, 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.[31]

---

[29] *Chagos Marine Protected Area Arbitration (Mauritius v. United Kingdom), Award of 18 March 2015, RIAA, Vol. XXXI*, p. 460, paras. 220-221, and p. 500, para. 323; *South China Sea Arbitration (Philippines v. China), Award on Jurisdiction and Admissibility of 29 October 2015, RIAA, Vol. XXXIII*, p. 63, paras. 152-153.

[30] United Kingdom, Foreign, Commonwealth and Development Office and Department for Business, Innovation, Science and Trade, "Doing business with the Falkland Islands", 15 September 2026 **(Annex 43)**; United Kingdom Mission to the United Nations (@UKUN_NewYork), "UK Response to the Argentine Statement at the General Assembly", post on X (formerly Twitter), 23 September 2026 **(Annex 44)**; United Kingdom, Minister for Overseas Territories, Ms. Uma Kumaran, "Statement on Falkland Islands", post on X (formerly Twitter), 30 September 2026 **(Annex 47)**.

[31] *Electricity Company of Sofia and Bulgaria, Order of 5 December 1939, P.C.I.J., Series A/B, No. 79*, p. 194, at p. 199; *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Provisional Measures, Order of 15 March 1996, I.C.J. Reports 1996 (I)*, p. 13, at pp. 22-23, para. 41; *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua), Provisional Measures, Order of 8 March 2011, I.C.J. Reports 2011 (I)*, p. 6, at p. 26, para. 83; *Arbitral Award of 3 October 1899 (Guyana v. Venezuela), Provisional Measures, Order of 1 December 2023, I.C.J. Reports 2023 (II)*, p. 655, at p. 667, para. 43; *Southern Bluefin Tuna (New Zealand v. Japan; Australia v. Japan), Provisional Measures, Order of 27*

36. This was recognized and applied by Resolution III of the Third United Nations Conference on the Law of the Sea. This Resolution distinguishes between two situations: a) territories whose people have not attained full independence or other self-governing status recognized by the United Nations (paragraph 1 (a)), and b) territories under colonial domination where a dispute over their sovereignty exists, and in respect of which the United Nations has recommended specific means of settlement (paragraph 1 (b)). In the latter case, 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".[32]

37. Upon both its signature of UNCLOS in 1984 and its ratification in 1995, the Argentine Republic declared that "resolution III, in annex I to the Final Act, in no way affects the 'Question of the Malvinas Islands', which is governed by the following specific resolutions of the General Assembly: 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19, 43/25, 44/406, 45/424, 46/406, 47/408 and 48/408, adopted within the framework of the decolonization process. In this connection, and bearing in mind that the Malvinas and the South Sandwich and South Georgia Islands form an integral part of Argentine territory, the Argentine Government declares that it neither recognizes nor will recognize the title of any other State, community or entity or the exercise by it of any right of maritime jurisdiction which is claimed to be protected under any interpretation of resolution III that violates the rights of Argentina over the Malvinas and the South Sandwich and South Georgia Islands and their respective maritime zones. Consequently, it likewise neither recognizes nor will recognize and will consider null and void any activity or measure that may be carried out or adopted without its consent with regard to this question, which the Argentine Government considers to be of major importance. The Argentine Government will accordingly interpret the occurrence of acts of the kind referred to above as contrary to the aforementioned resolutions adopted by the United Nations, the objective of which is the peaceful settlement of the sovereignty dispute concerning the islands by means of bilateral negotiations and through the good offices of the Secretary-General of the United Nations".[33]

38. 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

---

August 1999, ITLOS Reports 1999, p. 280, at pp. 297-298, para. 90(1)(a); *"Arctic Sunrise" (Kingdom of the Netherlands v. Russian Federation), Provisional Measures, Order of 22 November 2013, ITLOS Reports 2013*, p. 230, at p. 251, para. 98; *Delimitation of the Maritime Boundary in the Atlantic Ocean (Ghana/Côte d'Ivoire), Provisional Measures, Order of 25 April 2015, ITLOS Reports 2015*, p. 146, at p. 166, para. 108(1)(e); *"Enrica Lexie" (Italy v. India), Provisional Measures, Order of 24 August 2015, ITLOS Reports 2015*, p. 182, at p. 204, para. 131, and at p. 205, para. 141(1); *South China Sea Arbitration (Philippines v. China), Award of 12 July 2016, RIAA, Vol. XXXIII*, pp. 599-601, paras. 1169-1173; *Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v. the Russian Federation), Award of 22 April 2026*, PCA Case No. 2017-06, paras. 1212-1214.

[32] Final Act of the Third United Nations Conference on the Law of the Sea, A/CONF.62/121, Annex I, resolution III, para. 1(b), *Third United Nations Conference on the Law of the Sea, Official Records*, Vol. XVII, p. 149.

[33] Declarations of the Argentine Republic made upon signature (5 October 1984) and upon ratification (1 December 1995, para. (d)), United Nations, *Multilateral Treaties Deposited with the Secretary-General*, Chapter XXI.6.

provisional arrangements of a practical nature" and to "not jeopardize or hamper the reaching of a final settlement of the dispute".

39. It should be noted that the dispute between Argentina and the United Kingdom also includes areas of the continental shelf beyond 200 nautical miles measured from the baselines of the Malvinas, the South Georgias and South Sandwich Islands. Argentina made a submission to the Commission on the Limits of the Continental Shelf (hereinafter "CLCS") on 21 April 2009.[34] The United Kingdom did the same with regard to the Malvinas, South Georgias and South Sandwich Islands on 11 May 2009.[35] Each State contested the submissions of the other.[36] In accordance with paragraph 5(a) of Annex I to its Rules of Procedure, the CLCS did not consider or qualify the relevant part of the Argentine submission and the entirety of the British one.[37] Consequently, pending analysis and recommendations by the CLCS, both States are unable to pursue any kind of exploitation of the resources of those disputed areas of the continental shelf beyond 200 nautical miles.

40. Article 279 of UNCLOS and general international law impose the obligation to settle disputes by peaceful means. The corresponding right of Argentina is violated by the United Kingdom's refusal to pursue that settlement. This attitude, coupled with the unilateral action to exploit non-renewable natural resources of the maritime area subject to the dispute, 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.The arbitral award in the *Southern Bluefin Tuna* case stated:

> The Tribunal does not exclude the possibility that there might be instances in which the conduct of a State Party to UNCLOS and to a fisheries treaty implementing it would be so egregious, and risk consequences of such gravity, that a Tribunal might find that the obligations of UNCLOS provide a basis for jurisdiction, having particular regard to the provisions of Article 300 of UNCLOS. [38]

41. The *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

---

[34] Submission by the Argentine Republic to the Commission on the Limits of the Continental Shelf, 21 April 2009, Executive Summary, available at: https://www.un.org/depts/los/clcs_new/submissions_files/submission_arg_25_2009.htm

[35] Partial Submission by the United Kingdom of Great Britain and Northern Ireland to the Commission on the Limits of the Continental Shelf in respect of the Falkland Islands, and of South Georgia and the South Sandwich Islands, 11 May 2009, Executive Summary, available at: https://www.un.org/depts/los/clcs_new/submissions_files/submission_gbr_45_2009.htm

[36] Argentina: Note N.U. 290/09/600 of 20 August 2009; United Kingdom: Note 84/09 of 6 August 2009, available respectively at: https://www.un.org/depts/los/clcs_new/submissions_files/gbr45_09/arg_re_gbr_clcs_2009e.pdf and https://www.un.org/depts/los/clcs_new/submissions_files/arg25_09/clcs_45_2009_los_gbr.pdf

[37] Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission, Twenty-fourth session, CLCS/64, 1 October 2009, para. 76 (submission of Argentina); Statement by the Chairperson of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission, Twenty-fifth session, CLCS/66, 30 April 2010, para. 60 (submission of the United Kingdom).

[38] *Southern Bluefin Tuna case* (*Australia and New Zealand v. Japan*), Award on Jurisdiction and Admissibility, 4 August 2000, *RIAA*, Vol. XXIII, p. 45, para. 64.

environment.[39] Under Article 192, States have a general "obligation to protect and preserve the marine environment", which has been interpreted as extending both to protecting "the marine environment from future damage" and to preserving it, "in the sense of maintaining or improving its present condition".[40] Article 194 further fleshes out the content of this general obligation.[41] Notably, "the obligations in Part XII apply to all States with respect to the marine environment in all maritime areas, both inside the national jurisdiction of States and beyond it. Accordingly, questions of sovereignty are irrelevant to the application of Part XII of the Convention".[42]

42. The British Government is well aware that its mere *de facto* control of the areas in dispute is not legally sufficient to proceed unilaterally with the exploitation of natural resources. On 27 September 1995, Argentina and the United Kingdom agreed on a Joint Declaration on Offshore Activities in the South-West Atlantic.[43] This declaration was never implemented due to the diametrically opposed interpretations given to it by the Parties. Instead of pursuing cooperation with Argentina, the United Kingdom unilaterally granted exploration licenses –a decision that was immediately protested and rejected by the Argentine Government.[44] Ultimately, given the breach of the obligations under the Joint Declaration and the abusive conduct of the United Kingdom, Argentina formally terminated the Declaration on 27 March 2007.[45]

43. The analysis above amply demonstrates that the rights and obligations invoked by Argentina are covered by the jurisdiction of the Arbitral Tribunal and, consequently, fall within the power of ITLOS to indicate provisional measures, since a dispute exists as to the interpretation and application of UNCLOS between Argentina and the United Kingdom.

