INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

2026

Public sitting

held on Tuesday, 10 November 2026, at 3:00 p.m.,

at the International Tribunal for the Law of the Sea, Hamburg,

President Maurice K. Kamga presiding

Case concerning hydrocarbon exploitation in the South-West Atlantic Ocean

(*Argentina* v. *United Kingdom*)

(Request for provisional measures)

Verbatim Record

Uncorrected

Present:	President	Maurice K. Kamga
	Judges	David J. Attard
		Markiyan Z. Kulyk
		Roman Kolodkin
		Liesbeth Lijnzaad
		María Teresa Infante Caffi
		Jielong Duan
		Kathy-Ann Brown
		Ida Caracciolo
		Hidehisa Horinouchi
		Thembile Elphus Joyini
		Zha Hyoung Rhee
		Osman Keh Kamara
		Konrad Marciniak
		Slim Laghmani
		Sylvia Ama Adusu
		Bimal N. Patel
		Lan-Anh Thi Nguyen
		George Rodrigo Bandeira Galindo
	Judges *ad hoc*	Raúl Vinuesa
		Vaughan Lowe
	Registrar	Ximena Hinrichs Oyarce

Argentina is represented by:

Mr Mario Javier Agustín Oyarzábal, The Legal Adviser, Ministry of Foreign Affairs; Member of the International Law Commission; Member of the Institut de Droit international,

as Agent;

Ms Betina Pasquali de Fonseca, Ambassador of the Argentine Republic to the Federal Republic of Germany, Berlin, Germany,

as Co-Agent;

and

Mr Marcelo Gustavo Kohen, Professor Emeritus of International Law, Geneva Graduate Institute of International and Development Studies; Member and former Secretary General of the Institut de Droit international,

Mr Nicolaas Jan Schrijver, Professor Emeritus of Public International Law, Leiden University; Member and former President of the Institut de Droit international,

as Counsel and Advocates,

Mr Agustín Giustiniani, Lecturer, LL.M. in International Dispute Settlement, MIDS, Geneva, Switzerland,

as Counsel,

Ms María Ibarzábal Murphy, Legal and Technical Secretary, Office of the President of the Argentine Republic,

Mr Juan Ignacio Stampalija, Legal and Administrative Secretary, Ministry of Economy,

Mr Santiago Castro Videla, Deputy Attorney General,

Ms Maite Fernández García, Consul General of the Argentine Republic in Hamburg, Germany,

Mr Alejandro Horacio Luppino, Deputy Legal Adviser, Office of the Legal Adviser, Ministry of Foreign Affairs,

Mr Juan Pablo Paniego, Director of Treaties, Ministry of Foreign Affairs,

Mr Juan Manuel Galindo Roldán, Office of the Legal Adviser, Ministry of Foreign Affairs,

Ms Laura Antonella Márquez, Office of the Legal Adviser, Ministry of Foreign Affairs,

Mr Pablo Agustín Alonso, Office of the Legal Adviser, Ministry of Foreign Affairs,

Ms Daniela Luisina Varela, National Directorate for the Malvinas and South Atlantic Islands, Ministry of Foreign Affairs,

Mr Mariano Pagliettini, Deputy Consul of the Argentine Republic in Hamburg, Germany,

Mr Facundo Daniel Rodríguez, Advisory Council on Issues Related to the South Atlantic, Ministry of Foreign Affairs,

Mr Mateo Trossero, Legal and Technical Secretariat, Office of the President of the Argentine Republic,
Mr Julián Rivainera, Office of the Attorney General,
Mr Juan Ignacio Goya, Office of the Attorney General,
Mr Rafael Iribarne, Office of the President of the Argentine Republic,

as Government Representatives and Counsel.

The United Kindgom is represented by:

Ms Sally Langrish, Legal Adviser, Foreign, Commonwealth and Development Office,

as Agent;

Mr Paul McKell, Legal Director, Foreign, Commonwealth and Development Office,

as Co-Agent;

and

Rt. Hon. Ellie Reeves KC MP, Attorney General,

as Advocate,

Sir Michael Wood KC,
Mr Sam Wordsworth KC,
Lord Verdirame KC,
Ms Amy Sander KC,
Ms Belinda McRae,

as Counsel and Advocates.

Ms Naomi Hart,

as Counsel,

Mr Simon Young, Attorney General, Falkland Islands,
The Hon. Jack Ford MLA, Member of the Legislative Assembly, Falkland Islands,

as Representatives of the Falkland Islands Government,

Mr Fraser Janeczko, Assistant Legal Adviser, Foreign, Commonwealth and Development Office,
Ms Chloe Harris, Assistant Legal Adviser, Foreign, Commonwealth and Development Office,

Ms Alison Kemp, Deputy Director, Foreign, Commonwealth and Development Office,

Ms Flora Burles, Communications Officer, Foreign, Commonwealth and Development Office,

Ms Chris Bradley, Research Analyst, Foreign, Commonwealth and Development Office,

Mr Jack Stewart, Senior Laywer, Attorney General's Office,

Mr Liam Hunt, Principal Private Secretary, Attorney General's Office,

Mr Robert Williams, Special Adviser, Attorney General's Office,

as Advisers.

THE PRESIDENT: (*interpretation from French*). Good afternoon, everyone. The Tribunal resumes the hearing in Case 37. This afternoon we will shall hear the first round of statements from the United Kingdom.

I now invite the Agent of the United Kingdom, Ms Langrish, to address the Tribunal. You have the floor.

MS LANGRISH: *(Continued in English)* Mr President, distinguished members of the Tribunal, it is an honour to appear before you, and to do so on behalf of the United Kingdom as its Agent.

I will do two things in my short opening remarks as Agent.

First, I will make some very brief observations about the scope of Argentina's Request.

Second, I will introduce the structure of the oral presentations that you will hear from the United Kingdom this afternoon.

On the scope of the Request, on 28 September, Argentina commenced arbitration proceedings under Annex VII of the Convention. In doing so, Argentina has submitted an alleged "dispute concerning the unilateral exploration and exploitation by the British Government of the natural resources of the maritime areas surrounding the Malvinas, the South Georgia and the South Sandwich Islands".[1]

The Falkland Islands, on the one hand, and South Georgia and the South Sandwich Islands on the other, are two separate British Overseas Territories. At times, Argentina's claim appears to wrongly to elide them.

As you will hear from my colleagues, this is a dispute which concerns Argentina's claim to land sovereignty over these two British Overseas Territories. The particular focus of Argentina's sovereignty claim in the context of the case before this Tribunal is as I will now describe.

The Request for provisional measures that is before you concerns activities in the maritime areas surrounding the Falkland Islands, and only those activities relating to hydrocarbon exploitation. This is not a request about South Georgia and the South Sandwich Islands and their surrounding maritime areas, and it is of narrower scope than the claim before the Annex VII Tribunal. It is concentrated exclusively on activities in connection with the Sea Lion Project, a project that has been underway since Rockhopper's discovery of commercial quantities of oil in April 2010. That is clear from the terms of the Request, including paragraph 1 and the first provisional measure[2] sought, as well as from the title of Argentina's Request, which is: "Dispute concerning hydrocarbon exploitation in the South-West Atlantic Ocean". The United Kingdom has therefore focused its presentations today on the Falkland Islands and on the Sea Lion Project.

[1] Communication of 28 September 2026, para. 16.
[2] Request, para. 50(a).

Allow me now to introduce the structure of the oral presentations that you will hear this afternoon from the United Kingdom delegation on that focused question.

First, the Right Honourable Ellie Reeves KC MP, His Majesty's Attorney General, will provide an opening statement on behalf of the United Kingdom.

Second, the Tribunal will hear from Sir Michael Wood, who will identify and explain the limited points that the Tribunal needs to determine to dispose of Argentina's Request. These points are twofold: *prima facie* jurisdiction and urgency within the meaning of article 290, paragraph 5, of the Convention. In that context, Sir Michael will also address Argentina's attempt to invoke articles 279 and 300 of the Convention.

Third, Mr Wordsworth KC will elaborate on why the arbitral tribunal that is to be constituted under Annex VII of the Convention lacks *prima facie* jurisdiction over Argentina's claim, in circumstances where that claim concerns sovereignty over land territory and seeks determinations that Argentina is sovereign.

Fourth, Ms Sander KC will then address in further detail the specific claims that Argentina has advanced under articles 2, 56 and 77 of the Convention, which concern coastal State rights, and those under articles 192 and 194 concerning the protection and preservation of the marine environment. In doing so, she will further explain their connection to the dispute over land sovereignty and address the lack of plausibility of these claims.

Fifth, you will hear from Ms McRae, who will set out for the Tribunal an overview of the key facts on which the United Kingdom relies in relation to the development of hydrocarbon activities in the Falkland Islands' maritime areas, as relevant to the Request.

Finally, Lord Verdirame KC will address you on the requirement of irreparable prejudice and explain to you why the United Kingdom would be severely prejudiced if the Tribunal were to prescribe provisional measures. He will then identify the conclusions that the United Kingdom respectfully invites the Tribunal to reach.

During these presentations, the United Kingdom will naturally focus on the case that Argentina has advanced in its written Request. This morning, the Tribunal heard a number of new arguments during Argentina's oral presentations. These will be addressed, as necessary, in the United Kingdom's second round of oral submissions, so as to give the United Kingdom appropriate time to consider and to respond to the evolutions in Argentina's case.

One final remark, which is that Argentina elected not to question any of the three individuals who provided statements on behalf of the United Kingdom. Argentina also failed to submit any equivalent statements to rebut the facts set out in our three statements. Yet this morning, in the course of oral submissions, Argentina sought to challenge the three statements through their oral submissions. As you will hear this afternoon, it has no basis to challenge the facts in that regard.

Mr President, distinguished members of the Tribunal, thank you for your kind attention. I invite you now to call His Majesty's Attorney General to the podium to make the United Kingdom's introductory remarks on Argentina's Request. Thank you.

THE PRESIDENT: (*interpretation from French*) Thank you, Ms Langrish. I now give the floor to the Right Honourable Ellie Reeves. You have the floor.

MS REEVES: Mr President, distinguished members of the Tribunal, as His Majesty's Attorney General, I have the honour to appear before you on behalf of the United Kingdom.

I take this opportunity to congratulate you, Mr President, on your recent election, as well as to congratulate the other members of the Tribunal who have recently been elected to their posts.

The United Kingdom has a steadfast commitment to international law and an unwavering belief that institutions, such as this Tribunal, play an indispensable role in safeguarding the international legal order.

Reflecting that commitment, on 22 October the United Kingdom acted expeditiously in appointing a member of the Annex VII tribunal in these proceedings. I can confirm that the Parties are meeting to discuss the appointments of the remaining three members of the Tribunal following this hearing.

Mr President, an order for provisional measures is an exceptional tool in the kit of international courts and tribunals. Any order prescribing provisional measures necessarily interferes with the affairs of the State against which they are ordered. It does so at a stage when there has been no determination of the legal rights and obligations of the parties to the dispute; no determination of the respondent State's responsibility for any alleged international wrong; and no determination that jurisdiction even exists.

That is significant in any case, but it is of acute importance in the present case. The provisional measures sought by Argentina would prevent the people of the Falkland Islands from developing their natural resources, as they are entitled to do so, pursuant to their fundamental right to self-determination. As you will hear today, the measures sought would have devastating consequences for the Falkland Islands and its people. They risk losing billions of pounds in revenue which is essential for the Islands' economic development.[3] The measures would also be catastrophic for the companies involved.[4] Those companies have invested large sums to carry out an important hydrocarbon project to the highest environmental standards, in accordance with the applicable domestic laws. The United Kingdom has every confidence that this Tribunal will have those facts well in mind when assessing Argentina's request against the relevant legal standards.

[3] Witness statement of the Honourable Jack Ford MLA dated 2 November 2026, paras. 52-55 and 68(f).

[4] Witness statement of Samuel John Moody dated 2 November 2026, Section IV (paras. 56-64); witness statement of Ian Ramsay dated 2 November 2026, paras. 10.9-10.11.

I begin with the context for Argentina's Request.

Argentina claims that it, not the United Kingdom, is sovereign over the Falkland Islands.[5] The fact that Argentina makes that claim, and has done so with increasing vigour in recent months, is not in question.

The United Kingdom's position on Argentina's claim is firmly established. The United Kingdom has no doubt about its sovereignty over the Falkland Islands, and thus its sovereignty and sovereign rights in the surrounding maritime areas.

The United Kingdom's sovereignty over the Islands dates from 1765, with continuous, effective, peaceful British presence and administration since January 1833.

The only interruption to the UK's peaceful administration was Argentina's armed invasion of the Islands in 1982. That was an unlawful use of force by a military *junta*, resulting in loss of life and a military occupation. Following that armed invasion, the United Nations Security Council demanded an "immediate withdrawal of all Argentine forces".[6] The United Kingdom's peaceful presence and administration was restored two months later and has been maintained in the decades since.