III. Exchange of views

44. The requirement of an exchange of views set forth in Article 283 of UNCLOS has been fulfilled by Argentina. Notwithstanding the continuous protests of Argentina and its invitation to resume negotiations for the settlement of the disputes between the two States, including those related to the jurisdiction over the maritime areas, the British Government has rejected or ignored all of them. In fact, this has been the persistent policy of the British Government for

---

[39] The Argentine legislation applicable to offshore hydrocarbon production is summarized in **Annex 55**.
[40] *South China Sea Arbitration (Philippines v. China), Award of 12 July 2016, RIAA, Vol. XXXIII,* p. 519, para. 941*,* citing *M/V "Louisa" (Saint Vincent and the Grenadines v. Kingdom of Spain), Provisional Measures, Order of 23 December 2010, ITLOS Reports 2008–2010,* p. 58, at p. 70, para. 76; *Delimitation of the Maritime Boundary in the Atlantic Ocean (Ghana/Côte d'Ivoire), Provisional Measures, Order of 25 April 2015, ITLOS Reports 2015*, p. 146, at p. 160, para. 69.
[41] *South China Sea Arbitration (Philippines v. China), Award of 12 July 2016, RIAA,* Vol. XXXIII, p. 519, para. 942*; 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*, pp. 69-93, paras. 193-258.
[42] *South China Sea Arbitration (Philippines v. China), Award of 12 July 2016, RIAA, Vol. XXXIII*, p. 519, para. 940.
[43] Joint Declaration on Offshore Activities in the South-West Atlantic, 27 September 1995 **(Annex 56)**.
[44] Note DIMAS 361/95, dated 5 October 1995, of the Directorate of Malvinas and the South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom in the Argentine Republic **(Annex 9)**.
[45] Note, dated 27 March 2007, of the Minister of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland **(Annex 22)**.

decades.[46] In response to Argentina's formal invitation to proceed expeditiously to an exchange of views to settle the dispute concerning the beginning of hydrocarbon exploitation in the disputed maritime area of the North Malvinas Basin,[47] the United Kingdom issued two statements insisting that it will unilaterally pursue its illegal activity in the Northern Basin of the Malvinas Islands, confirming that it rejects any discussion of the matter.[48]

45. It was not until the very day on which Argentina initiated the arbitral proceedings against it that the British Government formally responded to the letter of 24 August 2026.[49] Instead of accepting this exchange of views, the response confined itself to repeating the same arguments, stating that "[t]he United Kingdom will continue to support companies participating in lawful commercial activity connected with the Falkland Islands". The alleged "intention to maintain a constructive and substantive dialogue with Argentina as a basis of cooperation on issues of mutual interest and concern, in the South Atlantic and more widely", while refraining from responding to the specific invitation to exchange views to settle the dispute concerning the beginning of hydrocarbon exploitation in the disputed maritime area, rings hollow in light of the continuation of the British policy aimed at the exploitation of the marine resources and its refusal to negotiate precisely this aspect of the dispute, as well as the others.

---

[46] "*I do not intend to negotiate on the sovereignty of the islands in any way, except with those who live there. That is my fervent belief*", Speech of Prime Minister Margaret Thatcher, House of Commons, Tuesday 15 June 1982, available at: https://hansard.parliament.uk/commons/1982-06-15/debates/39c162f7-da2b-4e6e-a42d-1e90c67a1901/FalklandIslands; "*When the talks opened in Berne, (...) the Argentine delegation raised the question of sovereignty. The British delegation replied by making it plain, again as foreseen, that they were not prepared to discuss it*", Letter dated 2 August 1984 from the Chargé d'Affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, available at: https://docs.un.org/en/A/39/373; "*There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Islanders so wish*", Letter dated 30 September 2004 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly, available at: https://docs.un.org/en/A/59/406; also in Letter dated 27 January 2012 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, available at: https://docs.un.org/en/A/66/677; also in Letter dated 10 February 2014 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, available at: https://documents.un.org/doc/undoc/gen/n14/233/52/pdf/n1423352.pdf; also in Letter dated 29 January 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, available at: https://documents.un.org/doc/undoc/gen/n15/029/22/pdf/n1502922.pdf; "*This means there can be no dialogue on sovereignty unless the Falkland Islanders so wish*", Letter dated 25 September 2019 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland addressed to the Secretary-General, available at: https://docs.un.org/en/A/74/456; "*[T]here can be no dialogue on sovereignty unless the Falkland Islanders so wish*", Letter dated 1 October 2024 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, available at: https://docs.un.org/en/A/79/392; also in United Kingdom Response to the Argentine Statement at the General Assembly, 23 September 2026, available at: https://x.com/UKUN_NewYork/status/2102819007422451729.

[47] Note SEMAS 05/26 of 24 August 2026 **(Annex B of the Institution of Arbitral Proceedings)**.

[48] United Kingdom, Foreign, Commonwealth and Development Office and Department for Business, Innovation, Science and Trade, "Doing business with the Falkland Islands", 15 September 2026 **(Annex 43)**; United Kingdom, Foreign, Commonwealth and Development Office, "Minister for Overseas Territories statement on the Falkland Islands: 18 September", 18 September 2026 **(Annex 61)**.

[49] Note 063/2026 of the Americas Directorate of the Foreign, Commonwealth and Development Office to the Embassy of the Argentine Republic in the United Kingdom of Great Britain and Northern Ireland, dated 25 September 2026, delivered on 28 September 2026 **(Annex 45)**.

46. As the Tribunal recalled, "a State Party is not obliged to continue with an exchange of views when it concludes that the possibilities of reaching agreement have been exhausted".[50] It has become patent that, given the United Kingdom's refusal even to enter into discussions on the matter and its aggravation of the dispute, there was no possibility at all of reaching any agreement. The requirement of Article 283 of UNCLOS is thus fulfilled.

47. From the above, it is also evident that no settlement of the dispute existing between Argentina and the United Kingdom on matters related to the interpretation or application of UNCLOS has been reached by recourse to Part XV, Section 1. Consequently, the condition required by Article 286 is met in the present case.[51]

48. Therefore, the arguments presented throughout this chapter demonstrate that the condition required by Article 290, paragraph 5, according to which the Tribunal may prescribe provisional measures if it considers that *prima facie* the tribunal which is to be constituted would have jurisdiction,[52] is clearly met in the present case.

---

[50] *MOX Plant (Ireland* v. *United Kingdom), Provisional Measures, Order of 3 December 2001, ITLOS Reports 2001,* p. 95, at p. 107, para. 60; *"ARA Libertad" (Argentina* v. *Ghana), Provisional Measures, Order of 15 December 2012, ITLOS Reports 2012,* p. 332, at p. 345, para. 71; *"Arctic Sunrise" (Kingdom of the Netherlands* v. *Russian Federation), Provisional Measures, Order of 22 November 2013, ITLOS Reports 2013,* p. 230, at p. 247, para. 76; *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. 304, para. 87; *M/T "San Padre Pio" (Switzerland* v. *Nigeria), Provisional Measures, Order of 6 July 2019, ITLOS Reports 2018-2019,* p. 375, at pp. 392-393, para. 73; *The "Zheng He" Case (Luxembourg v. Mexico), Provisional Measures, Order of 27 July 2024*, para. 99.

[51] See *Southern Bluefin Tuna (New Zealand v. Japan; Australia v. Japan), Provisional Measures, Order of 27 August 1999, ITLOS Reports 1999*, p. 280, at p. 295, para. 60; *MOX Plant (Ireland v. United Kingdom), Provisional Measures, Order of 3 December 2001, ITLOS Reports 2001,* p. 95, at p. 107, para. 60; *Land Reclamation in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures, Order of 8 October 2003, ITLOS Reports 2003*, p. 10, at p. 19, para. 47.

[52] *M/V "SAIGA" (No. 2) (Saint Vincent and the Grenadines v. Guinea), Provisional Measures, Order of 11 March 1998, ITLOS Reports 1998*, p. 24, at p. 37, paras. 29-30*; Southern Bluefin Tuna (New Zealand v. Japan; Australia v. Japan), Provisional Measures, Order of 27 August 1999, ITLOS Reports 1999, p. 280,* at p. 294, para. 52*; MOX Plant (Ireland v. United Kingdom), Provisional Measures, Order of 3 December 2001, ITLOS Reports 2001*, p. 95, at p. 104, paras. 34-35*; Land Reclamation in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures, Order of 8 October 2003, ITLOS Reports 2003*, p. 10, at pp. 17-18, paras. 29-30*; "ARA Libertad" (Argentina v. Ghana), Provisional Measures, Order of 15 December 2012, ITLOS Reports 2012,* p. 332, at p. 340, paras. 36-37, and at p. 343, para. 60*; "Arctic Sunrise" (Kingdom of the Netherlands v. Russian Federation), Provisional Measures, Order of 22 November 2013, ITLOS Reports 2013,* p. 230, at p. 243, para. 58*; "Enrica Lexie" (Italy v. India), Provisional Measures, Order of 24 August 2015, ITLOS Reports 2015*, p. 182, at p. 192, para. 52*; 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. 292, 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.

4

STATEMENT ON LEGAL GROUNDS

49. This chapter first recalls the provisional measures requested from the Tribunal (section I). It proceeds to explain the reasons why these measures are requested (section II), particularly the fact that the rights that Argentina invokes are more than plausible (subsection A), that there is a risk of irreversible and irreparable damage to these rights, and that there is a concrete and serious risk that this damage will be aggravated (subsection B). This chapter also sets out the possible consequences if the request for provisional measures is not granted (section III), as well as the urgency of the situation, which precisely requires the granting of the requested provisional measures (section IV). It then shows that the United Kingdom cannot absolve itself of its obligations under UNCLOS by manipulating the principle of self-determination (section V), before concluding (section VI).

I. Provisional measures requested

50. Pending the constitution of the Arbitral Tribunal, as provided in Article 290, paragraph 5, of UNCLOS, Argentina requests the Tribunal to prescribe provisional measures requiring the United Kingdom to:

(a) 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) 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) 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) refrain from 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.

II. The reasons why the measures are requested

51. The main reason for requesting the provisional measures is that the United Kingdom's imminent exploitation of the resources of the soil and subsoil of the disputed maritime area will produce an irreversible *fait accompli* and irreparable damage to the Argentine rights at stake. In particular, it concerns the protection of Argentina's sovereign rights over the continental shelf vis-à-vis the United Kingdom's obligation not to unilaterally explore and exploit the natural resources of the disputed maritime areas of a colonial territory subject to a sovereignty dispute between the two States, while at the same time preventing the peaceful settlement of the dispute. The start of exploitation would also produce irreparable prejudice to the rights and obligations of Argentina with respect to the preservation and protection of the marine environment of the area concerned.

52. Thus, Argentina seeks to protect its sovereign rights over the natural resources of its continental shelf that are concerned by the dispute with the United Kingdom. These emanate from the principle of permanent sovereignty over natural resources, as enunciated in UNGA Resolution 2692 (XXV), recognized by Articles 2, 56, 77 and 193 of UNCLOS and by various pronouncements of the ICJ, including in the *Armed Activities Case (Congo v. Uganda)*[53] and the recent Advisory Opinion on *Obligations of States in respect of Climate Change*.[54]

53. In this context, allowing the colonial Power to carry out unilateral activities involving the extraction of natural resources –alleging that it is acting pursuant to UNCLOS– within a territory whose decolonization remains unresolved would risk reproducing the very conditions of unilateral territorial and resource control that the decolonization framework seeks to overcome.

54. The first provisional measure requested seeks to give legal effect to the United Kingdom's corresponding obligation not to unilaterally exploit the natural resources of the maritime areas of a colonial territory that is subject to a sovereignty dispute between the two States. No doubt, such unilateral action would run counter to and hamper the pursuit of the peaceful settlement of the dispute as stipulated by Article 279 of UNCLOS and Articles 2 (3) and 33 (1) of the UN Charter. It would also defy the authority of the United Nations General Assembly and of its subsidiary organ, the Decolonization Committee, to discharge the functions entrusted to them under the Charter, and would make the resolution of the dispute more difficult to achieve, contrary to the object and purpose of UNGA Resolution 31/49.

55. The second provisional measure requested seeks to ensure that the United Kingdom not only immediately cancel the plans for exploitation of hydrocarbon resources in the North Malvinas Basin, but also 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 Argentina. This additional second provisional measure seeks to prevent the United Kingdom authorities, or the business corporations operating on the basis of their licenses and under their control, from continuing to use or transfer knowledge, findings and data regarding the continental shelf and its natural resources in the disputed area to third parties.

56. Furthermore, the beginning of hydrocarbon exploitation in the area in question would also produce irreparable prejudice to the rights and obligations of Argentina under Part XII of UNCLOS in respect of the preservation and protection of the marine environment of the disputed area. At stake, in particular, are its obligations to prevent, reduce and control pollution of the marine environment from any source and to ensure that such pollution does not spread beyond other areas where it exercises sovereign rights in accordance with the Convention or to areas beyond national jurisdiction. The start of exploitation of hydrocarbon resources under unilateral licenses granted by the United Kingdom will amount to an unjustifiable interference with the discharge of Argentina's duties in conformity with Article 194 of UNCLOS. This is addressed in the request for the third provisional measure.

---

[53] *Case concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda*), Judgment, I.C.J. Reports 2005, p. 168, para. 226.

[54] *Obligations of States in respect of Climate Change* (Advisory Opinion of 23 July 2025), I.C.J. Reports 2025, at p. 98, para. 344, and p. 101, para. 357. See also *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024,* paras. 124-133 and 240.

57. Moreover, the potential environmental consequences of offshore hydrocarbon activities are not necessarily confined to the precise location in which those activities are undertaken. Pollution and other forms of environmental harm may spread through the marine environment and affect areas beyond the immediate site of the relevant operations. Consequently, the unilateral exercise of activities by the United Kingdom may generate environmental risks extending into other areas under Argentina's uncontested jurisdiction.

58. Indeed, past incidents demonstrate that these concerns are not merely speculative. In April 2015, a blowout preventer (BOP) failed at the exploration well being drilled in the area known as "Isobel Deep" (14/20-1), located in "license" PL004, some 30 km south of the so-called "Sea Lion" reservoir on the continental shelf near the Malvinas Islands. The well was being drilled by the *Eirik Raude* rig, owned and operated by Ocean Rig Management and contracted by the consortium formed by Falkland Oil and Gas Limited (FOGL), Premier Oil Exploration & Production Ltd. (Premier Oil) and Rockhopper Exploration PLC.[55] This led the Ministry of Foreign Affairs to issue a press release on 24 April 2015 about the incident, in which it expressed the Argentine Government's concern over the failure of the exploration well's blowout preventer.[56]

59. This risk was also acknowledged by the licensee companies themselves in the Premier Oil Exploration & Production Ltd. Revised Oil Spill Contingency Plan for the Isobel (Elaine) well, submitted for approval to the British *de facto* authorities. It stated:

> The stochastic modelling for a well blowout of waxy Sea Lion crude from the exploration wells[57] (...) indicates [that] there is a **30% probability that oil will cross the international maritime boundary into Argentinian waters after 30 days**.
>
> A second, lighter oil type, Ekofisk, was also modelled in the unlikely event that a less waxy crude is discovered and a spill occurs, and the results indicate [that] a **100% probability of the oil crossing the international maritime boundary into Argentinian waters after 14 days**.[58] (emphasis added)

60. In addition to that, insofar as publicly available information on the companies has been obtainable, it should also be borne in mind that neither Rockhopper Exploration plc nor Navitas Petroleum Development and Production has ever been responsible for producing hydrocarbons offshore. Their own filings show that neither has served as operator of a single producing offshore field. Navitas's offshore output comes entirely from two Gulf of Mexico fields operated by other companies: Shenandoah, run by Beacon Offshore Energy, and Buckskin, run by LLOG. The subsidiary it has put in

---

[55] Press release of Falkland Oil and Gas Limited and Rockhopper Exploration PLC, dated 24 April 2015 **(Annex 62)**.

[56] Press release of 24 April 2015, No. 083/15, available at: https://www.cancilleria.gob.ar/es/actualidad/noticias/preocupacion-argentina-por-el-riesgo-ambiental-ante-fallos-en-plataforma **(Annex 63)**.

[57] The scenario modeled is of heavy, wax-rich crude flowing at 8,100 barrels per day for 78 days.

[58] There is no "international maritime boundary". The text refers to uncontested Argentine maritime areas. Premier Oil Exploration & Production Ltd, Revised Oil Spill Contingency Plan for Isobel (Elaine) well, submitted for approval to the Executive Council for the revised Oil Spill Contingency Plan (OSCP) (B06), 23 September 2015, Section D.6.3 **(Annex 64)**.

charge of the so-called "Sea Lion" project, Navitas Petroleum Development and Production, was acquired in 2022 and has no production of its own. Rockhopper's only offshore production was a 20% non-operated stake in Guendalina, a small Eni-operated gas field in the Adriatic. Today it reports no producing assets and no revenue, and describes itself as a non-operating partner; its experience as an offshore operator is limited to exploration and appraisal drilling in 2010 and 2011. The project will therefore be the first offshore field Navitas has ever operated, alongside a partner that has never operated one.[59]

61. Argentina's inability to prevent or adequately control such risks would therefore result not from a failure to comply with its obligations, but from its being prevented from exercising the regulatory authority necessary to comply with such obligations effectively.

62. In this regard, it must also be noted that Argentina bears the responsibility to provide search and rescue services within a vast zone of the South Atlantic and Antarctic waters, as established by the International Maritime Organization, in accordance with the International Convention on Maritime Search and Rescue of 1979.[60] The so-called "Sea Lion" project is located within the area of responsibility of Argentina. Should an incident occur requiring search and rescue services, it would be the responsibility of Argentina to provide them.

63. Accordingly, provisional measures are necessary to prevent the United Kingdom from undertaking activities that would deprive Argentina of the ability to fulfill its obligations under Articles 192 and 194. Such measures would preserve Argentina's ability to comply with its obligations under UNCLOS by ensuring that no unilateral activity undertaken by the colonial Power pending the resolution of the dispute prevents Argentina from fulfilling them.

64. By way of the fourth provisional measure, Argentina seeks a guarantee that the United Kingdom refrains from any other measure that might aggravate the dispute between the two States, for example, by granting new permits for the exploitation of the resources of the disputed continental shelf. In view of its current conduct and the attitude demonstrated in its responses to Argentina's recourse to the peaceful settlement of disputes, such aggravation is, unfortunately, not implausible, and this fourth provisional measure is therefore very much warranted.

A. The rights that must be preserved are more than plausible

65. In order to prescribe provisional measures, the Tribunal needs to satisfy itself that the rights that the State seeks to protect are plausible, even though this requirement is not

[59] Information retrieved from: https://www.lse.co.uk/rns/RKH/completion-of-guendalina-sidetrack-qv6vbche9z4mgyv.html; https://www.harbourenergy.com/news-and-media/announcements-and-latest-news/completion-of-llog-acquisition/; https://find-and-update.company-information.service.gov.uk/company/08138246 ; https://mayafiles.tase.co.il/translated_rpdf/1765001-1766000/P1765471-00.pdf; https://www.lse.co.uk/rns/RKH/completion-of-guendalina-sidetrack-qv6vbche9z4mgyv.html; https://rockhopperexploration.co.uk/2018/02/ombrina-mare-project-update-january-2016-2/; https://www.lse.co.uk/rns/RKH/final-results-quu0xfzl5dlgnj1.html; https://www.lse.co.uk/rns/RKH/final-results-quu0xfzl5dlgnj1.html

[60] International Maritime Organization (IMO), Circular SAR.3/Circ.5, 19 January 1996.

explicitly mentioned in UNCLOS,[61] and that a sufficient link exists between those rights and the provisional measures sought.

66. The rights that Argentina seeks to have preserved are established in UNCLOS and in relevant general international law. In its Statement of Claim included in the notification instituting arbitral proceedings, Argentina submitted that:

1. The United Kingdom 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

67. Under 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. The universal recognition of the existence of a sovereignty dispute over the Malvinas Islands and, consequently, over their corresponding maritime areas –as demonstrated above– implies that Argentina has a plausible right over the continental shelf generated by those islands. This plausibility is supported by the widespread and majority recognition of Argentine sovereignty over the Malvinas Islands within the international community, as demonstrated by many resolutions, declarations, or statements of various regional fora, including:

Latin America and the Caribbean

- *Community of Latin American and Caribbean States (CELAC)*: "Declaration of Bogotá of the X Summit of Heads of State and Government of the CELAC", of 21 March 2026;[62] Statement by Uruguay on behalf of CELAC in the UN Special Committee on Decolonization, 25 June 2026.[63]

---

[61] *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. 306, para. 95; see *"Enrica Lexie" (Italy* v. *India), Provisional Measures, Order of 24 August 2015, ITLOS Reports 2015,* p. 182, at p. 197, para. 84; *M/T "San Padre Pio" (Switzerland* v. *Nigeria), Provisional Measures, Order of 6 July 2019, ITLOS Reports 2018-2019,* p. 375, at p. 393, para. 105; *The "Zheng He" Case (Luxembourg v. Mexico), Provisional Measures, Order of 27 July 2024*, para. 119.