In 2013, following continued political intimidation and hostility from Argentina, a referendum was held in the Falkland Islands. The referendum asked the simple question: "Do you wish the Falkland Islands to retain their current political status as an Overseas Territory of the United Kingdom?" There was a 92 per cent turnout, with 99.8 per cent of voters voting in favour of remaining British, and only three people voting against.[7] In that free and fair vote, the people of the Falkland Islands overwhelmingly chose to retain their current status. The Falkland Islanders continue to this day to describe their Islands as a "British Overseas Territory with full internal self-government".[8]

As an Overseas Territory, the Falkland Islands enjoy a high degree of autonomy over their internal affairs. But the Islands remain under British sovereignty, with responsibility for their defence and international affairs resting with the United Kingdom.[9]

In accordance with its duties under article 73 of the United Nations Charter, the United Kingdom treats the interests of the people of the Falkland Islands as paramount. That includes advancing their political, economic, social and educational development.[10]

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[5] Request for Provisional Measures Annex 1, para. 20.
[6] United Nations Security Council Resolution 502(1982), UN Doc. S/RES/502(1982), 3 April 1982.
[7] See Falkland Islands Government, "About the Falklands", available at https://www.gov.fk/about/.
[8] See Falkland Islands Government, "About the Falklands", available at https://www.gov.fk/about/.
[9] Witness statement of the Honourable Jack Ford MLA dated 2 November 2026, para. 12; Ian Hendry and Susan Dickson, *British Overseas Territory Law*, 2nd ed, 2018, pp. 248-251, 341-346.
[10] Foreign, Commonwealth and Development Office of the United Kingdom, "Policy paper: Charter for UK Government Engagement with the Overseas Territories", 24 September 2026, available at https://www.gov.uk/government/publications/charter-for-uk-government-engagement-with-the-overseas-territories/charter-for-uk-government-engagement-with-the-overseas-territories, para. 8.

The United Kingdom resolutely supports the Falkland Islanders' right of self-determination. This right is enshrined in the Charter of the United Nations and is affirmed in article 1 of both the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. It is also enshrined in the Falkland Islands' Constitution.[11]

Argentina insists, however, on pursuing its political agenda of asserting sovereignty. It claims that it should assume sovereignty over the Falkland Islands, disregarding the Falkland Islanders' express wishes and fundamental right of self-determination.

The United Kingdom wholly rejects Argentina's claim. Nevertheless, we have sought to engage constructively. The United Kingdom has consistently reiterated its willingness to cooperate with Argentina on issues of mutual interest and concern, in the South Atlantic and more widely.[12]

By contrast, Argentina has chosen to escalate its rhetoric aggressively in recent weeks. In September, President Milei declared before the UN General Assembly that, for Argentina, the Islands "are a national cause". He went on to say this:

> [The United Nations is] a useless organization, whose only purpose is to sustain a cast of fatally arrogant parasites masquerading as well-intentioned bureaucrats. … We're going to take matters into our own hands.[13]

Now, through these proceedings, Argentina seeks to enlist UNCLOS and the Tribunal in its cause.

The pretext for Argentina's claim is a desire to interrupt hydrocarbon activities in the maritime areas surrounding the Falkland Islands. Argentina entirely ignores the Falkland Islanders' right to develop their natural resources for their own economic benefit. Consistent with that right, the Falkland Islands Government diligently regulates hydrocarbon activities in the surrounding maritime area. It has done so since 1964.[14] Those activities have been taking place for decades, with the first production licences issued in 1996,[15] and the first drilling undertaken shortly thereafter.[16] Decisions on the development of these natural resources are a matter for the Falkland Islands Government and the commercial companies involved.[17] They are not a matter for Argentina.

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[11] See The Falkland Islands Constitution Order 2008, available at https://www.legislation.gov.uk/uksi/2008/2846/made/data.xht?view=snippet&wrap=true, Schedule, para. 1(a)–(b).

[12] See, e.g., 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, 25 September 2026, Request for Provisional Measures Annex 45.

[13] See United Nations Transcripts, General Assembly: Plenary meeting, 81st session, Day 2, General Debate, 23 September 2026, available at https://transcripts.un.org/en/asset/k1b/k1b5jwwa58?t=8:20:30.

[14] Witness statement of the Honourable Jack Ford MLA dated 2 November 2026, para. 16.

[15] Witness statement of the Honourable Jack Ford MLA dated 2 November 2026, para. 35.

[16] Witness statement of the Honourable Jack Ford MLA dated 2 November 2026, para. 35.

[17] See United Kingdom Government, 'Guidance: Doing business with the Falkland Islands', 15 September 2026, available at https://www.gov.uk/guidance/doing-business-with-the-falkland-islands#the-status-of-the-falkland-islands.

One matter that Argentina has glossed over is its own appetite for offshore hydrocarbon activities. It has licensed and conducted the drilling of over 400 wells in the Argentine Sea.[18] Indeed, Argentina now seeks to persuade you that it has concerns about environmental risks posed by the hydrocarbon project at issue in this hearing. If those concerns were genuinely held, the Argentine Government could have participated in the consultations on the Environmental Impact Statement for this project in 2024, as other entities in Argentina did.[19] It did not do so. In reality, what Argentina opposes is the Falkland Islands Government licensing hydrocarbon activities for the economic benefit of the Falkland Islanders. What it wants is to take control of those resources for itself.

That brings me to the reason for the present hearing: Argentina's request for provisional measures and the United Kingdom's response.

As the Tribunal is well aware, and as Argentina acknowledges,[20] Argentina must satisfy the Tribunal of the following matters. As you will hear in the United Kingdom's submissions today, it is unable to satisfy any of them.

First, it must demonstrate to a *prima facie* level that the Annex VII tribunal will have jurisdiction to determine Argentina's substantive claim. The text of the Convention and relevant jurisprudence are clear. Article 288(1) relates to disputes concerning the interpretation or application of the Convention. It does not confer jurisdiction over disputes concerning sovereignty over land territory. It is equally clear that that is precisely what Argentina's claim is based upon.

Second, Argentina must establish that the rights it alleges are plausible. It has failed to do so.

Argentina alleges that the United Kingdom has breached an asserted obligation to refrain from taking unilateral measures in disputed maritime territory. However, no such right arises under articles 279 or 300 of the Convention.

Nor has Argentina established plausible rights in relation to its claims pertaining to articles 2, 56 and 77, or 192 and 194 of the Convention. Those claims are exclusively premised on the contention that Argentina is sovereign over the Falkland Islands. That cannot even plausibly be characterized as giving rise to rights under UNCLOS. Argentina's attempt to say that the sovereignty dispute is somehow irrelevant fails.

Further, Argentina must demonstrate that it faces a real and imminent risk of irreparable prejudice. In other words, it must establish both urgency and irreparable prejudice as the third and fourth requirements. It has fallen well short of doing so.

In relation to the third requirement, it has not shown urgency. The Annex VII tribunal will be constituted well before any drilling will start, let alone any material extraction will occur. For that reason alone, this Tribunal has no power to intervene.

[18] Witness statement of Ian Ramsay dated 2 November 2026, para. 8.35.
[19] Witness statement of Ian Ramsay dated 2 November 2026, para. 7.10.
[20] Request for Provisional Measures, paras. 48, 65, 80, 97.

In any event, drilling has occurred since 1998. Argentina has not explained why any urgency has arisen now, some 28 years later.

In relation to the fourth requirement, Argentina has failed to show that it will be prejudiced if provisional measures are not put in place. In fact, it has not identified any concrete harm that could result from this project or the use of information associated with it. Nor has it identified any concrete measures to protect and preserve the marine environment which it will be irreversibly prevented from performing. As I have already highlighted, Argentina does not oppose drilling or exploitation per se. What it wants is to take control of the resources for itself.

In fact, the real risk of prejudice goes in the opposite direction: if provisional measures are prescribed, those who suffer will be the people of the Falkland Islands and the companies who have invested in the project in good faith. Indeed, if the Tribunal were to prescribe the primary provisional measure sought, the object of the substantive proceedings would fall away, as the project would not survive.[21]

Mr President, the United Kingdom has the utmost respect for international institutions such as this Tribunal. As a reflection of our commitment to the international legal system, the United Kingdom consented to the jurisdiction of UNCLOS tribunals to determine disputes about the law of the sea. The United Kingdom did not consent to UNCLOS tribunals determining its sovereignty over its Overseas Territories. The scope of UNCLOS State Parties' consent is clear: it does not extend to questions of sovereignty over land territory.

In short, this case is a dispute about sovereignty over land territory that falls outside the jurisdiction of the Annex VII tribunal. Argentina cannot avoid the reality that the fundamental premise of its pleaded claim is Argentina's assertion of sovereignty.

The United Kingdom has no doubt about its sovereignty. That reflects both the clearly expressed will of the people of the Falkland Islands, and the clear position of His Majesty's Government.

The United Kingdom will continue to be unwavering in our support for the people of the Falkland Islands and their fundamental right of self-determination.

Mr President, distinguished members of the Tribunal, I am grateful for your attention and for your diligent consideration of this matter. I respectfully ask that you invite Sir Michael Wood KC to address you.

THE PRESIDENT: (*Interpretation from French)* Yes, thank you. I now invite Sir Michael Wood to present his statement. At your request, you may address the Tribunal from your seat. You have the floor, Sir.

MR WOOD: *(Continued in English)* Thank you very much, Mr President. Mr President, members of the Tribunal, it is an honour to appear before you, and to do so on behalf of the United Kingdom. I am very grateful to the Tribunal for agreeing

[21] Witness statement of Ian Ramsay dated 2 November 2026, paras. 10.4 and 10.14. Witness statement of Samuel Moody dated 2 November 2026, para. 43.

that I may address you from my seat. I recently broke a finger and I've been told not to put any weight on that hand. I hope I am not setting a bad precedent.

I shall first highlight some basic points concerning the Law of the Sea Conference, and the 1982 Convention (UNCLOS). I shall explain that Argentina's arguments in the present proceedings distort the outcome of both the Conference and the Convention beyond recognition, and in a way that is potentially very damaging to the achievements of the Conference and even to the Convention itself.

In order to demonstrate that Argentina's arguments are without merit, my colleagues will need to go into some detail to disentangle, so far as we can, what Argentina is actually trying to argue. My task is to set out the limited points that we think the Tribunal needs to determine, at the present stage of the proceedings, to enable it to dispose of Argentina's Request to the Law of the Sea Tribunal, which is made under the important and exceptional procedure set out in article 290(5) of the Convention.

As the Attorney General has just made clear, the following matters in particular need to be considered by the Tribunal at this stage. A decision on either of them would result in the rejection of Argentina's Request for Provisional Measures from this Tribunal.

First, as the Attorney General has said, and as my colleagues will explain in more detail, Argentina has not begun to show that the arbitral tribunal to be constituted would have *prima facie* jurisdiction over the dispute that lies at the heart of Argentina's case: that is, which State, the United Kingdom or Argentina, has sovereignty over the Falkland Islands and is thus the coastal State entitled to sovereign rights over the continental shelf in the area in question.

And second, Argentina has not begun to show that there is urgency, including in the sense that provisional measures need to be prescribed before the constitution of the arbitral tribunal as is required by article 290(5). I shall return to this second point later.

Mr President, members of the Tribunal, I turn to the lack of *prima facie* jurisdiction. As you will have seen from Argentina's Request and the claim it makes before the Annex VII arbitral tribunal, and as you heard again this morning, Argentina is seeking to shoehorn into the Law of the Sea Convention and these proceedings a determination of territorial sovereignty. Its Request would require the future arbitral tribunal, if it had jurisdiction – which, in our submission, it clearly does not – to apply the rules of international law on territorial sovereignty; rules that are part of customary international law and which in no sense feature, still less were codified in the Law of the Sea Convention.

Argentina seeks to expand the scope of Part XV of the Convention beyond anything contemplated at the Law of the Sea Conference. When negotiating the Convention, particularly the provisions on dispute settlement, all concerned worked on the basis that questions of sovereignty over land territory would not be subject to compulsory dispute settlement under the Convention. There was never any suggestion that disputes concerning sovereignty over land somehow fell within the scope of the Convention. As the Annex VII tribunal said in the *Chagos Marine Protected Area*

case, “none of the Conference participants expected that a long-standing dispute over territorial sovereignty would ever be considered to be a dispute ‘concerning the interpretation or application of the Convention’”.[22] That was fundamental, and it is clearly reflected in the Convention’s text. The law relating to sovereignty over land is simply not covered by the Convention.

Mr President, members of the Tribunal, if any doubt were to be cast on this fundamental position, it would remove an essential basis for the acceptance of the Convention for a good number of States. Under such circumstances, it can by no means be excluded that States would feel they had no option but to cease to participate in the Convention, in accordance with its article 317. The chances of attracting further States Parties – and there do, of course, remain an important body of States that have not yet joined the Convention – would be slim. Venezuela, for example, said during the important Conference plenary debate on dispute settlement as early as 1976 that “disputes involving sovereignty” should be settled by “negotiation”, and that Venezuela “could therefore not accept any procedure … which might lead … to a decision binding on the States parties in the case of disputes involving such matters”.[23]

There is, of course, jurisdiction under Part XV over maritime delimitation between opposite and adjacent States, at least in principle. But there is a fundamental distinction between a maritime area that is claimed by two coastal States because of overlapping entitlements flowing from their respective coastlines, giving rise to a need for maritime delimitation, and a maritime area that is claimed by two States because they each claim sovereignty over the same coastline. The former is governed by the Convention, in articles 15, 74 and 83, as well as Part XV. The latter is a dispute concerning sovereignty over land territory and is completely outside the Convention and Part XV.