[62] Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Uruguay, and Venezuela. Available at: https://www.cancilleria.gov.co/sala-de-prensa/noticias/declaracion-de-bogota-x-cumbre-de-jefas-y-jefes-de-estado-y-de-gobierno-de-la-comunidad-de-estados-latinoamericanos-y-caribenos-celac

[63] Available at: https://transcripts.un.org/es/asset/k1s/k1sjz1in6d

- *Latin American and Caribbean Parliament (PARLATINO)*: "Rejection of Hydrocarbon Exploration in the Malvinas Islands and Reaffirmation of Argentine Sovereignty of the PARLATINO", of 23 February 2013.[64]

- *Central American Parliament (PARLACEN)*: "Resolution AP/2-CCLVIII-2014 of the PARLACEN in support of the Argentine Republic, for the establishment of 10 June as the Day of Central American Solidarity with the Argentine Malvinas Islands", of 24 April 2014; "Declaration of the PARLACEN in support of the Argentine Government in its sovereignty claim over the Malvinas Islands", of 27 May 2021.[65]

- *Central American Integration System (SICA)*: "Joint Communiqué of the Council of Ministers of Foreign Affairs of the SICA and the Minister of Foreign Affairs and Worship of the Argentine Republic", of 27 March 2015;[66] Statement by the Dominican Republic on behalf of SICA in the UN Special Committee on Decolonization, 25 June 2026.[67]

- *Rio Group*: "Declaration of the Rio Group on the Question of the Malvinas Islands", of 23 February 2010.[68]

- *Summit of Latin American and Caribbean Countries (CALC)*: Declaration on the "Question of the Malvinas Islands", adopted by the Heads of State and Government at the Summit of the Unity of Latin America and the Caribbean held in Cancún, Mexico, on 22 and 23 February 2010.[69]

- *Southern Common Market (MERCOSUR)*: "Special Declaration of the Presidents of the States Parties of MERCOSUR and Associated States on the Question of the Malvinas Islands of the 68th Summit of Heads of State of MERCOSUR and Associated States", of 30 June 2026;[70] Statement by Paraguay on behalf of MERCOSUR in the UN Special Committee on Decolonization, 25 June 2026.[71]

---

[64] Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Aruba, Cuba, Curaçao, the Dominican Republic, Sint Maarten, Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, Uruguay, Venezuela. Available at: https://parlatino.org/pdf/comisiones/m-ambiente/declaraciones-resoluciones/rechazo-hidrocarbuifera-malvinas.pdf

[65] Guatemala, El Salvador, Honduras, Nicaragua, Panama, and the Dominican Republic. Available at: https://parlacen.int/noticias/Ndhfj5yvo2q0h8AfMIyY

[66] Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Belize, the Dominican Republic. Available at: https://cancilleria.gob.ar/userfiles/prensa/comunicado_conjunto_sica-argentina_final_v.26-3-15.pdf

[67] Available at: https://transcripts.un.org/es/asset/k1s/k1sjz1in6d

[68] Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, Suriname, Uruguay, and Venezuela. Available at: https://cancilleria.gob.ar/userfiles/ut/grio_2010_-_declaracion_sobre_la_cuestion_de_las_islas_malvinas.pdf

[69] Available at: https://cancilleria.gob.ar/userfiles/ut/calc_2010_-_declaracion_cuestion_de_las_islas_malvinas.pdf

[70] Paraguay, Bolivia, Brazil, Uruguay, Argentina, Chile, Ecuador, Panama. Available at: https://www.mercosur.int/declaracion-especial-de-los-presidentes-de-los-estados-partes-del-mercosur-y-estados-asociados-sobre-la-cuestion-de-las-islas-malvinas-2

[71] Available at: https://transcripts.un.org/es/asset/k1s/k1sjz1in6d

- *MERCOSUR Parliament (PARLASUR)*: Declaration of the PARLASUR on "Defense of the Argentine sovereignty over the Malvinas Islands", of 31 August 2026.[72]

- *Bolivarian Alliance for the Peoples of Our America (ALBA-TCP)*: "Special Communiqué of the ALBA in support of the Argentine position on the Malvinas", of 4 February 2012.[73]

- *Union of South American Nations (UNASUR)*: "Declaration of Bogotá of the Extraordinary Meeting of the Council of Ministers of Foreign Affairs of the UNASUR", of 11 June 2012.[74]

- *Latin American Integration Association (ALADI)*: "Declaration of the ALADI in Support of the Legitimate Rights of the Argentine Republic in the Sovereignty Dispute Relating to the Question of the Malvinas Islands", of 21 August 2014.[75]

- *Latin American Economic System (SELA)*: "Note SP-16/0009" of the Permanent Secretariat of the SELA, of 12 January 2016.[76]

- *Latin American Energy Organization (OLADE)*: "Ministerial Decision of the OLADE on the Sovereignty over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas", of 7 December 2017.[77]

- *Brasilia Consensus*: "Special Declaration of the Brasilia Consensus on the Question of the Malvinas Islands", of 22 November 2023;[78] Statement by Ecuador on behalf of the Brasilia Consensus in the UN Special Committee on Decolonization, 25 June 2026.[79]

---

[72] Argentina, Bolivia, Brazil, Paraguay, Uruguay. Available at: https://www.parlamentomercosur.org/innovaportal/v/13175/3/parlasur2025/actos-del-parlamento.html

[73] Venezuela, Cuba, Bolivia, Nicaragua, Dominica, Ecuador, Saint Vincent and the Grenadines, Antigua and Barbuda, Saint Lucia. Available at: https://www.cancilleria.gob.ar/userfiles/ut/alba_2012_-_cuestion_de_las_islas_malvinas.pdf

[74] Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay, and Venezuela. Available at: https://www.cancilleria.gov.co/sala-de-prensa/noticias/declaracion-de-bogota-suscrita-por-las-ministras-y-ministros-de-relaciones-exteriores-de-unasur

[75] Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Panama, Paraguay, Peru, Uruguay, and Venezuela. Available at: https://cancilleria.gob.ar/userfiles/ut/aladi_2014.pdf

[76] Argentina, the Bahamas, Barbados, Belize, Bolivia, Brazil, Colombia, Cuba, Chile, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, Suriname, Trinidad and Tobago, Uruguay, and Venezuela. Available at: https://selasite.azurewebsites.net/publicaciones/declaracion-especial-5-sobre-la-cuestion-de-las-islas-malvinas/

[77] Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, Uruguay, Venezuela, Barbados, Cuba, Grenada, Guyana, Haiti, Jamaica, the Dominican Republic, Trinidad and Tobago, Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, and Panama. Available at: https://cancilleria.gob.ar/userfiles/ut/olade_2017.pdf

[78] Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay, Venezuela. Available at: https://cancilleria.gob.ar/userfiles/ut/declaracion_malvinas_2023_reunion_de_md_mre_de_america_del_sur.pdf

[79] Available at: https://transcripts.un.org/es/asset/k1s/k1sjz1in6d

Inter-American System

- *Organization of American States (OAS)*: "Declaration of the Inter-American Juridical Committee of the OAS on the problem of the Malvinas Islands", of 16 January 1976.[80]

- *Inter-American Treaty of Reciprocal Assistance (TIAR)*: "Resolution 1/1982" of the Twentieth Meeting of Consultation of Ministers of Foreign Affairs of the OAS, convened under the TIAR, of 28 April 1982.[81]

Interregional Summits

- *Africa-South America Summit (ASA)*: "Malabo Declaration" of the ASA, of 20-22 February 2013.[82]

- *Movement of Non-Aligned Countries (NAM)*: "Final Declaration of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the NAM to the 42nd session of the General Assembly, held in New York from 5 to 10 October", of 6 October 1987.[83]

69. In addition to the States recognizing Argentine sovereignty through the above-mentioned instruments, other States have also recognized such sovereignty through bilateral or unilateral statements.[84]

70. Still other States have recognized the existence of the sovereignty dispute while maintaining a position of neutrality concerning sovereignty.[85]

71. No State has recognized the sovereignty invoked by the United Kingdom over the Malvinas, South Georgias and South Sandwich Islands.

72. The United Kingdom is fully aware, and has itself recognized, that Argentina claims sovereign rights over the continental shelf corresponding to the Malvinas Islands, which includes the area where hydrocarbon exploitation is now imminent. A considerable number of Anglo-Argentine instruments refer to "the exploration for and exploitation of hydrocarbons in

---

[80] Available at: https://digitallibrary.un.org/record/40817?v=pdf; https://www.oas.org/es/sla/cji/docs/Informes_Recomendaciones_1974-1977.pdf

[81] Available at: https://digitallibrary.un.org/record/29592?ln=es&v=pdf

[82] Algeria, Angola, Argentina, Benin, Bolivia, Botswana, Brazil, Burkina Faso, Burundi, Cape Verde, Cameroon, Chad, Chile, Colombia, Comoros, Ivory Coast, Cuba, Ecuador, Egypt, Eritrea, Eswatini, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Equatorial Guinea, Guyana, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Paraguay, Peru, Central African Republic, Republic of the Congo, Democratic Republic of the Congo, Sahrawi Arab Democratic Republic, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, South Sudan, Suriname, Tanzania, Togo, Tunisia, Uganda, Uruguay, Venezuela, Zambia, Zimbabwe. Available at: https://cancilleria.gob.ar/userfiles/ut/asa_2013_-_declaracion_de_malabo.pdf

[83] Available at: https://digitallibrary.un.org/record/77694?v=pdf

[84] For example: China (Joint Statement between the Argentine Republic and the People's Republic of China on Deepening the Argentina–China Comprehensive Strategic Partnership, 6 February 2022, available at: https://www.cancilleria.gob.ar/es/actualidad/noticias/declaracion-conjunta-entre-la-republica-argentina-y-la-republica-popular-china); Spain (Spanish–Argentine Declaration at presidential level, 13 June 1984, available at: https://tratados.cancilleria.gob.ar/tratado_ficha.php?id=laGplw==)

[85] For example, the United States of America. See U.S. Department of State, *U.S. Position on the Falkland (Malvinas) Islands*, 20 January 2012, available at: https://2009-2017.state.gov/r/pa/prs/ps/2012/01/182294.htm

maritime areas of the South Atlantic subject to a controversy on sovereignty and jurisdiction".[86]

73. Pending the constitution of the Arbitral Tribunal, it is for ITLOS to preserve Argentina's sovereign rights by prescribing provisional measures capable of ensuring that Argentina will be able to exercise them fully once the dispute is settled, thereby preventing that settlement from being deprived of its useful effect. In this regard, *unilateral* hydrocarbon exploitation in the disputed area must be excluded in order to preserve the rights of the parties.

2. The United Kingdom 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 and pending its settlement

74. Argentina is entitled to require that the United Kingdom refrain from unilaterally exploiting the resources of the continental shelf pending the settlement of the dispute between the parties, pursuant to the obligation to settle disputes by peaceful means and in good faith in accordance with UNCLOS and general international law.

75. The United Kingdom's position is incompatible with the obligation provided in Articles 279 and 300 of UNCLOS to act in good faith while a dispute remains pending settlement and to refrain from any unilateral conduct capable of undermining the possibility of reaching a peaceful settlement. Where two States maintain opposing claims concerning sovereignty and jurisdiction over a maritime area, neither party may legitimately treat the disputed status of that area as though it had already been resolved in its favor. The existence of a dispute necessarily imposes constraints upon the manner in which the parties may exercise their respective claims pending a final settlement. This is all the more necessary in the current case, taking into account the special character of this dispute, i.e., one framed within the process of decolonization of the Malvinas Islands. The findings of the General Assembly in this regard sustain the plausibility of this right emerging from the obligation under Articles 279 and 300 of UNCLOS.

3. 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

76. Article 192 of UNCLOS entails a positive obligation to take active measures to protect and preserve the marine environment.[87] As 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, including with respect to pollution from seabed activities, and to have the United Kingdom cooperate with it

[86] For example, Joint Press Statements of the Meetings of the South West Atlantic Hydrocarbons Commission (First Meeting, 1 March 1996; Second Meeting, 10 December 1996; Eighth Meeting, 27 July 2000; **Annexes 57, 58 and 59**)

[87] *South China Sea Arbitration (Philippines v. China), Award of 12 July 2016, RIAA, Vol. XXXIII*, p. 519, para. 941.

to that end.[88] In *Ghana/Côte d'Ivoire*, the ITLOS Special Chamber recalled that "article 192 of the Convention imposes an obligation on States to protect and preserve the marine environment" and prescribed that both Parties "take all necessary steps to prevent serious harm to the marine environment, including the continental shelf and its superjacent waters, in the disputed area and […] cooperate to that end".[89]

77. By refusing any cooperation with Argentina and unilaterally authorizing the drilling and production of hydrocarbons on the disputed continental shelf, the United Kingdom prevents Argentina from exercising these rights and discharging these obligations.

78. The United Kingdom authorizes activities with potentially significant environmental consequences without Argentina's consent or supervision. Argentina is thereby confronted with a situation in which it remains bound by its obligations under Articles 192 and 194, while being deprived of the ability to exercise the functions necessary to give effect to those obligations in the disputed areas.

79. This interference is particularly significant because the obligations established by Articles 192 and 194 are preventive in nature. Compliance requires States to take appropriate measures before environmental harm, or a risk thereof, occurs, including measures designed to assess, monitor, regulate, and control activities presenting risks to the marine environment. If unilateral activities are permitted to proceed without Argentina's participation or ability to exercise the corresponding regulatory functions, Argentina may be unable to take the preventive measures required by UNCLOS even though it remains internationally bound by those provisions.

B. The rights of Argentina may suffer irreversible and irreparable damage and there is a risk of further aggravation of the dispute

80. In accordance with Article 290, paragraph 1, of UNCLOS, the purpose of provisional measures is to preserve the rights of the parties pending the resolution of the dispute.[90] The commencement of unilateral activities aimed at the exploitation of hydrocarbons in the disputed maritime areas will produce permanent and irreparable consequences that cannot be

---

[88] *MOX Plant (Ireland v. United Kingdom), Provisional Measures, Order of 3 December 2001, ITLOS Reports 2001*, p. 95, at p. 110, para. 82*; Land Reclamation in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures, Order of 8 October 2003, ITLOS Reports 2003*, p. 10, at p. 25, para. 92.

[89] *Delimitation of the Maritime Boundary in the Atlantic Ocean (Ghana/Côte d'Ivoire), Provisional Measures, Order of 25 April 2015, ITLOS Reports 2015*, p. 146, at p. 160, para. 69, and at p. 166, para. 108(1)(d). *See also M/V "Louisa" (Saint Vincent and the Grenadines v. Kingdom of Spain), Provisional Measures, Order of 23 December 2010, ITLOS Reports 2008–2010,* p. 58, at p. 70, para. 76.

[90] *Southern Bluefin Tuna (New Zealand v. Japan; Australia v. Japan), Provisional Measures, Order of 27 August 1999, ITLOS Reports 1999,* p. 280, at p. 295, para. 67*; MOX Plant (Ireland v. United Kingdom), Provisional Measures, Order of 3 December 2001, ITLOS Reports 2001*, p. 95, at p. 108, para. 63*; Land Reclamation in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures, Order of 8 October 2003, ITLOS Reports 2003,* p. 10, at p. 22, para. 64*; M/V "Louisa" (Saint Vincent and the Grenadines v. Kingdom of Spain), Provisional Measures, Order of 23 December 2010, ITLOS Reports 2008–2010*, p. 58, at p. 69, para. 71*; "ARA Libertad" (Argentina v. Ghana), Provisional Measures, Order of 15 December 2012, ITLOS Reports 2012,* p. 332, at p. 345, para. 74*; "Arctic Sunrise" (Kingdom of the Netherlands v. Russian Federation), Provisional Measures, Order of 22 November 2013, ITLOS Reports 2013*, p. 230, at p. 248, para. 82*; "Enrica Lexie" (Italy v. India), Provisional Measures, Order of 24 August 2015, ITLOS Reports 2015,* p. 182, at pp. 195-196*,* paras. 74-75*; M/T "San Padre Pio" (Switzerland v. Nigeria), Provisional Measures, Order of 6 July 2019, ITLOS Reports 2018–2019*, p. 375, at p. 405, para. 132.

reversed once the underlying dispute has been finally settled.[91] The preservation of the rights at issue therefore requires that neither party be permitted, pending the settlement of the dispute, to undertake measures that would alter the existing situation or prejudice the ability of the competent tribunal to render an effective decision. This is all the more required when a risk of irreparable damage or prejudice to those rights exists.[92] In the present case, the prospect of drilling commencing on the continental shelf is certain and imminent, as indicated below (Section IV).

81. The question of prejudice in the present case is not contingent or speculative: the United Kingdom is preventing Argentina from exercising its rights under UNCLOS while at the same time rejecting the settlement of the dispute, making them nugatory for an indefinite period of time. Therefore, there exists a serious risk not only with regard to the exercise of the above-mentioned rights, but also with regard to the very continued existence of these rights.

82. Authorizing or conducting unilateral hydrocarbon exploitation in a maritime area whose entitlement remains contested under the specific circumstances of this case could enable one party to obtain an advantage pending the final determination of the proceedings. More significantly, the continued pursuit of such activities as though the underlying dispute did not exist could encourage the United Kingdom to persist in its refusal to comply with its obligation to settle disputes peacefully, and to flout and undermine the authority of the General Assembly. To allow one party, pending the resolution of the dispute, to take advantage of its effective control over the disputed maritime resources and to derive from it the corresponding economic benefits, while rejecting the settlement of the dispute, would be to reward this party for its refusal to fulfill its basic obligation. Such a situation would not only constitute a blatant endorsement of the prevalence of power over the rule of law, but it would also risk weakening the conditions necessary for a genuine and effective resolution of the dispute.

83. The case law of arbitral tribunals, the ICJ and ITLOS constitutes *jurisprudence constante* in this regard: exploitation activities lead to a permanent physical change of the continental shelf and the marine environment and should not be permitted pending the dispute.

84. In *Aegean Sea*, the ICJ declined to indicate interim measures, *inter alia*, because Turkey's seismic exploration was "of the transitory character (…) described, and [did] not involve the establishment of installations on or above the seabed of the continental shelf", and because "no suggestion ha[d] been made that Turkey ha[d] embarked upon any operations involving the actual appropriation or other use of the natural resources of the areas of the continental shelf which are in dispute".[93]

---

[91] See Breier, K. & Musacchio, C., Technical Report on the Impact of Hydrocarbon Drilling and Exploitation in the North Malvinas Area in **Annex 60.**

[92] *Cf.* the analysis of the Tribunal in *Land Reclamation in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures, Order of 8 October 2003, ITLOS Reports 2003*, p. 10, at p. 22, para. 72; *M/V "Louisa" (Saint Vincent and the Grenadines v. Kingdom of Spain), Provisional Measures, Order of 23 December 2010, ITLOS Reports 2008–2010*, p. 58, at p. 69, para. 72; *"Enrica Lexie" (Italy v. India), Provisional Measures, Order of 24 August 2015, ITLOS Reports 2015*, p. 182, at p. 197, para. 87; *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. 307, para. 100; *M/T "San Padre Pio" (Switzerland v. Nigeria), Provisional Measures, Order of 6 July 2019, ITLOS Reports 2018–2019*, p. 375, at p. 400, para. 111.

[93] *Aegean Sea Continental Shelf (Greece v. Turkey), Interim Protection, Order of 11 September 1976, I.C.J. Reports 1976*, p. 3, at p. 10, para. 30.