Argentina is not assisted in any way by its references to the *Ghana/Côte d’Ivoire* case.[24] This, as you know, was a case about bilateral maritime delimitation, heard and determined by a special five-member chamber of this Tribunal. It concerned the overlapping maritime entitlements of two coastal States. No question of sovereignty over land territory arose. Argentina can likewise find no support for its arguments by relying on article 74(3) and article 83(3) of the Convention. Those paragraphs concern the position of opposite or adjacent States pending agreement on maritime delimitation. They are wholly irrelevant in the present case, which turns on State A’s claim to be sovereign over land territory of State B. As David Anderson, a former judge of this court, and Youri van Logchem put it in their 2014 article, any claim based on sovereign rights over maritime areas where sovereignty turns on the question of who is the coastal State “is a sovereignty dispute, not one about the law of the sea”.[25]

[22] See *Chagos Marine Protected Area Arbitration*, Award, 18 March 2015, at paragraph 215.
[23] Third United Nations Conference on the Law of the Sea, 62nd Plenary Meeting, 7 April 1976, A/CONF.62/SR.62, p. 42, §78 (Venezuela).
[24] See, for example, Request, p. 17, footnote 31.
[25] Youri van Logchem and David Anderson, ‘Rights and Obligations in Areas of Overlapping Maritime Claims’, in The South China Sea Disputes and Law of the Sea, S. Jayakumar, Tommy Koh and Robert Beckman (eds), 2014, p. 222. See also p. 195.

In its provisional measures request, and again this morning, Argentina from time to time seems to acknowledge that its claims concern territorial sovereignty.[26] But then it fails to distinguish the two entirely distinct situations that I have just described, by using terms such as "disputed areas"[27] or "disputed maritime areas".[28]

In short, what Argentina seeks to do is to distort the plain words of the Convention, and the plain words of the claim that Argentina actually makes in this case. Mr Wordsworth and Ms Sander will develop this.

Argentina's attempt to distort the terms of the Convention is also apparent from its arguments based on articles 279 and 300 of the Convention. Despite the weight that Argentina has sought to place on these two provisions in its request,[29] they can be dealt with briefly.

The short point is that the text of these provisions, the overall economy of the Convention and the case law make it perfectly plain that articles 279 and 300 have nothing to do with an obligation to settle territorial sovereignty disputes. Nor do these provisions of the Convention preclude unilateral actions pending the determination of sovereignty disputes.[30]

Article 279 is in terms concerned only with the obligation to settle by peaceful means, "any dispute … concerning the interpretation or application of this Convention". It is not some broader obligation to settle all disputes that may be said to concern maritime areas irrespective of their relationship to the Convention, such as disputes over which is the relevant coastal State. Nor does article 279 contain any prohibition on particular acts. None of the references in footnote 31 of the Request comes anywhere close to suggesting otherwise. Most of them concern orders at the provisional measures stage not to aggravate a dispute where that dispute falls, at least *prima facie*, within the relevant treaty that provides the basis of jurisdiction. None suggests the existence of the freestanding obligation for which Argentina contends. Furthermore, as appears obvious from its wording and as was confirmed by the arbitral tribunal in the recent *Coastal State Rights* award, article 279 cannot "serve as the sole and independent basis or 'docking point'" for a claim.[31]

The same applies to article 300. Its terms require States Parties to act in good faith when fulfilling "the obligations assumed under [the] Convention" and to exercise "the rights, jurisdictions and freedoms recognized in [the] Convention" in a manner that would not constitute an abuse of right. Article 300 is expressly limited to the fulfilment of Convention obligations and the exercise of Convention rights, jurisdictions and freedoms. Like article 279, article 300 is not a freestanding provision. This is also well-established in the case law: in your *M/V Louisa* case and it's also in the *Chagos Marine Protected Area Arbitration*.[32]

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[26] For example, Request, paragraphs 4, 26, 51-52, 68, 76, 86 and 108.
[27] Request, paragraphs 39 and 78.
[28] Request, paragraphs 41, 50(b), 51, 55, 76 (heading) and 80.
[29] Request, paragraphs 25(d), 35 and 40.
[30] See, in particular, Request, paragraphs 74-75.
[31] *Coastal State Rights* (*Ukraine* v. *Russian Federation*), Award, 22 April 2026, paragraph 1219.
[32] *The M/V "Louisa" Case (Saint Vincent and the Grenadines* v. *Kingdom of Spain)*, Judgment, 28 May 2013, paragraph 137; *Chagos Marine Protected Area* Arbitration, Award, 18 March 2015, paragraph 303.

Argentina has placed some emphasis on resolution III which was the adopted by the Third Conference on the Law of the Sea without explaining how this is so.[33] This conference resolution has no relevance to the matters before the Tribunal. It is not part of the Convention, as Argentina itself seems to accept.[34] Argentina this morning referred to it being an aid to interpretation of the Convention without explaining more, and it referred to a very general and, I believe, political statement by the United Kingdom delegation at the Conference which was directed particularly at Argentina's rejection of resolution III. It is worth recalling that Argentina rejected resolution III in the strongest possible terms at the Conference itself. Indeed, Argentina even refused to sign the Final Act of the Conference because it included a reproduction of resolution III. Such a refusal has been described as "an unusual and possibly unprecedented action".[35] What is more, Argentina has repeatedly and consistently made clear its position that resolution III did not apply to the resolution of the territorial sovereignty dispute over the Falkland Islands.[36] The lengthy and, it has to be said, fraught history of this resolution is well set out in the Virginia Commentary, which states right at the outset that "the topic covered by this resolution is not relevant to a Convention on the Law of the Sea".[37]

Mr President, members of the Tribunal, I now return to the very basis for today's proceedings here in Hamburg: your exceptional power, under article 290(5) of the Convention, to indicate provisional measures pending the constitution of an Annex VII arbitral tribunal.

This important and novel procedure was carefully crafted at the Conference by the distinguished lawyers – Louis Sohn, Andronico Adede, and Shabtai Rosenne, among others – who were working on Part XV of the Convention, under the close guidance of the successive Presidents of the Conference, Hamilton Shirley Amerasinghe of Sri Lanka and Ambassador Tommy Koh of Singapore.

It is an exceptional power. The reason to include article 290(5) was to ensure the effectiveness of arbitral tribunals established under Annex VII. Unlike paragraph 1 of article 290, paragraph 5 does not concern the risk of irreparable prejudice prior to a final decision, but it focuses on risks that are much more immediate, i.e., that may arise in the short period prior to the constitution of an Annex VII arbitral tribunal.

Paragraph 5 is on the screen. The Tribunal's competence is clear from several parts of this provision, and here I shall concentrate on the time factor. It is to be noted that, under paragraph 5, any preliminary measures are to be made "pending the

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[33] Request, paragraphs 36-38.
[34] Request, paragraph 38.
[35] *United Nations Convention on the Law of the Sea 1982. A Commentary* (eds. Nordquist, Rosenne, Sohn), vol. V, p. 480. See further, UNCLOS III, 184th plenary meeting summary records, 24 September 1982, UN Doc. A/CONF.62/SR.184, pp. 10-11, paragraph 88.
[36] UNCLOS III, 184th plenary meeting summary records, 24 September 1982, UN Doc. A/CONF.62/SR.184, pp. 10-11, paragraph 88; 'Statement by the delegation of Argentina dated 8 December 1982', UN Doc. A/CONF.62/WS/35; Argentina's declaration upon signature of the Convention on 5 October 1984; Argentina's declaration upon ratification of the Convention on 1 December 1995.
[37] *United Nations Convention on the Law of the Sea 1982. A Commentary* (eds. Nordquist, Rosenne, Sohn), vol. V, pp. 478-482.

constitution of an arbitral tribunal to which a dispute is being submitted". And within that timeframe, the Tribunal's power to prescribe provisional measures exists only "if it considers… that the urgency of the situation so requires".

This morning, Professors Kohen and Schrijver kept using the somewhat ambiguous phrase "pending the arbitration". That is not what article 290(5) says. I have just pointed out that it deals with the situation of "pending the constitution of the arbitral tribunal."

This Tribunal can only exercise its power to prescribe provisional measures in the present case if it is satisfied that the risks alleged to threaten Argentina's 'plausible rights' will materialize before the arbitral tribunal is constituted. Argentina, in its Request, seems to accept this essential limit on the Tribunal's power.[38] But today we heard a much more ambiguous approach.

Mr President, members of the Tribunal, as you are well aware, and Professor Schrijver correctly reminded you of this this morning, the case law indicates that the Annex VII tribunal must not only be constituted but must also be able to function. That really goes without saying. In fact, there should be no reason why the arbitral tribunal cannot function so as to consider an urgent request for provisional measures within a few days of being constituted. I disagree with what my good friend Professor Schrijver said this morning. He showed briefly on the screen a list of cases, which we haven't yet received, but without explaining anything about the circumstances of each case and why the particular delays which he indicated arose. He also suggested a long list of steps that would need to be taken before the tribunal could function. There is no need for such steps, for all such steps or most of such steps to be taken. For example, it would be sufficient to adopt some brief temporary rules in order to hold an interim measures hearing, if that were requested urgently of a tribunal once it has been constituted.

Turning to the present case, the information we have provided to the Tribunal in the Agent's letter of 5 November clearly shows that there will be no real and imminent risk before the arbitral tribunal is constituted and able to function and so there is no basis for Argentina's Request to this Tribunal.

The key points are these:

Argentina relies on the "imminent commencement of exploitation activities" to meet the urgency requirement in article 290(5).[39] However, the United Kingdom Agent has confirmed to the Tribunal that extraction will not commence before March 2028; and indeed drilling will not commence before 21 March 2027.[40]

So, nothing is about to happen and, meanwhile, the constitution of the arbitral tribunal is already underway, in accordance with article 3(d) of Annex VII to the Convention.

[38] Request, paragraph 97.
[39] Request, paragraph 103.
[40] UK Agent letter to Registry, 5 November 2026.

As Professor Schrijver remarked and as the Attorney General has also confirmed, both Argentina and the United Kingdom have already appointed arbitrators. Consultations between the Parties about the appointment of the remaining three members of the arbitral tribunal, including the President, will take place here in Hamburg on 12 November. Hopefully, they will be successful within a very short period.

In any event, the 60-day period for agreeing on the appointment of the remaining members, to which Professor Schrijver referred, expires, by my calculation, on 27 November this year, less than three weeks from today. At that point, either Party can immediately request the President of ITLOS to make the remaining appointments. There is, by now, ample practice which shows that this can be done swiftly. There is therefore every reason to expect that the Annex VII tribunal will be constituted before the end of this year, or by January 2027 at the very latest. The United Kingdom, for its part, will continue to do all that it can to ensure the swift constitution of the arbitral tribunal.

The arbitral tribunal will thus be constituted well over a year before any extraction in 2028 and indeed before any further drilling commences in late March 2027. It follows that there is no basis for ITLOS to prescribe provisional measures at this time.

There is also a broader point about urgency, to which the Attorney General has already alluded, and indeed it is a point that goes to this case being all about Argentina's claim to sovereignty over the Falkland Islands, and its recent moves to intensify the sovereignty dispute. Drilling in the Sea Lion Field has been taking place for nearly 20 years without Argentina taking any steps under Part XV of the Convention. The drilling which is scheduled to commence from 21 March 2027 has no increased risk of environmental impact, as Ms McRae will explain. It was only on 13 October this year that Argentina sought to invoke your powers under article 290(5). Had there really been a case under the Convention, had there really been urgency, recourse to arbitration and a request for provisional measures to this Tribunal could and would have been made long ago.

Mr President, members of the Tribunal, my task has been to identify the most obvious bases on which the Tribunal can dismiss Argentina's Request for provisional measures:

(a) Argentina's claim before the arbitral tribunal concerns territorial sovereignty, over which there is no jurisdiction, whether *prima facie* or otherwise.
(b) The action said to prejudice Argentina's alleged rights will not take place before the arbitral tribunal is constituted. There is no urgency in the sense required by article 290(7).

Before concluding, let me refer very briefly to what Professor Kohen said this morning about the international and constitutional position of the Falkland Islands. What he said was wrong and misleading. I would commend the passages to which we have already drawn attention from the book by my former colleagues at the FCO, Ian Hendry and Susan Dixon, entitled *British Overseas Territories Law*, second edition, 2017. We included this in our list of authorities, and I believe we have sent a copy of the relevant extracts to the Registry.

I thank you, Mr President, members of the Tribunal, for your kind attention, and for your kindness in allowing me to sit. I now invite you to call Mr Wordsworth to the podium.

THE PRESIDENT: (*interpretation from French*) Yes. Thank you, Sir Michael. I now call Mr Wordsworth to the bar. You have the floor.

MR WORDSWORTH: *(Continued in English)* Mr President, members of the Tribunal, it is a privilege to appear before you, and to have been asked by the United Kingdom to develop the point that the arbitral tribunal will lack jurisdiction *prima facie* because no tribunal under Part XV could determine or in some other way advance the legal issue that, notwithstanding all the denials that you have heard this morning, is central to Argentina's claim – Argentina's alleged sovereignty over the land territory of the Falkland Islands, South Georgia and the South Sandwich Islands.

There are four simple propositions to develop:

First, the central claims made by Argentina in the arbitration, and it is very notable that you were not taken to these claims this morning, depend on Argentina being the coastal State in the maritime areas of the Falkland Islands. The key underlying position of Argentina is that it has the rights of the coastal State under articles 2, 56 and 77 of UNCLOS, as well as the responsibilities of the coastal State under articles 192 and 194, with respect to the maritime zones of the Falkland Islands. It alleges that the United Kingdom is in breach because the United Kingdom is exercising coastal State rights.

Our second proposition: The question of whether or not Argentina is the coastal State is just another way of asking the question of whether or not Argentina is sovereign over the land territory of the Falkland Islands.

Third, the land sovereignty issue is both central to, and the essential basis of, the claims that Argentina is making in the arbitration. There are multiple references to the "sovereignty dispute" over the Falkland Islands in Argentina's Request,[41] but of course it seeks to persuade you that the sovereignty dispute is not a matter that the arbitral tribunal is being asked to decide. But that is not correct. The arbitral claim, and the current Request, are just "part of a comprehensive strategy in defence of Argentine sovereignty in response to the advancement of the Sea Lion project". As you can see, those are not my words; they are the words from a statement last week of Argentina's Foreign Minister.[42]

Our fourth proposition: A disputed issue of land sovereignty cannot be determined by any tribunal under Part XV of UNCLOS. Jurisdiction is established and limited by article 288(1), and jurisdiction over claims to land sovereignty cannot be established by the device of State A alleging that State B is wrongly exercising the rights of the

[41] See e.g. Request, paras. 4, 33, 37-38, 51, 54, 68, 70, 107-108.
[42] Pablo Quirno on X: "IBEROAMÉRICA REAFIRMA EL RESPALDO A LA ARGENTINA EN LA CUESTIÓN MALVINAS Me encuentro participando en la Reunión de Ministros de Relaciones Exteriores Iberoamericanos en el marco de la XXX Cumbre Iberoamericana de Jefes de Estado y de Gobierno, en la que se aprobó de manera unánime… / X, translation by the UK.

coastal State because, in fact, State A is the true coastal State. That has now been confirmed by multiple cases, which I will take you to shortly.

It follows from these propositions that this Tribunal lacks the necessary jurisdictional basis to order provisional measures. It will, of course, only order such measures where it is satisfied that the claim of the applicant in the arbitration falls *prima facie* within the jurisdiction established by Part XV. As Judge Kulyk has observed, "issues of jurisdiction should not be treated lightly in the proceedings on provisional measures" and "there must be a reasonable basis for the Tribunal to assert jurisdiction".[43] Judge Lijnzaad has also drawn attention to the need to ascertain whether what is at issue in the dispute is "truly" interpretation and application of UNCLOS, as opposed to "other rules of international law" over which no jurisdiction may exist.[44]

That observation is consistent with a Separate Opinion of Judge Higgins, former president of the ICJ, emphasizing the importance of the *prima facie* threshold, including because of the "restraint upon the liberty of action of a State" which the prescription of provisional measures inevitably involves.[45] In that case, the Court refused to order provisional measures because, although the claim raised "very serious issues of international law", those issues did not concern the interpretation or application of the treaty then at issue.[46]

The Honourable Agent for Argentina suggested this morning that, for *prima facie* jurisdiction, it is enough for Argentina to put forward one interpretation of the provisions of UNCLOS, and for the UK to contest that application, and hence there is a dispute over interpretation and application. That argument, which would reduce the finding of *prima facie* jurisdiction to a mere formality, was rejected long ago by the International Court of Justice in the *Oil Platforms* case, in the often-cited passage at paragraph 16. As that case makes clear, this Tribunal must, and here I adopt the words of the international court, "ascertain whether the violations of [UNCLOS] pleaded by [Argentina] do or do not fall within the provisions of [UNCLOS] and whether, as a consequence, the dispute is one which the Court has jurisdiction *ratione materiae* to entertain".

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

Argentina's primary claim in its 28 September submission of the dispute to arbitration[47] is that the United Kingdom, "by unilaterally authorizing the exploration

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[43] *The "Zheng He" Case (Luxembourg* v. *Mexico),* Provisional Measures, Order of 27 July 2014, Separate Opinion of Judge Kulyk, para. 14.
[44] *Case Concerning the Detention of Three Ukrainian Naval Vessels (Ukraine* v. *Russian Federation)*, Provisional Measures, Order of 25 May 2019, ITLOS Reports 2019, p. 283, Declaration of Judge Lijnzaad, para. 5.
[45] *Legality of Use of Force (Yugoslavia* v. *Belgium),* Provisional Measures, Order of 2 June 1999, I.C.J. Reports 1999, p. 124, Separate Opinion of Judge Higgins, para. 29.
[46] *Legality of Use of Force (Yugoslavia* v. *Belgium),* Provisional Measures, Order of 2 June 1999, I.C.J. Reports 1999, p. 124 at p. 132, para. 17, p. 138, para. 41.
[47] Annex 1 to the Request.

and exploitation activities in the maritime areas surrounding the Malvinas, South Georgias and South Sandwich Islands, and by refusing to settle the dispute" is "in breach of the international obligation to respect the sovereignty and sovereign rights…" – not possible rights as my friend Professor Kohen referred to earlier this morning, but the "sovereignty and sovereign rights over the maritime areas, in accordance with Articles 2, 56 and 77 of UNCLOS".[48]

It does not matter how Argentina may now seek to recast this before you; a claim has been made to the arbitral tribunal that is predicated on Argentina having "sovereignty and sovereign rights over the maritime areas" of the Falkland Islands, South Georgia and the South Sandwich Islands – not alleged possible or plausible rights, but alleged actual rights. It is asserting the sovereignty and sovereign rights that belong to the coastal State. Plain, as actually put by Argentina thus requires – and this should not be subject to any serious debate – a determination that Argentina is the territorial sovereign, and hence has the rights of the coastal State, which the United Kingdom is allegedly failing to "respect" through authorizing the Sea Lion project. It is therefore a form of claim to territorial sovereignty that Argentina is seeking to shoehorn into UNCLOS, Part XV.

Yet there is no basis under Part XV to bring such a claim. And if it were otherwise, any time a claimant State alleges breach of obligations with respect to any of the 64 provisions of UNCLOS concerning exercise of coastal State rights, on the basis that another State was exercising those rights because it wrongly considered itself to be the coastal State, then there would be jurisdiction under Part XV to resolve the dispute as to who is the coastal State; that is, to resolve the core land sovereignty issue.

The same point – that all revolves around disputed land sovereignty – applies to Argentina's claim (2) with respect to a purported "obligation to refrain from taking unilateral measures" in relation to "maritime areas subject to an international dispute", and likewise its claim (4) with respect to the purported obligation under articles 279 and 300 "to settle international disputes by peaceful means". It is not just that, as Sir Michael Wood has just explained, there are no such obligations to be found within UNCLOS, whether in articles 279 and 300 or otherwise. Rather, Argentina's claims (2) and (4) are just different means by which Argentina is seeking to advance its central claim to land sovereignty before the arbitral tribunal. All this is avowedly "part of a comprehensive strategy in defence of Argentine sovereignty", as I have just shown you.

And the guiding principle for the Tribunal is that there is no jurisdiction under Part XV to determine disputes concerning claims to sovereignty over land, however framed, however disguised. It makes no material difference whether:

a. as with respect to Argentina's claim (1), State A is seeking a declaration that coastal State rights dependent on alleged sovereignty over land are being breached through an exercise of coastal State rights by State B, or whether,

[48] Communication of 28 September 2026, para. 17(1); see also paras. 19 and 25.

b. as in Argentina's claim (2), State A seeks a declaration that State B cannot exercise the rights of a coastal State, or indeed, as in Argentina's claim (4), a declaration that State B must settle the land sovereignty dispute with State A.

These claims are all based on the same dispute over land sovereignty, and they all seek to advance State A's claim – that is Argentina's claim – to sovereignty.

Stepping back, with its claims (2) and (4), Argentina is arguing that Part XV was formulated so as to enable this Tribunal and/or an Annex VII tribunal to enter into the world's very many disputes over land territory that exist between coastal States as if tribunals under Part XV were some form of global police force.

On that basis, for example, an Annex VII tribunal would have jurisdiction to decide that Korea and Japan must cease any unilateral actions in the maritime areas appertaining to the disputed islands of Dokdo/Takeshima and must seek to settle that long-standing controversy; and the same would apply to China, Japan, Korea, Viet Nam and the Philippines with respect to a series of disputed islands in the South China Sea, or likewise to Russia and Ukraine in the Black Sea, notwithstanding the finding of no jurisdiction over land sovereignty issues in the *Coastal State Rights* case; and I could obviously go on. On this same basis, this Tribunal would have power to prescribe provisional measures in such cases.

One could think it very desirable that an international tribunal could have such a wide-ranging jurisdiction, but there is no basis for it in Part XV. Indeed, it appears remarkable and, with respect, bizarre to suggest that a Law of the Sea tribunal could have the power to order States to settle their disputes over land territory, and yet that is an order that Argentina expressly seeks in its arbitral claim.[49]

Turning then to Argentina's claim (3), this alleges "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 the Convention with respect to the disputed maritime area".[50] It is correct that these articles establish obligations for States other than the coastal State in certain situations, but the central claim in this case is predicated on Argentina being the coastal State with the relevant sovereign rights and obligations. Ms Sander will return shortly to look further at Argentina's case here, as we heard a lot of new arguments this morning on articles 192 and 194, but it is sufficient for current purposes to focus on paragraph 76 of Argentina's Request, where it asserts that:

> 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 fulfil its obligation under Articles 192 and 194 to take the necessary measures in the disputed area….

So the central claim under articles 192 and 194 is based on an assertion to sovereignty, which it is intended the arbitral tribunal will uphold.

[49] Communication of 28 September 2026, para. 18(4).
[50] Communication of 28 September 2026, para. 17(3).

I turn, then, to article 288(1) and the relevant cases. Interpreted according to the usual rules, there is nothing in this provision to suggest any extension of the jurisdiction of a court or tribunal under Part XV to make determinations concerning disputes over land sovereignty, including when a claimant, such as Argentina, chooses to present its claim as an "obligation to respect"[51] the claimant's "sovereignty and sovereign rights"; that is, the claimant's alleged rights as a coastal State.

As a matter of ordinary meaning, jurisdiction under article 288(1) is limited by reference to whether there is a dispute concerning the interpretation or application of the Law of the Sea Convention, not a dispute concerning self-determination, or the doctrine of *uti possidetis juris*, or permanent sovereignty over natural resources, or alleged use of force dating back to the early 19th century. Hence, in maritime delimitation cases, where there is a land sovereignty dispute, the starting point for the delimitation will be offshore – in recognition of the fact that a land sovereignty dispute is outside jurisdiction unless the parties agree otherwise.[52]

And that point on ordinary meaning is strongly reinforced by reference to the context of article 288(1) and the object and purpose of the Convention.

One key point of context is that UNCLOS provides no rules on identification of the coastal State in cases where sovereignty over the land territory fronting a coast is disputed. This would involve the application of rules of international law lying entirely outside the law of the sea.[53] Professor Kohen's brief reference to the entirely different legal issue in the *Tehran Hostages* case does not somehow obviate that basic point. The question here is whether there is any jurisdictional basis for the claims that Argentina actually brings, not whether the claims may be just one aspect of a larger dispute.

And if I can deal very briefly with the two other cases that Professor Kohen referred to on *prime facie* jurisdiction: One, *Ghana/Cote d'Ivoire*, of course, concerned maritime delimitation, so a matter plainly within UNCLOS. In the other, *Costa Rica/Nicaragua*, Nicaragua did not and could not contest jurisdiction because this was a Pact of Bogotá case so there was no basis for contesting jurisdiction with respect to a land sovereignty issue.

The second key element of the context of article 288(1) is article 298(1), a long and complex provision, but happily the point for now is very straightforward.
Article 298(1) allows for specific opt-outs from compulsory jurisdiction with respect to various matters, including "disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations". This Tribunal will be very familiar with such opt-outs. The absence of such an opt-out provision for disputes concerning land sovereignty is a very obvious marker that no jurisdiction over such matters was intended or established.