85. The arbitral tribunal in *Guyana/Suriname* held that "unilateral acts that cause a physical change to the marine environment will generally be comprised in a class of activities that can be undertaken only jointly or by agreement between the parties". For the tribunal, "(t)his is due to the fact that these activities may jeopardize or hamper the reaching of a final delimitation agreement as a result of the perceived change to the status quo that they would engender. Indeed, such activities could be perceived to, or may genuinely, prejudice the position of the other party in the delimitation dispute, thereby both hampering and jeopardising the reaching of a final agreement".[94]

86. The ICJ confirmed that drilling activities "are of the kind that could lead to permanent physical change in the marine environment" and "may alter the status quo between the parties to a maritime dispute".[95]

87. The challenged exploitation could thus cause irreversible and irreparable harm to the rights that Argentina asserts. Indeed, without provisional measures, it will not be possible to compensate for the permanent physical modification of the disputed continental shelf through subsequent monetary compensation, as restoring the pre-existing condition of the seabed and subsoil will no longer be possible. As the ITLOS Special Chamber held in *Ghana/Côte d'Ivoire*, "there is a risk of irreparable prejudice where, in particular, activities result in significant and permanent modification of the physical character of the area in dispute and where such modification cannot be fully compensated by financial reparations", since "whatever its nature, any compensation awarded would never be able to restore the status quo ante in respect of the seabed and subsoil".[96] Furthermore, the sovereign right of Argentina to decide when, how and under what conditions the exploitation of the resources of the continental shelf will take place will be prevented from being exercised by the unilateral activities of the United Kingdom.

III. Possible consequences if the request is not granted

88. If the provisional measures requested are not ordered, the United Kingdom will proceed to unilaterally start the exploitation of the resources of the continental shelf, producing a permanent and irreparable modification of its soil and subsoil. This would be the first-ever production of hydrocarbons from the continental shelf in the area surrounding the Malvinas Islands, entailing a modification that is not capable of being reversed. Hydrocarbon resources are non-renewable; their extraction is definitive. Once drilling has occurred, the modification of the subsoil is permanent and irreversible.

89. Each well drilled leaves a permanent physical footprint, and the geology cannot be restored to its original state. This alteration of the seabed and subsoil is irreparable. An abandoned well remains a permanent physical intervention that connects the seabed with

---

[94] *Arbitration regarding the Delimitation of the Maritime Boundary between Guyana and Suriname, Award of 17 September 2007, RIAA, Vol. XXX*, pp. 132-133, paras. 466-467 and 470, and p. 137, para. 480.

[95] *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya), Judgment, I.C.J. Reports 2021,* p. 206, at p. 282, para. 208.

[96] *Delimitation of the Maritime Boundary in the Atlantic Ocean (Ghana/Côte d'Ivoire), Provisional Measures, Order of 25 April 2015, ITLOS Reports 2015*, p. 146, at p. 163, paras. 89-90. On that basis, the Special Chamber found that the exploration and exploitation activities planned in the disputed area "may cause irreparable prejudice to the sovereign and exclusive rights invoked by Côte d'Ivoire in the continental shelf and superjacent waters of the disputed area" and prescribed that no new drilling take place there. *Ibid.,* at p. 164, para. 96, and at p. 166, para. 108(1)(a).

deep formations. Exploitation adds a further modification of a different nature. Sustained extraction depressurizes the reservoir and permanently alters the distribution of pressures, fluids and stresses within the rock. The injection of water and gas to maintain pressure does not restore the original condition; rather, it replaces the hydrocarbons with different fluids. Oil and natural gas are, moreover, non-renewable resources.

90. These changes are not confined to the immediate vicinity of each well, but extend to the entire system hydraulically connected to the reservoir. Drilling marks the beginning of a process of physical transformation of the area, which is amplified by the subsequent installation of an extensive network of subsea infrastructure. In addition, drill cuttings are discharged onto the seabed around the drill centers, burying benthic fauna and altering the composition of the sediment. As a result, the impact is not limited to the permanent modification of the subsoil associated with the wells, but extends to the seabed as a whole, progressively transforming the area into an integrated hydrocarbon production system.[97]

91. Besides, hydrocarbon exploitation is a risky activity, particularly in those areas of the South-West Atlantic Ocean, and could cause serious damage to the marine environment.

92. The planned hydrocarbon development lies in a remote, logistically isolated part of the South-West Atlantic with a harsh environment: persistent westerly winds averaging 32 km/h (gusts above 130 km/h), waves typically 4–7 m high and up to 30 m in storms, low air and water temperatures, and strong currents such as the Malvinas Stream. The area is also 700–860 km from the nearest ports in Argentina and Chile, and more than 3,500 km from Brazil's main offshore support ports, so responding to an incident would depend on a complex logistics chain and significant mobilization times.

93. In a contingency, wind and sea conditions would narrow the windows for containing and recovering hydrocarbons and reduce the effectiveness of response equipment, while distance would delay critical equipment such as a capping stack or a relief-well drilling unit, prolonging the time during which an incident could not be controlled. The harm is thus not limited to the physical alteration caused by drilling, infrastructure and production. It also extends to the ability to take part in defining and overseeing the applicable environmental standards and the mechanisms for preventing, monitoring and responding to environmental contingencies throughout the life of the project, which is especially important in remote offshore operations that demand rigorous planning and adequate response capacity.[98]

94. As the foregoing shows, severe meteorological and oceanographic conditions, combined with the considerable distance from the main offshore support centers, adversely affect the safety of operations, the continuity of supply and, in particular, the ability to respond promptly to an emergency.[99]

95. Unlike activities whose effects can be readily discontinued or reversed, the extraction of hydrocarbons entails the irreversible removal of resources from the seabed and its subsoil. Once such resources have been extracted, the restoration of the seabed and its subsoil to their original geological condition is impossible.

---

[97] See Breier, K. & Musacchio, C., Technical Report on the Impact of Hydrocarbon Drilling and Exploitation in the North Malvinas Area in **Annex 60.**
[98] *Ibid.*
[99] *Ibid.*

96. Moreover, permitting the United Kingdom to act unilaterally in the disputed maritime area, producing an irreparable change to it, would risk rendering the settlement of the underlying dispute indefinitely elusive. Such a situation is particularly problematic where, as here, the dispute concerns decolonization, since allowing the colonial Power to continue unilaterally exploiting non-renewable resources pending the resolution of the dispute would risk transforming the absence of settlement into a *de facto* basis for the continued exercise of contested rights. Provisional measures are therefore necessary to ensure that, pending the resolution of the dispute, it remains capable of being settled through the peaceful means of settlement contemplated by UNCLOS and general international law, rather than being progressively preempted by the unilateral conduct of the colonial Power.

IV. Urgency of the situation

97. Another condition for granting provisional measures is the requirement of urgency.[100] In the *MOX Plant* case, the Tribunal stated:

> *Considering* that, according to article 290, paragraph 5, of the Convention, provisional measures may be prescribed pending the constitution of the Annex VII arbitral tribunal if the Tribunal considers that the urgency of the situation so requires in the sense that action prejudicial to the rights of either party or causing serious harm to the marine environment **is likely to be taken before the constitution of the Annex VII arbitral tribunal**.[101] (emphasis added)

98. Drilling activities are expected to commence in early 2027. Preparatory work is currently underway ahead of the planned start of drilling operations.

99. In this regard, on 25 August 2026, Eco Oil reported the following concerning operations by Navitas:

> As per Navitas' Quarterly Report, announced on 24 August 2026, Navitas (subject to completion of its acquisition of PL001) intends to drill a multi-target exploration well on PL001 during its development drilling campaign in the North Falkland Basin, with part of the Sea Lion Project (NDA1**) drilling campaign expected to commence at the beginning of 2027**.[102] (emphasis added)

100. Likewise, Rockhopper Exploration plc reported as follows on the same date:

---

[100] *Southern Bluefin Tuna (New Zealand v. Japan; Australia v. Japan), Provisional Measures, Order of 27 August 1999, ITLOS Reports 1999*, p. 280, at p. 295, para. 63, and at p. 296, para. 80*; MOX Plant (Ireland v. United Kingdom), Provisional Measures, Order of 3 December 2001, ITLOS Reports 2001*, p. 95, at p. 108, paras. 63-64, and at p. 110, para. 81*; Land Reclamation in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures, Order of 8 October 2003, ITLOS Reports 2003,* p. 10, at p. 22, paras. 65 and 72.

[101] *MOX Plant (Ireland v. United Kingdom), Provisional Measures, Order of 3 December 2001, ITLOS Reports 2001,* p. 95, at p. 108, para. 64.

[102] "Eco Oil and Gas Ltd. Announces Navitas Update on PL001 & Block 1 CBK", announcement of 25 August 2026, reproducing the Quarterly Report of Navitas Petroleum of 24 August 2026, available at: https://investingnews.com/eco-oil-and-gas-ltd-announces-navitas-update-on-pl001-block-1-cbk/.

> Navitas reports other progress on the Sea Lion NDA Phase 1 development as follows: Development works in the Falkland Islands are progressing to plan and, at this stage, are focused on: (i) preparing the quay and the shore base that will serve the Project; (ii) constructing accommodation; and (iii) carrying out additional infrastructure works in preparation for the arrival of the drilling rig in the Falklands and **commencement of drilling in early 2027**.[103] (emphasis added)

101. Moreover, in its "Fleet Status Report", Noble Corporation plc, a company also involved in the project, reported that the *Noble Endeavour*, a semi-submersible drilling platform, would start operations in "South America" in January 2027.[104]

102. Finally, just two days after the institution of the arbitral proceedings, Rockhopper Exploration plc confirmed the beginning of drilling activities "early in 2027".[105]

103. Given the imminent commencement of exploitation activities, as announced by the licensee companies authorized by the *de facto* British authorities, the adoption of the requested measures is of utmost urgency. The commencement of these activities makes immediate action necessary in order to prevent the situation from becoming impossible to remedy. Any delay in adopting the requested measures would compromise their effectiveness and diminish their ability to safeguard the rights and interests at stake pending the resolution of the dispute.

104. As this Tribunal has stated:

> [T]he urgency of the situation must be assessed taking into account the period during which the Annex VII arbitral tribunal is not yet in a position to 'modify, revoke or affirm those provisional measures'; *Considering* further that the provisional measures prescribed by the Tribunal may remain applicable beyond that period.[106]

105. On Sunday, 11 October 2026, the British Secretary of State for Foreign, Commonwealth and Development Affairs responded to the letter of the Argentine Minister of Foreign Affairs, International Trade and Worship of 28 September 2026 instituting arbitral proceedings. The response is a mere repetition of previously advanced arguments that have also been rejected by Argentina in the past and are further rebutted in the present request. It also contains a refusal to adopt the provisional measures requested by Argentina. It further announces that the United Kingdom will "vigorously" contest the jurisdiction of the arbitral tribunal.[107] By rejecting the provisional measures requested by Argentina, the United Kingdom persists in its unilateral

---

[103] Rockhopper Exploration plc, "Sea Lion Update & Potential Capital Raise", RNS announcement, 24 August 2026 (Annex G of the Institution of Arbitral Proceedings), available at: https://rockhopperexploration.co.uk/2026/08/sea-lion-update-potential-capital-raise/

[104] Noble PLC, "Fleet Status Report, July 2026", available at: https://noblecorp.com/download/noble-corporation-fleet-status-report-3/?wpdmdl=3701&refresh=6aa97737828fb1789490999

[105] See above, para. 17.