The tribunal in the *Mauritius* v. *United Kingdom* arbitration made exactly this point. It explained that the optional carveouts for jurisdiction showed a level of "distrust" by

[51] Communication of 28 September 2026, paras. 17(1) and 19; Request, heading above para. 67.
[52] E.g. *India* v. *Bangladesh*, Award of 7 July 2014, para. 58.
[53] See e.g. *Mauritius* v. *UK*, Award, para. 203.

some participants at the Conference regarding compulsory dispute settlement. It went on to say:

> Given the inherent sensitivity of States to questions of territorial sovereignty, the question must be asked: if the drafters of the Convention were sufficiently concerned with the sensitivities involved in delimiting maritime boundaries that they included the option to exclude such disputes from compulsory settlement, is it reasonable to expect that the same States accepted that more fundamental issues of territorial sovereignty could be raised as separate claims under Article 288(1)?
>
> In the Tribunal's view, had the drafters intended that such claims could be presented as disputes "concerning the interpretation or application of the Convention", the Convention would have included an opt-out facility for States not wishing their sovereignty claims to be adjudicated, just as one sees in Article 298(1)(a)(i) in relation to maritime delimitation disputes.[54]

We would respectfully suggest that this reasoning is compelling, and that it applies equally to all the purported obligations that Argentina invokes in this case with a view to determining or otherwise advancing its land sovereignty claims. And on no view could Argentina's case be framed as "ancillary" to a genuine UNCLOS claim,[55] which Argentina may have been hinting at this morning.

The fact that Part XV does not cover disputes over land sovereignty was confirmed by the tribunal in the *South China Sea* arbitration. The key difference in that case, as distinct from the case now before you, is that the Philippines did not seek any determinations with respect to a dispute over land, whether implicitly or explicitly. You can see this from paragraph 5 of the final award:

> The Convention, however, does not address the sovereignty of States over land territory. Accordingly, this Tribunal has not been asked to, and does not purport to, make any ruling as to which State enjoys sovereignty over any land territory in the South China Sea....

Now, Argentina may seek to suggest that the same applies here, but it has no basis for doing so. Argentina claims breach of its sovereignty and sovereign rights, and its position is the opposite to that of the Philippines in the *South China Sea* case. There, the Tribunal emphasized:

> The Philippines has not asked the Tribunal to rule on sovereignty and, indeed, has expressly and repeatedly requested that the Tribunal refrain from so doing. … The Tribunal is of the view that it is entirely possible to approach the Philippines' Submissions from the premise – as the Philippines suggests – that China is correct in its assertion of sovereignty over Scarborough Shoal and the Spratlys.[56]

In sharp contrast, Argentina's claims before the arbitral tribunal require it to approach matters on the basis that the United Kingdom is <u>not</u> correct in its assertion of

[54] *Mauritius* v. *UK*, Award, paras. 216-217.
[55] *Mauritius* v. *UK*, Award, paras. 220-221.
[56] *South China Sea (Philippines* v. *People's Republic of China)*, Award on Jurisdiction and Admissibility, 29 October 2015, para. 153.

sovereignty over the Falklands Islands, and that Argentina either is sovereign (that is its claims 1 and 3), or that it is plausibly sovereign (that is its claims 2 and 4). So the dispute presented by Argentina does indeed concern sovereignty over land, and land sovereignty is the "true object".[57]

The Annex VII tribunal in the *Coastal State Rights* case, and a Chamber of this Tribunal in *Mauritius v Maldives*, have subsequently both confirmed the fundamental rule that jurisdiction under article 288(1) does not extend to the determination of longstanding disputes over land sovereignty.[58] The key question in both those cases was whether there was indeed such a dispute before it, and that was a very important issue in the earlier cases, too. The simple point is that this Tribunal and Annex VII tribunals are now very used to claimants, in this case Argentina, saying that their claims do not concern land sovereignty.

At paragraph 208 of the award in the *Mauritius v United Kingdom* arbitration, the Tribunal explained:

> Ultimately, it is for the Tribunal itself "while giving particular attention to the formulation of the dispute chosen by the Applicant, to determine on an objective basis the dispute dividing the parties, by examining the position of both parties' ... and in the process 'to isolate the real issue in the case and to identify the object of the claim' ....

That Tribunal identified there plainly was a dispute over land territory between the two States; that is, a dispute as to the identity of the coastal State. The Tribunal asked "… where the relative weight of the dispute lies."

And its answer:

> In the Tribunal's view, this question all but answers itself. There is an extensive record, extending across a range of fora and instruments, documenting the Parties' dispute over sovereignty.[59]

Precisely the same applies here, except all the more obviously so given Argentina's recourse to the use of force in 1982.

Mr President, members of the Tribunal, there is no escaping from the fact that Argentina has a longstanding claim to the Falkland Islands, and the sovereignty dispute cannot be resolved or advanced pursuant to the jurisdiction established by article 288(1) UNCLOS.

Yet Argentina seeks a determination of the sovereignty question, as well as orders intended to advance its claim of sovereignty over land territory. That is most obvious in its claims (1) and (3) before the arbitral tribunal. The question of who enjoys the sovereign rights to permit and supervise the environmental impacts of drilling in the 200-mile maritime zone of the Falkland Islands cannot somehow be characterized as

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[57] *Ibid*.
[58] *Coastal State Rights (Ukraine* v. *Russia),* Award on Preliminary Objections of 21 February 2020, paras. 155-161 and 197; *Mauritius* v. *Maldives,* Judgment of 28 January 2021, para. 110.
[59] *Mauritius* v. *UK*, Award, para. 211. See also *Coastal State Rights (Ukraine* v. *Russia),* Award on Preliminary Objections of 21 February 2020, paras. 191-196.

Law of the Sea matters that can be answered independently of the issue of who is sovereign over the land territory. The Tribunal could only get to the principal alleged breaches of UNCLOS following on from a determination of that issue. And Argentina's claims (2) and (4) seek to advance the same claim to land sovereignty but by differing means.

The centrality of the land sovereignty dispute is also confirmed by the multiple assertions to sovereignty over the Falkland Islands, and the multiple references to a "sovereignty dispute", in Argentina's 28 September submission of the dispute to arbitration.[60]

It is again confirmed by the statements of Argentina's highest representatives. To add another example to the recent statement of Argentina's Foreign Minister, in a speech last week, President Milei stated:

> At the international level, we have initiated arbitration proceedings against the United Kingdom under Annex VII of the United Nations Convention on the Law of the Sea in relation to hydrocarbon exploitation in the South-West Atlantic. We have requested that the International Tribunal for the Law of the Sea prescribe, among other provisional measures, measures preventing the commencement or continuation of exploitation under the Sea Lion Project in the North Malvinas Basin.
>
> These decisions serve our permanent and inalienable objective of recovering the full exercise of our sovereignty over the Malvinas Islands, South Georgia, the South Sandwich Islands and the surrounding maritime areas.[61]

That is surely entirely accurate. The current claims by Argentina – including the Request now before you – are simply means to an end, they are "part of a comprehensive strategy", of a so-called "recovering" of Argentine sovereignty. UNCLOS Part XV is the current locus for pursuit of that "inalienable objective", as opposed to this being a claim that truly engages the Law of the Sea.

The Tribunal may have seen how, at paragraph 5 of its Request, Argentina says that it has "insisted that [the United Kingdom's] unilateral actions are contrary to international law, taking into account Argentina's rights under UNCLOS", and in this respect it refers to "numerous notes submitted by Argentina to the United Kingdom", that is, its Annexes 5 through to 36, which were referred to this morning by the Honourable Agent for Argentina. We have been through all of these 32 annexes with great care, and prepared a table summarizing them, which we will of course hand to Argentina at the end of today's hearing and leave a copy with the Registrar. Almost all these 32 annexes just assert Argentina's sovereignty over the Falkland Islands and, in certain cases, allege incompatibility with UN General Assembly resolutions. Only two refer to UNCLOS, one of these being dated 24 August 2026; that is, when the current proceedings were plainly in contemplation.[62] The other is dated 17 December 2013. Referring to UNCLOS, it states:

[60] See at Annex 1 to the Request, at paras. 3, 7, 9, 11, 17(1), 17(2), 19, 20, 21, 23, 24, 25.
[61] President Milei Statement at the Ibero-American Summit, 5 November 2026, translation by UK.
[62] Request, Annex 35.

> The right to establish maritime zones from territory may only be exercised when such territory is legally occupied, which is not the case for the United Kingdom regarding the Malvinas, South Georgias and South Sandwich Islands.[63]

So this is merely an assertion that coastal State rights under UNCLOS depend on sovereignty over land territory, which is entirely correct, but not a matter that falls within either the substantive or jurisdictional provisions of the Convention.

The same applies to all the current claims of Argentina, which ask the arbitral tribunal to accept and/or advance or "serve" its case on territorial sovereignty, and this Tribunal is being enlisted in the process. But there are no genuine free-standing claims under UNCLOS, and hence the essential requirement of *prima facie* jurisdiction is not met.

Mr President, members of the Tribunal, I thank you for your attention. I ask you to call on Ms Sander, but perhaps after the afternoon break.

THE PRESIDENT: (*interpretation from French*) Yes. Thank you, Mr Wordsworth. I will give Ms Sander the floor after the 30-minute break.

So the Court stands adjourned for 30 minutes.

(*Break*)

THE PRESIDENT: (*Interpretation from French*) So the Tribunal now will resume the hearing and I invite Ms Sander to take the floor.

MS SANDER: *(Continued in English)* Mr President, members of the Tribunal, it is an honour to appear before you on behalf of the United Kingdom.

My statement addresses the details of, first, Argentina's claim based on articles 2, 56 and 77 and, secondly, its claim based on Part XII.

I make two preliminary observations on what Argentina must establish. First, Argentina must establish the Annex VII tribunal's *prime facie* jurisdiction. As Mr Wordsworth has said, that is an important threshold.

Second, Argentina must also establish that the rights asserted are at least plausible. It is not enough to simply cite rights existing under UNCLOS in the abstract. Argentina must show that those rights are engaged on the facts and by the claim as pleaded. Thus, ITLOS has considered whether the rights are plausible "taking into account the legal arguments made by the Parties and the evidence available before it".[64]

More specifically, the right that is said to be plausible must exist under UNCLOS and be within the Tribunal's jurisdiction to determine. Thus in ITLOS's most recent order on provisional measures, the Seabed Disputes Chamber emphasized that it is

[63] Request, Annex 29.
[64] *M/T "San Padre Pio" (Switzerland* v. *Nigeria),* Provisional Measures, Order of 6 July 2019, para. 108.

"concerned to preserve … the rights which may subsequently be adjudged by it to belong to either party".[65] It has been emphasized that the applicant must show that "there is a realistic prospect that when the Court rules upon the merits of the case [the rights] will be adjudged to exist and to be applicable".[66]

Turning first, then, to articles 2, 56 and 77, these provisions are familiar to the Tribunal:

Article 2 provides that "[t]he sovereignty of a coastal State extends … to an adjacent belt of sea, described as the territorial sea".

Article 56 provides that in the EEZ, as defined in article 55, "the coastal State has sovereign rights" for the purpose of exploring and exploiting natural resources.

Article 77 provides that "the coastal State exercises over the continental shelf", as defined in article 76, "sovereign rights for the purpose of exploring it and exploiting its natural resources".

So the rights set out in those articles are all premised on the State with the relevant rights being the coastal State, that is to say sovereign over the land territory which comprises the relevant coast.

As Mr Wordsworth has already recalled, Argentina clearly and repeatedly states that there is a dispute over sovereignty of the Falkland Islands.[67]

With respect to the claim based on articles 2, 56 and 77, Mr Wordsworth also recalled that Argentina's Notification of Arbitration asks the Annex VII tribunal, when constituted, to declare that the United Kingdom "is in breach of the international obligation to respect the sovereignty and sovereign rights of the Argentine Republic".[68] Argentina effectively repeats this position in the Request.[69] Argentina thus asks the Annex VII tribunal to say that Argentina, and not the United Kingdom, is the coastal State for the purposes of articles 2, 56 and 77. And that is simply a different way of saying that Argentina is asking the Tribunal to determine that it is sovereign over the Falkland Islands.

However, evidently mindful of the case law that makes clear that there is no jurisdiction under article 288(1) to make such a sovereignty determination, Argentina alleges at paragraph 33 of its Request that:

> 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.[70]

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[65] *Case concerning an inquiry by the International Seabed Authority (Nauru Ocean Resources Inc. v. International Seabed Authority), Provisional Measures*, Order 18 July 2026, para. 134.
[66] *The 'Enrica Lexie' Incident (Italy v. India)*, Order of 24 August 2015, Dissenting Opinion of Judge Heidar, para. 18. See also *San Padre Pio*, Provisional Measures, Order of 6 July 2019, Separate Opinion of Judge *ad hoc* Murphy, para. 7.
[67] Request, paras 26 and 108.
[68] Request, Annex 1, Letter, para. 17(1).
[69] Request, heading above paragraph 67.
[70] Emphasis in original.

Professor Kohen repeated that position this morning. So how, then, does Argentina now seek to say that it is avoiding a sovereignty determination with respect to its claim based on articles 2, 56 and 77? Argentina's position is not clearly articulated, and we have found it genuinely difficult to follow its argument. It is most instructive to consider the different formulations which Argentina has used in its Request and which we heard repeated earlier today.

Argentina frames its claim based on articles 2, 56 and 77 as being about the 'protection' of sovereign rights over the continental shelf.

This formulation was apparent at paragraph 52 of its Request, which states, as you can see on the screen:

> Argentina seeks to protect its sovereign rights over the natural resources of its continental shelf…"
>
> Rights, it goes on to say, that are "recognized by Articles 2, 56, 77 and 193 of UNCLOS.

So, the key point is that a request for the protection of sovereign rights is still premised on the assumption that it – Argentina and not the United Kingdom – has the relevant sovereign rights.

The reference to article 193 is telling; that article concerns the coastal State's sovereign right to exploit its natural resources in the context of a State's duty to protect and preserve the marine environment. Likewise, as to article 81 referred to by Professor Kohen this morning, which addresses exclusive drilling rights of the coastal state.

Argentina has also sought to mask the fact that its argument regarding articles 2, 56 and 77 requires a determination of sovereignty by invoking the language of 'plausible rights'. Paragraph 68 of the Request reads:

> The universal recognition of the existence of a sovereignty dispute over the Malvinas Islands and, consequently, over their corresponding maritime areas … implies that Argentina has a plausible right over the continental shelf generated by those islands. This plausibility is supported by [Argentina says] the widespread and majority recognition of Argentine sovereignty over the […] Islands within the international community….[71]

We heard Professor Kohen emphasize this formulation earlier this morning. So, Argentina is here framing its purported sovereign rights for the purposes of articles 56 and 77 as "plausible" based on the fact of its claim to sovereignty over the land territory and the fact that its claim receives some support. So, to put it another way, even accepting its arguments at face value, Argentina is seeking, through this Tribunal, to give legal effect in these proceedings to its claim to be sovereign over the Falkland Islands.

[71] Emphasis added.

However, for the purposes of a request for provisional measures, the putative "plausible" right relied upon must be a right which could actually be recognized by the Tribunal. In other words, it must be a right which could be "adjudged to exist"[72] under UNCLOS, with the relevant dispute concerning the interpretation or application of the provisions of UNCLOS establishing that right.

Articles 2, 56 and 77 do not concern disputes over claims to land territory and do not establish protections to a claimed plausible right to coastal State status. So, the key point for this hearing is that those articles do not provide any right for a State that simply asserts the existence of a dispute as to who is the coastal State.

The dispute arising from Argentina's sovereignty claim is not one that concerns the interpretation or application of articles 2, 56 and 77. It is a dispute grounded in rules of customary international law concerning sovereignty over territory, which depends on introducing absent obligations into UNCLOS concerning settlement of land territory disputes and prohibition of unilateral activities.

In a yet further formulation, Argentina asks ITLOS to preserve its sovereign rights so that it can exercise them once the sovereignty dispute over the Falkland Islands is settled. Paragraph 73 of the Request reads:

> 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 ....[73]

To the extent that this Tribunal can preserve rights until a dispute is settled, the dispute in question could only be the dispute that is to be settled in due course by the Annex VII Tribunal. That is clear from the language of UNCLOS article 290, paragraphs 1 and 5.

The dispute Argentina refers to in this passage is the settlement of the underlying sovereignty dispute. The Annex VII tribunal could not resolve that dispute, and indeed, as I explained earlier, in its Request and earlier today Argentina expressly disavows that it is asking that Tribunal to do so.[74]

Instead, Argentina is apparently asserting that there is a possibility that, at some indeterminate point in the future, Argentina could be determined to be sovereign over the Falkland Islands. But it is not the role of ITLOS, or indeed the Annex VII tribunal, to preserve a situation pending the potential future resolution of a dispute that does not concern the interpretation or application of UNCLOS. The rights which are said to be plausible must be rights which could actually be determined in the context of the Annex VII proceedings, and that is not the case for an asserted right to be the coastal State, that is to say a sovereignty claim.

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[72] *The 'Enrica Lexie' Incident (Italy v. India)*, Order of 24 August 2015, Dissenting Opinion of Judge Heidar, para. 18. See also *San Padre Pio*, Provisional Measures, Order of 6 July 2019, Separate Opinion of Judge *ad hoc* Murphy, para. 7.

[73] Emphasis in italics in original.

[74] Request, para. 33.

I make one final point on Argentina's claim based on articles 2, 56 and 77, and that is that the Request does not in fact link its purported rights under those articles to any of the provisional measures requested.

As to the first provisional measure, this is expressly stated in the Request to be necessary to give legal effect to Argentina's purported rights under articles 279 and 300.[75] And for the reasons explained by Sir Michael, those alleged rights do not exist.

I turn now to address Argentina's reliance on Part XII of the Convention, and my task has been complicated somewhat by the many new points raised this afternoon by Professor Schrijver giving rise to genuine confusion as to aspects of Argentina's current case.

However, in its Request one can identify the following steps in its argument:

a. Argentina has obligations under Articles 192 and 194 to protect and preserve the marine environment in the area at issue – step 1;[76]

b. Step 2 - Argentina has a correlative right to ensure the protection of the marine environment in the area at issue;[77]

c. Step 3 - That right arises from the fact that Argentina is "a State Party with sovereign rights over the continental shelf concerned"[78] – a point to which I shall return; and

d. The final step - The United Kingdom, Argentina says, is preventing Argentina from fulfilling its obligations in that regard and therefore infringing the correlative right.[79]

That position underpins the third provisional measure Argentina has requested, namely 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".[80]

For the first time this afternoon, Argentina referred to obligations under articles 205 and 206, as well as accounting for greenhouse gas emissions. However, there is a fundamental lack of clarity; it is not clear whether Argentina is alleging that the United Kingdom is breaching its own obligations in that regard or whether Argentina's case is that the United Kingdom is preventing Argentina from performing in that regard.

[75] Request, para. 54.
[76] Request, para. 76. See also paras. 41 and 56.
[77] Request, para. 76.
[78] Request, para. 76.
[79] Request paras. 41, 77.
[80] Request, para. 50(c).

If it is alleged that the United Kingdom is breaching its own obligations, well, this wholly new allegation that the United Kingdom firmly denies does not have any relevance to the third provisional measure, which, as I just said, is expressly premised on Argentina's right to satisfy its obligations under articles 192 and 194. So, for that reason, I proceed on the basis that this is not its case, and it's incumbent on Argentina to state expressly if it is now alleging that the United Kingdom is breaching its own obligations so the United Kingdom can have an opportunity to respond.

So, accordingly, we proceed on the basis that what is being alleged is that the UK is preventing Argentina from performing its obligations with respect to these new topics, as with its originally pleaded claim under articles 192 and 194. And the key point is that this claim is fundamentally predicated on Argentina being the coastal State, and that is the case I will address.

But before turning to the specifics of that claim, it is important to highlight omissions from Argentina's case.

First, Argentina does not refer, in its Request or this afternoon, to any particular measure that it has sought to take with respect to protecting and preserving the marine environment in the relevant area, at any time. Indeed, in its third requested provisional measure, Argentina does not specify any particular measure that it asks the United Kingdom to permit or any specific conduct that it asks the United Kingdom to take or cease taking.[81]

That lack of specificity also applies to Argentina's broader search and rescue responsibilities in the region, to which Argentina refers briefly and only in general terms.[82] Argentina also provides an incomplete picture in this regard. The relevant area falls with the Falkland Islands' declared area of responsibility.[83] Further, there are search and rescue procedures put in place by Navitas.[84]

Second, in its Request, Argentina does not make any specific complaint, let alone one substantiated by evidence, regarding an imminent risk of serious harm to the marine environment in the relevant area.

In its Request, Argentina sought to create some aura of risk by making a high-level assertion that the planned activities have "potential significant environmental consequences"[85] and are a "risky activity".[86] That position was elaborated significantly this afternoon.

First, Argentina emphasized earlier today a malfunction of a well blowout preventer.[87] That malfunction occurred over a decade ago during an exercise

[81] Request, para. 50(c).
[82] Request, para. 62.
[83] Witness statement of the Honourable Jack Ford, paras. 66-67.
[84] Witness statement of Mr Ian Ramsey, paras. 8.30-8.33.
[85] Request, para. 78, first line.
[86] Request para. 91.
[87] Request para. 58.

conducted by a different operator.[88] It was quickly repaired and it led to no release of hydrocarbons.[89] So, it was incorrect to allege this afternoon that that malfunction resulted in any sort of spill. As the EIS concludes, the Environmental Impact Statement concludes,[90] a well blowout is an "extremely rare event"[91] and Navitas has taken relevant prevention and mitigation measures.[92]

As to this afternoon's assertions regarding a potential oil spill advancing into Argentinian waters, the quotes provided focused on the consequences if there was a major oil spill incident, not the likelihood of it occurring. And this new allegation will be addressed more fully tomorrow.

Second, Argentina refers in its Request to the purported inexperience of Rockhopper and Navitas,[93] a point repeated by the Agent and Professor Schrijver this morning. In fact, Navitas has employed a team of highly experienced individuals, and has engaged world-leading contractors to undertake the relevant operational activities.[94]

Third, in its Request and again this afternoon, Argentina refers to a 'technical report'.[95] For the Tribunal's information, that is at Annex 60 of the request. That report is undated. There is no indication as to who commissioned the report, when and why. It is a mere five pages in the original Spanish. All it does is provide a high level and generic assessment of the alleged physical impact of the planned drilling and exploitation.

This afternoon, Professor Schrijver focused more on the Environmental Impact Statement than Argentina's own technical report. And the key factual point for the Tribunal is, as the Tribunal can see for itself and as will be elaborated by Ms McRae, the EIS was extensive, involving wide consultation, with the conclusion that the overall risks of disturbance to the seabed in particular are graded from "very low" to "low".[96]

So, those are the key omissions, and I turn now to the case that Argentina positively advances in its Request. On your screen is paragraph 76 which, as you have already seen, reads:

> 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 fulfil its obligation under Articles 192 and 194 ….

And the highlighted words are significant. Argentina advances its position on the basis that it, not the United Kingdom, has "sovereign rights over the continental shelf" of the Falkland Islands, and that the relevant area off the coast of the Falkland

[88] Witness statement of Mr Samuel Moody, para. 53.
[89] Witness statement of Mr Samuel Moody, para. 53.
[90] Witness statement of Mr Samuel Moody, paras. 52-54.
[91] EIS, p. 1200.
[92] EIS, pp. 162, 1199, 1226.
[93] Request, para. 60.
[94] Witness statement of Mr Ian Ramsey, paras. 3.3-3.14.
[95] Request, paras. 91-95.
[96] EIS, p. 681.

Islands is “under” Argentina’s “jurisdiction”, not the United Kingdom’s. So, Argentina’s case is expressly premised on Argentina being sovereign over the Falkland Islands and it's predicated on the Tribunal making a determination in that regard.

Again, the reference to article 246 this afternoon is telling; that concerns the right of the coastal State with respect to marine scientific research. And likewise article 206, it’s about a State’s obligations concerning activities under its jurisdiction and control.

I turn now to Argentina’s new case presented this afternoon regarding greenhouse gas emissions. As I have explained, I proceed on the basis that Argentina’s case remains that it is being prevented from performing its obligations under articles 192 and 194, including accounting for Falkland Islands’ emissions in its Nationally Determined Contributions. The premise for Argentina saying it should be able to account for such emissions could only be that it is sovereign over the Falkland Islands. And indeed in the Climate Change Advisory Opinion, to which Professor Schrijver referred, it made clear that the due diligence obligation applies to activities under a State's jurisdictional control. So, this new point is just another way of Argentina advancing its sovereignty claim. In any event, presumably because it would bring into sharp relief this reality, Argentina has not articulated in concrete terms what provisional measure it seeks to address this purported issue, much less why that would be urgent.

Finally, I address two cases relied upon by Argentina in its Request. The first is *Ghana/Cote D’Ivoire*, a case cited at paragraph 76 of the Request:

a. That was a case of delimitation; there was no territorial sovereignty dispute but rather an issue of delimiting the overlapping entitlements flowing from the parties’ respective and undisputed land territory. Sir Michael has addressed the fundamental distinction in that regard.

b. It was in that delimitation context that the Special Chamber prescribed that both States take necessary steps so prevent serious harm to the marine environment in the area to be delimited. And in the dispute before the Special Chamber, it could, and indeed in due course did, find that the disputed area falls within the maritime area of one of the two States.

c. That is not so in this case, where the Annex VII tribunal does not have jurisdiction to determine that Argentina has sovereign rights over the maritime area in question.