[106] *Land Reclamation in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures, Order of 8 October 2003, ITLOS Reports 2003*, p. 10, at p. 22, para. 68.

[107] Note GB 132/2026 of the British Embassy in Buenos Aires, dated 11 October 2026, transmitting a letter from the British Foreign, Commonwealth and Development Secretary to the Argentine Foreign Minister dated the same day **(Annex 65)**.

action aimed at the imminent beginning of the exploitation of the non-renewable resources of the disputed continental shelf.

V. The United Kingdom cannot absolve itself of its obligations by manipulating the principle of self-determination

106. The United Kingdom seeks to conceal its international responsibility by asserting that "[h]ydrocarbon activities on the continental shelf of the Falkland Islands are regulated under Falkland Islands legislation, in accordance with the United Nations Convention on the Law of the Sea".[108] It merely considers it to be "a commercial activity".[109] At the international level, any measure enacted by the British *de facto* authorities of the islands engages the responsibility of the United Kingdom, the occupying colonial administering power. The claim that this local *de facto* British authority is acting on the basis of the right of peoples to self-determination does not withstand legal or factual analysis either.

107. The United Kingdom contends that "UN General Assembly Resolution 2065 does not prohibit economic development or displace the Islanders' right to self-determination. Resolution 31/49 likewise does not limit or remove the rights of the islanders to freely determine their political status and freely pursue their economic, social and cultural development".[110] This *a contrario* argument is absurd. On the one hand, Resolution 2065 (XX) established the manner in which the islands were to be decolonized, i.e., through the settlement of the sovereignty dispute, and not by applying the right of peoples to self-determination to a population which does not constitute a people, let alone a colonial people. On the other hand, Resolution 31/49, calling upon the parties to refrain from unilateral measures, was adopted precisely because of the British intentions to envisage hydrocarbon exploitation. By no means can it be understood as authorizing the unilateral exploitation of the resources of the continental shelf of the disputed area, by any State, community or entity.

108. The plain fact is that there is a sovereignty dispute prompted by the British illegal occupation and establishment of a colony on Argentine sovereign territory, and that the General Assembly, as the relevant organ having the power to determine the manner in which a colonial situation must end,[111] has disregarded the application of the principle of self- determination to the current British population of the islands. When the United Kingdom sought to incorporate express references to the right to self-determination in what became Resolution 40/21 of 27 November 1985 on the Question of the Malvinas Islands, the General Assembly rejected both amendments.[112]

---

[108] United Kingdom, Foreign, Commonwealth and Development Office and Department for Business, Innovation, Science and Trade, "Doing business with the Falkland Islands", 15 September 2026 **(Annex 43)**; United Kingdom Mission to the United Nations (@UKUN_NewYork), "UK Response to the Argentine Statement at the General Assembly", post on X (formerly Twitter), 23 September 2026 **(Annex 44)**.

[109] United Kingdom, Foreign, Commonwealth and Development Office and Department for Business, Innovation, Science and Trade, "Doing business with the Falkland Islands", 15 September 2026 **(Annex 43)**.

[110] "UK Response to the Argentine Statement at the General Assembly", post on X (formerly Twitter), 23 September 2026 **(Annex 44)**; Note 063/2026 of the Americas Directorate of the Foreign, Commonwealth and Development Office to the Embassy of the Argentine Republic in the United Kingdom of Great Britain and Northern Ireland, dated 25 September 2026, delivered on 28 September 2026 **(Annex 45)**.

[111] *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019*, p. 139, paras. 179-180; *Delimitation of the maritime boundary in the Indian Ocean (Mauritius/Maldives), Preliminary Objections, Judgment, ITLOS Reports 2020–2021*, at pp. 82-83, paras. 226-227.

[112] UN Doc. A/40/L.20 (22 November 1985); UN Doc. A/40/PV.95 (27 November 1985), pp. 39-41.

109. As the ICJ explained in 1975 and repeated in 2019:

> The validity of the principle of self-determination, defined as the need to pay regard to the freely expressed will of peoples, is not affected by the fact that **in certain cases the General Assembly has dispensed with the requirement of consulting the inhabitants of a given territory**. Those instances were based either on the consideration that **a certain population did not constitute a 'people' entitled to self-determination** or on the conviction that a consultation was totally unnecessary, in view of special circumstances.[113] (emphasis added)

110. References to a referendum organized by the British authorities in 2013 are of no value. It was neither organized nor supervised by the United Nations or the regional organization, the Organization of American States. Nothing changed after this self-serving event: the Malvinas Islands continued to be registered in the list of non-self-governing territories of the United Nations, the General Assembly ignored it and the Decolonization Committee has continued to examine the question every year since, as it did before.

111. Argentina has consistently been committed to respecting the way of life of the current inhabitants of the islands and to taking into account their interests. This is what relevant resolutions of the General Assembly and the Decolonization Committee require, not a right of external self-determination. The British citizens settled on the islands by the colonial power cannot decide a dispute between their State and Argentina. It is the firm Argentine position that the natural resources of the continental shelf of the Malvinas Islands belong to the Argentine people, which includes those inhabitants born on the islands.

112. For many years now, or rather decades, the United Kingdom has chosen to act in blatant disregard of the existence of a dispute. This is not only to the detriment of Argentine rights, but it is also a grave breach of its obligation to settle international disputes by peaceful means, a fundamental principle of international law, enshrined in the Charter of the United Nations and in Article 279 of UNCLOS.

VI. Conclusion

113. Argentina has demonstrated that the conditions required by Article 290 of UNCLOS and elaborated in the case law of the Tribunal are met. The only way to preserve Argentine rights in the present case is to prescribe the provisional measures requested by Argentina from the Tribunal.

114. The requested provisional measures would not amount to a determination of the merits of the dispute. Nor would they impose a disproportionate burden, since the drilling activity has not started. Preparatory work by the companies concerned has been carried out while the position of Argentina regarding unilateral exploitation was well known by them, and despite Argentina's formal warnings.[114] Thus, they were aware of the risks they assumed in

---

[113] *Western Sahara, Advisory Opinion, I.C.J. Reports 1975,* p. 33, para. 59; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019*, p. 134, para. 158.

[114] See above, para. 6.

proceeding with their preparations for illegal exploitation. In any event, irreparable damage could not be compared with the economic cost of suspending it. Rather, these provisional measures would serve the limited procedural purpose of safeguarding the rights asserted by Argentina under UNCLOS and ensuring that those rights remain capable of effective exercise pending a final settlement. Such measures would preserve the integrity and effectiveness of the eventual decision by preventing the unilateral exploitation of natural resources from creating irreversible consequences before the dispute has been resolved. In these circumstances, the requested provisional measures constitute a necessary means of preserving the subject matter of the dispute, maintaining the conditions for meaningful negotiations, and preventing the irreversible prejudice that could otherwise result from the continued unilateral exercise of disputed rights by the United Kingdom pending the resolution of the dispute.

5

SUBMISSIONS

115. For the reasons set out above, pending the constitution of the arbitral tribunal under Annex VII of UNCLOS, Argentina requests that the Tribunal prescribe 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.

* * *

Given the urgency of this request and the imminent start of the activities authorized by the United Kingdom, Argentina respectfully requests the President of the Tribunal 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.

HAMBURG, 13 OCTOBER 2026

Mario J. A. OYARZÁBAL
Agent of Argentina
Director General of International Legal Affairs & Legal Adviser
Ministry of Foreign Affairs, International Trade and Worship
Argentine Republic

6

APPOINTMENT OF AGENT AND ADDRESS FOR SERVICE

The Government of Argentina appoints as its Agent Ambassador Mario Oyarzábal and as its Co-Agent Ambassador Betina Pasquali de Fonseca.

The Agent may be contacted in Argentina at:

Argentine Ministry of Foreign Affairs
Office of the Legal Adviser
Esmeralda 1212, Of. 1501
C1007ABR CABA
Argentine Republic
Tel: +54 11 4819-8008 ; Mob: +54 911 6411-3000
Email: oma@mrecic.gov.ar ; dicol@mrecic.gov.ar

The Co-Agent's address for service is:

Argentine Embassy
Von-der-Heydt-Str. 2
10785 Berlin
Germany
Tel: + 49 (30) 2266 89 0 ; Mob: +49 173 5348900
Email: bpf@mrecic.gov.ar ; ealem@mrecic.gov.ar



Agent of Argentina

Hamburg, 13 October 2026

CERTIFICATION

Pursuant to Articles 63, paragraph 1, and 89, paragraph 4, of the Rules of the Tribunal, I have the honor to certify that the copies of the notification instituting arbitral proceedings against the United Kingdom and the documents annexed to the request for provisional measures of 13 October 2026 are true copies and conform to the original documents, and that the translations into English made by Argentina are accurate translations.

Hamburg, 13 October 2026



Agent of Argentina

7

ANNEXES

I. Annexes of the request for provisional measures

Annex 1: 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 (original Spanish and English courtesy translation)

Including the Annexes of the institution of arbitral proceedings:

Annex A: Note N° 01/2025 dated 12 December 2025 of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom in the Argentine Republic

Annex B: Note SEMAS N° 05/2026 dated 24 August 2026 of the Secretariat of Malvinas, Antarctica, Ocean Policy and South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex C: Note SEMAS N° 42/2026 dated 22 September 2026 of the Secretariat of Malvinas, Antarctica, Ocean Policy and South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex D: Note N° 68/86 dated 31 October 1986 of the Ministry of Foreign Affairs and Worship of the Argentine Republic to the Embassy of the Federative Republic of Brazil in the Argentine Republic.