Second, in alluding in its Request to the idea that ITLOS circumvented a determination of sovereignty with respect to its claims based on articles 192 and 194, Argentina cites a statement from the *South China Sea* Award that “questions of sovereignty are irrelevant to the application of Part XII of the Convention”.[97]

However, that statement was made in a particular context. China’s responsibility under Part XII was engaged by the fact of its extensive conduct in the relevant area,

[97] Request, para. 41.

conduct that the Philippines complained was harmful to the marine environment,[98] with reference to substantial evidence, including of harvesting of endangered species.[99]

So that was a claim that could be resolved without the Tribunal engaging with the sovereignty dispute; indeed, as Mr Wordsworth explained earlier, the Philippines had invited the Tribunal to proceed on the basis that China was sovereign over the relevant land territory.[100] And it was in that context that the Tribunal stated that its findings with respect to Part XII "have no bearing upon, and are not in any way dependent upon, which State is sovereign over the features in the South China Sea."[101]

The *South China Sea* context is thus very different from the present one. Argentina's claim under articles 192 and 194 as expressly set out in its Request is not that the United Kingdom has breached its obligation to protect and preserve the marine environment. Rather, as I have already explained, Argentina's case in the Request is that it, Argentina, is being prevented from performing its obligations under Part XII. And Argentina states in its Request that it is bound to perform those obligations with respect to the maritime areas off the Falkland Islands by virtue of being the coastal State, and that is, in substance, a dispute about whether or not Argentina has sovereignty over the Falkland Islands.

Mr President, members of the Tribunal, I thank you for your kind attention and ask that you invite Ms McRae to the podium.

THE PRESIDENT: (*Interpretation from French*) Yes. Thank you, Ms Sander. I now invite Ms McRae to deliver her statement. You have the floor.

MS McRAE: Mr President, members of the Tribunal, it is an honour to appear before you on behalf of the United Kingdom.

My task this afternoon is to highlight key aspects of the factual background relevant to the United Kingdom's arguments on urgency and irreparable prejudice.

The facts as I will describe them have two sources:

a. First and foremost, the assurances that the United Kingdom has provided to this Tribunal in the UK Agent's letter of 5 November.

b. Second, the statements that the UK has submitted from three individuals:

[98] See e.g., *The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China)*, Award, 12 July 2016, paras. 925 and 932.
[99] See e.g., *The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China)*, Award, 12 July 2016, paras. 957-958.
[100] See Award 29 October 2015, para. 153.
[101] *The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China)*, Award, 12 July 2016, para. 940.

i. The Honourable Jack Ford, who is the Chair of the Falkland Islands Legislative Assembly and has lived in the Falkland Islands his whole life.
ii. Mr Ian Ramsay, CEO of the operator of the "Sea Lion" Project, Navitas; and
iii. Mr Samuel Moody, the CEO of Rockhopper, the company that first discovered commercial quantities of oil in the Falkland Islands some 16 years ago and has been developing it ever since.

c. All three gentlemen are in this hearing room today, along with other senior representatives of the Falkland Islands and the companies.

There are two general observations that I would make at the outset.

You may have noticed that the two categories of information that I have just described were both supplied by the United Kingdom. That may surprise you, considering this is Argentina's request for provisional measures. It tells you something about Argentina's failure to establish the facts relevant to its case on prejudice and urgency, which, of course, are for it to substantiate.

The second point is that, instead of articulating its own case on the facts, or asking any direct questions of any of the individuals that I have just mentioned, Argentina has provided commentary on very limited aspects of what they have said, both in oral submissions this morning and in Annex 79 submitted yesterday. This approach does not take Argentina very far at all.

Most of what is in the UK's statements was not addressed at all by Argentina. The Tribunal can only assume that it agrees with the UK's information.

As to the parts of the statements that Argentina did seek to challenge, it has no basis to do so. In particular, Argentina's commentary on Annex 79 is purely that: commentary. It is also selective and inaccurate. So, too, is its attempt this morning to undermine the UK's statements by reference to other documents on the record.

With that introduction, I proceed, then, to set out the facts.

Hydrocarbon development in the Falkland Islands is longstanding. The first survey was conducted as early as 1921.[102]

Since then, the Falkland Islands has established a robust and modern regulatory regime for offshore hydrocarbon development;[103] it is based on the UK legislation that applies in the North Sea.[104]

Now, there are a few matters to draw from this legislative regime. Argentina indirectly criticizes it in Annex 79, but none of the relevant detail is called into question.[105]

[102] Witness Statement of Hon. Jack Ford MLA, para. 15; Dr H A Baker, 'Progress report on the possibility of the occurrence of liquid petroleum in the Falkland Islands', 31 May 1921, Exhibit JF1/4.
[103] Offshore Minerals Ordinance 1994, Exhibit JF1/6.
[104] Witness Statement of Hon. Jack Ford MLA, para. 17.
[105] See Annex 79, p. 1.

The first point is that there is a rigorous licensing regime, pursuant to which the Governor of the Falkland Islands, with the consent of the United Kingdom Foreign Secretary, may issue new licences.[106]

Argentina's fourth request for provisional measures[107] and Professor Kohen's comments this morning may suggest that an issuance of a further production licence is in prospect. This is wrong. The last such licence was issued in 2009, some 17 years ago. As the UK has confirmed to this Tribunal, the licensing application regime is presently suspended.[108]

The second point is that the Falkland Islands Government is the recipient of revenues from hydrocarbon development, not any other party.[109]

Argentina seeks to undermine this by referring to statements of various politicians in its Annex 75 hinting at a revenue-sharing arrangement. The Tribunal saw a collection of these statements depicted on the slide during the Honourable Argentine Agent's presentation this morning.

Let me be clear. There is no such arrangement in place. All revenues earned to date have been retained by the Falkland Islands.

The third point is that drilling and extraction cannot take place without the consent of the Governor,[110] as Professor Kohen recognized this morning. But, importantly, before giving that consent, the Governor must consider and take into account an Environmental Impact Statement, which I will refer to as an "EIS".[111] This involves careful scrutiny of that statement by the Falkland Islands Executive Council.[112]

An EIS is part of the Environmental Impact Assessment process, for which detailed provision is made in the Falkland Islands legislation.[113] Notably, it involves consultation with members of the public and an opportunity to receive and consider written representations.[114] Argentina entirely overlooks this.

Consistent with this regulatory framework that I've just described, the Falkland Islands Government first issued production licences in respect of the North Falkland Basin in 1996.[115]

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[106] Witness Statement of Hon. Jack Ford MLA, para. 18(b)-(c); Offshore Minerals Ordinance 1994, Exhibit JF1/6, section 6.
[107] Request, para. 50(d).
[108] UK Agent letter to Registry, 5 November 2026.
[109] Witness Statement of Hon. Jack Ford MLA, paras. 27-28.
[110] Witness Statement of Hon. Jack Ford MLA, para. 19(a) and (c); Offshore Petroleum (Licensing) Regulations 2000, Exhibit JFI/7, Schedule 2, clauses 15(1) and 17(1).
[111] Witness Statement of Hon. Jack Ford MLA, para. 22(a) and (b); Offshore Minerals Ordinance 1994, Exhibit JF1/6, sections 64A(1), 64B and 64C(4).
[112] Witness Statement of Hon. Jack Ford MLA, para. 23.
[113] Witness Statement of Hon. Jack Ford MLA, para. 22.
[114] Witness Statement of Hon. Jack Ford MLA, para. 22(f) and (h); Offshore Minerals Ordinance 1994, Exhibit JF1/6, sections 5 and 65B.
[115] Witness Statement of Hon. Jack Ford MLA, para. 35.

This led to the beginning of offshore drilling in the Basin in 1998,[116] which Professor Schrijver recognized on his slide 1 this morning. Six exploratory wells were drilled by Shell and others,[117] nearly 30 years ago.

With that context in mind, let us then turn to the facts concerning the Sea Lion project which is before you.

Rockhopper was awarded production licences in areas in the North Falkland Basin in 2005.[118] This was after the Governor – and the UK Foreign Secretary – gave their consent.[119]

You can see the relevant licence areas – PL032 and PL004 – on the slide shortly in pink. The Sea Lion field is shaded in green.

After obtaining its licences, Rockhopper embarked on an exploratory drilling campaign. The key facts, Mr President, members of the Tribunal, are these:

Rockhopper prepared an EIS in accordance with the legislative requirements, which was approved by the Falkland Islands Government.[120] That EIS was and remains publicly available, including to Argentina.[121]

Across the course of that drilling campaign, 18 separate wells were drilled.[122] and Rockhopper made a commercially significant discovery of oil.[123]

Each of those wells was then plugged and abandoned.

This is a specific technical process, now acknowledged by Argentina this morning. Its result is that the relevant well is entirely sealed and there is no permanent disruption to the seabed.[124] This is illustrated in the schematic for one of the wells drilled in 2011, which is on the slide before you.

Now, importantly, Rockhopper commissioned an expert survey after this drilling that I've described.[125] The relevant expert firm found "no direct evidence of seabed disturbance".[126]

Further, Rockhopper prepared its own comprehensive report, providing a detailed log of all the activities done on each drilled well, and identifying any environmental incidents that arose. For each of the wells drilled in this campaign, Rockhopper's

[116] Witness Statement of Hon. Jack Ford MLA, para. 35.
[117] Witness Statement of Samuel Moody, para. 12; Witness Statement of Ian Ramsay, para. 5.1.
[118] Witness Statement of Samuel Moody, paras 15-16.
[119] Witness Statement of Hon. Jack Ford MLA, para. 40.
[120] Witness Statement of the Hon. Jack Ford MLA, para. 42(b).
[121] Witness Statement of Samuel Moody, para. 47.
[122] Witness Statement of Samuel Moody, Appendix 2.
[123] Witness Statement of Samuel Moody, para. 25.
[124] Witness Statement of Samuel Moody, paras. 32 and 50(a).
[125] Witness Statement of Samuel Moody, para. 50(a).
[126] Exhibit SJM1/5/190.

contemporaneous reports recorded that "there were no environmental issues".[127] You can see an example of such report on the slide.

Since 2011, there has been a further drilling campaign conducted by the previous operator, Premier Oil,[128] for which yet another EIS was also submitted and approved.[129]

So, all in all, 29 wells have been successfully drilled in the North Falkland Basin since 1998,[130] despite Professor Schrijver's reference to "ten holes" on his slide 2 this morning. You can see that illustrated on this map. You can also see that number represented in writing in the list appended to Mr Moody's statement.

Notably, none of them has been accompanied by a request for provisional measures.

Since 2022, the "Sea Lion" Project has been operated by Navitas, which has a 65 per cent ownership stake in the Project,[131] with Rockhopper holding the remaining 35 per cent.[132]

As noted earlier, Navitas is a very experienced international operator, with over 350 years of combined experience among its project team. We heard Professor Schrijver this morning seek to challenge this. As Ms Sander just explained, he ignores the fact that Navitas has put in place leading contractors who have the relevant offshore drilling experience and will be the ones carrying out the relevant operations.[133]

Not only is Navitas experienced, but it is prudent. A precautionary approach to environmental risk is built into its operating management system.[134] It has complied with Falkland Islands legislation on environmental impact assessment, and UK legislation on the same subject.[135]

That is reflected in the fact that, in December 2025, the Falkland Islands Governor granted Navitas approval for the next two phases of the "Sea Lion" Project.[136]

I would like to draw the Tribunal's attention to the following key facts about that consent:

As I explained earlier, the Governor must take into account an EIS before granting consent to a field development plan of this kind.

[127] See, for example, Rockhopper, FI 14/10-3 'Sea Lion North' Well Drilling End of Well Report, 18 July 2011, Exhibit SJM1/74/2329, p. 16.
[128] Witness Statement of Samuel Moody, paras. 38-39; Witness Statement of Ian Ramsay, para. 5.3.
[129] Witness Statement of Samuel Moody, para. 38; Witness Statement of Ian Ramsay, para. 5.3.
[130] Witness Statement of Samuel Moody, Appendix 2; Witness Statement of Ian Ramsay, para. 5.6.
[131] Witness Statement of Ian Ramsay, para. 3.2.
[132] Witness Statement of Sam Moody, para. 58.
[133] Witness Statement of Ian Ramsay, paras 3.3-3.14.
[134] Witness Statement of Ian Ramsay, para. 7.1.
[135] Witness Statement of Ian Ramsay, para. 7.3.
[136] Witness Statement of the Hon. Jack Ford MLA, para. 44(d).

In summer 2024, Navitas submitted a substantial EIS, in which it provided detailed analysis of the potential environmental impacts of the next phases of the Project. The Executive Council of the Falkland Islands deemed it compliant.[137]

The EIS was then the subject of a 42-day consultation process, which was publicly advertised and available for the Argentine Government to participate in. Indeed, two Argentine NGOs decided to participate, and their views were taken into account.[138]

We heard from Professor Shriver this morning that the EIS was not shared with the Argentine Government, creating the impression that Argentina was simply not aware of it. To be clear, the Argentine Government was aware of both the consultation and the EIS, as a Note Verbale dated 17 July 2024 and a 2025 press release make plain.[139] It bears emphasis that in those communications, Argentina made no substantive criticism of the assessment of environmental risk undertaken.

The responses to those representations that Navitas did receive were incorporated in a revised EIS dated July 2025.[140] This is a substantial and rigorous document, which has been favourably assessed not only by the Falkland Islands Government,[141] but by the UK's own regulator.[142] Now, this was after a technical review commissioned by the UK Foreign Office.[143] The EIS is some 2,040 pages. The Tribunal has hard copies of it available, and it is here in this hearing room. Indeed, you can see the UK Agent referring to it, this considerable document, now. Despite Professor Schrijver's suggestion otherwise, the original version of the EIS has been available online since July 2024, on multiple websites, and the current version is similarly available.