Note N° 315/93 dated 7 May 1993 of the Ministry of Foreign Relations, International Trade and Worship to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Note DIMAS 236/94 dated 22 August 1994 of the Ministry of Foreign Affairs, International Trade and Worship to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex E: Note SUBPE 34/05 dated 3 June 2005 of the Under-Secretariat of Foreign Policy of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Note SUBPE 38/05 dated 29 June 2005 of the Under-Secretariat of Foreign Policy of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Note SUBPE 75/05 dated 27 October 2005 of the Under-Secretariat of Foreign Policy of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex F: Rockhopper Exploration plc, "Final Investment Decision on Sea Lion", RNS announcement, 10 December 2025; Navitas Petroleum, "Sea Lion".

Annex G: Rockhopper Exploration plc, "Sea Lion Update & Potential Capital Raise", RNS announcement, 24 August 2026.

Annex H: United Nations, doc. A/AC.109/2026/L.8.

Annex I: Final Act of the Third United Nations Conference on the Law of the Sea, resolution III.

Annex 2: United Nations, General Assembly, "Question of the Falkland Islands (Malvinas)", Resolution 2065 (XX) of 16 December 1965.

Annex 3: United Nations, General Assembly, "Question of the Falkland Islands (Malvinas)", Resolution 3160 (XXVIII) of 14 December 1973.

Annex 4: Table containing information relating to illegal licenses.

Annex 5: Note 154/89, dated 26 April 1989, of the Ministry of Foreign Affairs and Worship of the Argentine Republic to the Embassy of the Federative Republic of Brazil.

Annex 6: Note 183/93, dated 19 March 1992, of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 7: Note 4664/92, dated 17 December 1992, of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 8: Note DIMAS 40/95, dated 9 February 1995, of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 9: Note DIMAS 361/95, dated 5 October 1995, of the Directorate for Malvinas and the South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 10: Note DIMAS /95, dated 21 December 1995, of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 11: Note DIMAS 157/98, dated 30 April 1998, of the Directorate of Malvinas and South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 12: Note DIMAS N° /00, dated 5 October 2000, of the Directorate of Malvinas and South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 13: Note DIMAS N° 431/00, dated 27 November 2000, of the Directorate of Malvinas and South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 14: Note DIMAS N° 196/2002, dated 14 June 2002, of the Directorate of Malvinas and South Atlantic Islands of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 15: Note DIMAS N° 315/2002, dated 21 October 2002, of the Directorate of Malvinas and South Atlantic Islands of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 16: Note DIMAS N° 211/2003, dated 17 July 2003, of the Directorate of Malvinas and South Atlantic Islands of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 17: Note N° 166/2004, dated 13 February 2004, of the Embassy of the Argentine Republic in the United Kingdom to the Foreign & Commonwealth Office – Overseas Territories Department – of the United Kingdom.

Annex 18: Note N° 965/04, dated 29 July 2004, of the Embassy of the Argentine Republic in the United Kingdom to the Foreign & Commonwealth Office – Overseas Territories Department – of the United Kingdom.

Annex 19: Note DIMAS N° 6/05, dated 5 January 2005, of the Directorate of Malvinas and South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 20: Note DGMAS N° 123/2005, dated 13 May 2005, of the Directorate General of Malvinas and South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 21: Note DGMAS N° 242/2005, dated 10 August 2005, of the Directorate General of Malvinas and the South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 22: Note, dated 27 March 2007, of the Minister of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland.

Annex 23: Note DGMAS N° 253/07, dated 2 November 2007, of the Directorate General of Malvinas and the South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 24: Note DGMAS N° 102/2008, dated 30 April 2008, of the Directorate General of Malvinas and the South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 25: Note DGMAS N° 229/2008, dated 29 July 2008, of the Directorate General of Malvinas and the South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 26: Note DGMAS N° 28/2010, dated 2 February 2010, of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 27: Note ERUNI N° 235/2013, dated 28 June 2013, of the Embassy of the Argentine Republic in the United Kingdom to the Foreign & Commonwealth Office – Overseas Territories Department – of the United Kingdom of Great Britain and Northern Ireland.

Annex 28: Note ERUNI N° 456/2013, dated 14 November 2013, of the Embassy of the Argentine Republic in the United Kingdom to the Foreign & Commonwealth Office – Directorate of the Americas – of the United Kingdom of Great Britain and Northern Ireland.

Annex 29: Note SEREE N° 150/2013, dated 17 December 2013, of the Secretariat for Foreign Affairs of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 30: Note ERUNI N° 145/14, dated 18 March 2014, of the Embassy of the Argentine Republic in the United Kingdom to the Foreign & Commonwealth Office – Directorate of the Americas – of the United Kingdom of Great Britain and Northern Ireland.

Annex 31: Note SEMAS N° 45/2015, dated 2 March 2015, of the Secretariat of Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas Affairs, of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic

to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 32: Note DNMAS N° 62/2019, dated 6 December 2019, of the National Directorate of Malvinas and the South Atlantic Islands of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 33: Note SEMAS N° 12/2024, dated 17 July 2024, of the Secretariat of Malvinas, Antarctica, Ocean Policy and South Atlantic, of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 34: Note N° 01/2025, dated 12 December 2025, of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom in the Argentine Republic.

Annex 35: Note SEMAS N° 05/2026 dated 24 August 2026 of the Secretariat of Malvinas, Antarctica, Ocean Policy and South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 36: Note SEMAS N° 42/2026 dated 22 September 2026 of the Secretariat of Malvinas, Antarctica, Ocean Policy and South Atlantic of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Argentine Republic.

Annex 37: Note PS-010/2026, dated 1 September 2026, Embassy of the Argentine Republic in the United Kingdom of Great Britain and Northern Ireland to Navitas Petroleum Development and Production.

Annex 38: Note PS-011/2026, dated 1 September 2026, Embassy of the Argentine Republic in the United Kingdom of Great Britain and Northern Ireland to Rockhopper Exploration plc.

Annex 39: Note, dated 3 September 2026, Embassy of the Argentine Republic in Israel to Navitas Petroleum Limited Partnership.

Annex 40: Note VEU 11/2026, dated 3 September 2026, Embassy of the Argentine Republic in the United States of America to Navitas Petroleum Limited Partnership.

Annex 41: "Falkland Islands Government", Department of Mineral Resources, "Production Licence Status as of 4 March 2026".

Annex 42: "Falkland Islands Government", "FIG Notes Final Investment Decisions for Sea Lion Development Programme", 10 December 2025.

Annex 43: United Kingdom, Foreign, Commonwealth and Development Office and Department for Business, Innovation, Science and Trade, "Doing business with the Falkland Islands", 15 September 2026.

Annex 44: United Kingdom Mission to the United Nations (@UKUN_NewYork), "UK Response to the Argentine Statement at the General Assembly", post on X (formerly Twitter), 23 September 2026.

Annex 45: Note 063/2026, dated 25 September 2026, of the Americas Directorate of the Foreign, Commonwealth and Development Office to the Argentine Embassy in the United Kingdom of Great Britain and Northern Ireland, delivered 28 September 2026.

Annex 46: "Falkland Islands Government", press statement, "FIG Announces Extension of Offshore Hydrocarbon Production Licences", 21 September 2026.

Annex 47: United Kingdom, Minister for Overseas Territories, Ms. Uma Kumaran, "Statement on Falkland Islands", post on X (formerly Twitter), 30 September 2026.

Annex 48: Rockhopper Exploration plc, Interim Report 2026, 30 September 2026 (excerpts).

Annex 49: Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic, "Sobre la Cuestión Malvinas: Comunicado oficial de la República Argentina", communiqué, 1 October 2026.

Annex 50: Rockhopper Exploration plc, "Sea Lion Operator Update", RNS announcement, 5 October 2026.

Annex 51: Letter dated 28 March 1975 from the Permanent Representative of the Argentine Republic to the United Nations to the Secretary-General, including the government press release of 19 March 1975 (doc. A/AC.109/42).

Annex 52: Statement of the Argentine Permanent Representative, Ambassador Carlos Ortiz de Rozas, General Assembly, Thirtieth Session, 2431st plenary meeting, 8 December 1975, A/PV.2431, paras. 109-111, Official Records, pp. 1175-1176.

Annex 53: Letter dated 10 February 1976 from the Permanent Representative of Argentina to the United Nations addressed to the President of the Security Council, doc. S/11973.

Annex 54: United Nations, General Assembly, Resolution 31/49 of 1 December 1976.

Annex 55: Summary of the Argentine legislation applicable to off-shore hydrocarbon production.

Annex 56: Joint Declaration on Offshore Activities in the South-West Atlantic, 27 September 1995.

Annex 57: Joint Press Statement of the Meeting of the South West Atlantic Hydrocarbons Commission, First Meeting, 1 March 1996.

Annex 58: Joint Press Statement of the Meeting of the South West Atlantic Hydrocarbons Commission, Second Meeting, 10 December 1996.

Annex 59: Joint Press Statement of the Meeting of the South West Atlantic Hydrocarbons Commission, Eighth Meeting, 27 July 2000.

Annex 60: Breier, K. & Musacchio, C., Technical Report on the Impact of Hydrocarbon Drilling and Exploitation in the North Malvinas Area.

Annex 61: United Kingdom, Foreign, Commonwealth and Development Office, "Minister for Overseas Territories statement on the Falkland Islands: 18 September", 18 September 2026.

Annex 62: Press release of Falkland Oil and Gas Limited and Rockhopper Exploration PLC, dated 24 April 2015.

Annex 63: Press release, Ministry of Foreign Affairs, International Trade and Worship, "Preocupación argentina por el riesgo ambiental ante fallos en plataforma petrolera operando en aguas cercanas a Malvinas" dated 24 April 2015.

Annex 64: Premier Oil Exploration & Production Ltd, Revised Oil Spill Contingency Plan for Isobel (Elaine) well, submitted for approval to the Executive Council for the revised Oil Spill Contingency Plan (OSCP) (B06), 23 September 2015, Section D.6.3 (excerpts).

Annex 65: Note GB 132/2026 of the British Embassy in Buenos Aires, dated 11 October 2026, transmitting a letter from the British Foreign, Commonwealth and Development Secretary to the Argentine Foreign Minister dated the same day.