Most relevantly, in that EIS:

No "high" impacts across 13 different areas of potential environmental impact were identified .[144]

The impacts to the seabed, in particular, were described as either "low" or "very low".[145]

That brings me to the precise hydrocarbon activities that are scheduled.

The immediate next stage of the Project involves further drilling, not exploitation, which is the focus of Argentina's written Request. The facts are these:

[137] Witness Statement of the Hon. Jack Ford MLA, para. 44(a).
[138] Witness Statement of Ian Ramsay, para. 7.9; Exhibit JF1/9, p.2151.
[139] Note Verbale No. 12 / 2024, 17 July 2024, Annex 33; Ramsay Exhibit Bundle, Tab 16, p. 3114.
[140] EIS, Ramsay Exhibit Bundle, Tab 1, p. 4.
[141] Witness Statement of the Hon. Jack Ford MLA, para. 44.
[142] Witness Statement of the Hon. Jack Ford MLA, para. 45.
[143] Witness Statement of the Hon. Jack Ford MLA, para. 44(b).
[144] EIS, Ramsay Exhibit Bundle, Tab 1, p. 57.
[145] EIS, Ramsay Exhibit Bundle, Tab 1, p.685.

In the first phase, the correct position is that 11 development wells will be drilled: that is, seven oil production wells; three water injection wells; and one gas injection well.[146]

The purpose will be to facilitate the extraction of oil at a later date.[147]

Each of the planned wells will be drilled into the very same geological formations that have already been penetrated in past drilling campaigns that I have just described to you.[148]

There is no material difference in the environmental impacts or risks of impacts arising from the difference in well design. This is because the principal environmental effects are the same, no matter the type of drilling.[149] This is borne out when one compares the current EIS with the previous EIS for the last round of drilling.[150]

In those circumstances, there is no credible basis to conclude that there is any difference in the risk of environmental impact in relation to the 2015 drilling and the drilling now scheduled. This is relevant when considering whether there is any justification for a request seeking to suspend drilling at this particular juncture. And as far as we are aware, it is a fact not yet engaged with by Argentina.

As the UK has confirmed to you,[151] this drilling will begin no earlier than 21 March 2027.[152] The reservoir – that is the hydrocarbon-bearing section – will not be drilled until one month after that date at the earliest.[153]

The extraction of oil is not scheduled to commence until March 2028 at the earliest,[154] as you have heard already, and as the United Kingdom has also assured this Tribunal.[155]

I make two short comments arising from what we have heard this morning:

The Honourable Agent for Argentina described the 21 March date, to which I have just referred, as “unsubstantiated”. This is not understood. It is the subject of a specific assurance from the United Kingdom to this Tribunal and explained in detail in Mr Ramsay’s statement.

I also refer to Professor Schrijver’s suggestion that “preparatory work” relevant to exploitation has only recently become underway, and his accompanying demonstrative slide. This is not accurate. Navitas has been preparing the next phase of the Project ever since it was appointed as the operator in 2022, building on

[146] Witness Statement of Ian Ramsay, para. 4.3.
[147] Witness Statement of Ian Ramsay, para. 6.6.
[148] Witness Statement of Ian Ramsay, para. 6.5.
[149] Witness Statement of Ian Ramsay, para. 6.11.
[150] Witness Statement of Ian Ramsay, paras. 6.12-6.17.
[151] UK Agent letter to Registry, 5 November 2026.
[152] Witness Statement of Ian Ramsay, para. 4.9.
[153] Witness Statement of Ian Ramsay, para. 4.9.
[154] Witness Statement of Ian Ramsay, para. 4.10.
[155] UK Agent letter to Registry, 5 November 2026.

Premier Oil's work since 2014. Again, none of this "work" has previously attracted a provisional measures request.

There is one important point to emphasize about the scheduled drilling that is ignored in Argentina's own "technical report" to which Ms Sander has referred. That is this: There is a specific decommissioning phase for the Sea Lion project, which will be the subject of a separate EIS.[156] This will involve the plugging and abandonment of wells, as I indicated earlier, as Professor Schrijver acknowledged this morning. The Project will follow the very same requirements that apply to wells in the North Sea, where "thousands of wells have been plugged and abandoned without adverse environmental consequences". [157] The key point is that the relevant wells will "not be discernible from the seabed and [will] have no continuing environmental impact".[158]

I emphasize here that the steps that Navitas will take to plug and abandon the wells are the very same steps that were taken for past drilling exercises, despite Argentina's attempts now to present that exercise as involving some kind of 'fait accompli'.

Mr President, members of the Tribunal, Argentina's position on the physical impact of the drilling and the potential environmental risk involved in that exercise, as alleged, also needs to be put in the context of three key facts:

First, Argentina itself has drilled over 400 wells in the Argentine Sea since the 1960s,[159] as you see represented on the slide before you, presumably with the same or similar physical impact that it now focuses on.

Second, Argentina passed legislation as long ago as 2011 to seek to bring the development of hydrocarbons in the Falkland Islands under its control. In particular, Argentine Law No. 26-659 requires hydrocarbon activities on its continental shelf – which it defines to include the Falkland Islands' continental shelf – to be licensed by Argentine authorities. The key point here is that that legislation does not prohibit development of hydrocarbons per se.[160] Argentina wants to regulate that development for itself and presumably enjoy the revenues that will flow from it.

Third, Argentina has been taking a series of increasingly severe measures against participants in the "Sea Lion" Project, with the apparent aim of dissuading the development of hydrocarbons under the Falkland Islands' control.[161]

Mr President, members of the Tribunal, let me then move on to the facts concerning the impact that an order prescribing provisional measures would have.

The starting point is that, if any suspension of the drilling were ordered, the Project as a whole would not survive.[162]

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[156] Witness Statement of the Hon. Jack Ford MLA, para. 24.
[157] Witness Statement of Ian Ramsay, para. 9.4.
[158] Witness Statement of Ian Ramsay, para. 9.6.
[159] Witness Statement of Ian Ramsay, para. 8.35.
[160] Exhibit SJM, Tab 99, p. 4076.
[161] Witness Statement of Samuel Moody, para. 42.
[162] Witness Statement of Ian Ramsay, para. 10.4.

This is because the schedule for the Project has been carefully planned and agreed through a series of multiple interlocking operational and financing contracts. It cannot be paused and restarted at short notice.[163] Mr Ramsay, Navitas's CEO, has been very clear about this, and he is the person best placed to inform the Tribunal of the relevant information.

Argentina's response to this is twofold.

We heard reference this morning to an alleged six-year suspension of the Project between 2016 and 2022. There was no such suspension during that period. Mr Moody's statement explains what happened during this period at paragraphs 41 to 43.

In any case, the inference that Argentina seeks to draw from the so-called suspension is a bad one. The fact that the Project survived delays due to Argentine interference does not mean that it would survive a provisional measures order. Those delays happened before the final contractual arrangements were locked in. The contractual and financial picture has entirely changed now that the final investment decision has been taken.

The second way that Argentina seeks to respond is to present the Tribunal with selective references to a Navitas Annual Report in Annex 79, to seek to chip away at Mr Ramsay's position. For example, it refers to one of the contracts for one of the relevant vessels, the FPSO, noting that Navitas's liability in the event of its termination would be limited to a mere 109 million US dollars. But this is Navitas's exposure under one obligation under one contract with one contractor. This is just the tip of the iceberg. If anything, it does not undermine Mr Ramsay's position but supports it.

In the circumstances, the Tribunal must take as its essential factual premise that any provisional measures order suspending the Project would lead to its inevitable collapse. When assessing prejudice, the Tribunal must examine the facts that would pertain in that situation, and they are clear.

The suspension of the Sea Lion Project would have "very significant"[164] consequences for the Falkland Islands and its people, who are depending on the revenue generated from the Project.[165] That is not just supposition, or lacking in credibility, as Professor Kohen stated this morning. Mr Ford refers to an independent professional assessment of the revenues that are intended to flow from the Project. The cumulative uplift to GDP of the Falkland Islands over the project is assessed to be over 8 billion pounds.[166]

[163] Witness Statement of Ian Ramsay, para. 10.3.

[165] Witness Statement of the Hon. Jack Ford MLA, para. 48.

[166] Witness Statement of the Hon. Jack Ford MLA, para. 53; Sea Lion Northern Development Area Phase 1 and 2 Economic Impact Assessment Methodology - Technical Report, May 2025, para. 2.5, Exhibit JF1/11.

This order would have real-world consequences for the Falkland Islands and its people. Projects that are scheduled would be delayed or abandoned.[167] 120 jobs per year would be lost.[168] Businesses would collapse.[169] Long-standing infrastructure projects would be abandoned.[170]

The impact on the companies would also be severe. Rockhopper stands to lose over 1 billion US dollars that it has invested,[171] not to mention the 20 years of painstaking work that it has dedicated to the Project.[172] The impact on Navitas would also be significant. The Tribunal is now aware of the figure that represents its likely losses.[173]

Mr President, members of the Tribunal, with those facts set out, I thank you for your kind attention and I would ask you to invite Lord Verdirame to the podium.

THE PRESIDENT: (*Interpretation from French*) Yes, thank you, Ms McRae. I now give the floor to Lord Verdirame to present his statement.

MR VERIDAME: *(Continued in English)* Mr President, members of the Tribunal, it is an honour to appear before you on behalf of the United Kingdom. I will address you on irreparable prejudice first and then make some concluding observations.

If the Tribunal agrees with us on *prima facie* jurisdiction, plausibility or urgency, the question of prejudice does not arise.

Should it be necessary to determine this question, the starting point is article 290(5) of UNCLOS. It is well-established that there must be a real and imminent risk that irreparable prejudice could be caused to the rights of the parties to the dispute, pending the constitution of the Annex VII arbitral tribunal (see, for example, your Orders Provisional Measures in the *Enrica Lexie* case and in the *M/V Louisa*).[174]

It is also well understood, as noted by the Special Chamber in *Ghana/Côte d'Ivoire*, that the decision whether "*there exists imminent risk of irreparable prejudice can only be taken on a case-by-case basis in light of all relevant factors*".[175] And, importantly, provisional measures will not be ordered where the assessment of "*the respective rights of the parties to the dispute*", as required under article 290, indicates that doing so would impose an "*undue burden*" on the respondent.[176]

The United Kingdom's position on prejudice is as follow. First, Argentina's case rests on an incorrect legal premise. Second, on a proper analysis of the allegations

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[167] Witness Statement of the Hon. Jack Ford MLA, para. 55(b).
[168] Witness Statement of the Hon. Jack Ford MLA, para. 58.
[169] Witness Statement of the Hon. Jack Ford MLA, para. 64.
[170] Witness Statement of the Hon. Jack Ford MLA, para. 61.
[171] Witness Statement of Samuel Moody, paras. 58 and 60.
[172] Witness Statement of Samuel Moody, para. 60.
[173] Witness Statement of Ian Ramsay, para. 10.10.
[174] *The "Enrica Lexie" Incident (Italy v. India), Provisional Measures*, ITLOS Case No. 24, Order - Provisional Measures, 24 August 2015, para. 87.
[175] *Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)*, ITLOS Case No. 23, Order - Provisional Measures, 25 April 2015, para. 43.
[176] Id. at para. 100.

advanced by Argentina and the facts before the Tribunal, Argentina does not show a real and imminent risk of irreparable prejudice. And, finally, the provisional measures requested by Argentina would cause irreparable prejudice to the United Kingdom and place an undue burden on it.

I will take these points in turn.

As you heard this morning from Professor Schrijver, the legal premise of Argentina's case on prejudice is the principle that "*exploitation activities lead to a permanent physical change of the continental shelf and the marine environment and should not be permitted pending the dispute"*.[177] That is their request at paragraph 83. But the disputes to which any such principle would apply are disputes about maritime delimitation.

Indeed, the cases cited by Argentina in support of this principle and discussed by Professor Schrijver this morning, are all disputes about maritime boundaries which did not involve a land sovereignty dispute. Sir Michael, Mr Wordsworth and Ms Sander have addressed you on this point before.

Of the four cases discussed by Argentina,[178] only two concerned a request for provisional measures: *Aegean Sea Continental Shelf* and *Ghana/Côte d'Ivoire*.

As to *Aegean Sea Continental Shelf*, the paragraph of the ICJ Order on which Argentina relies[179] does not stand for the principle which Argentina asserts. As Argentina said this morning, the ICJ declined to indicate interim measures on a number of different grounds in that case.

You have heard about *Ghana/Côte d'Ivoire* before. In that case, the provisional measures were ordered under paragraph 1 of article 290 by the Special Chamber which was going to decide the delimitation dispute which the Parties had jointly agreed to submit for final resolution. In that case, no question of land sovereignty arose, as you heard before.The joint submission of the dispute was an important building block in the reasoning of the Special Chamber, as you can see paragraphs 31, 34, and 37 of the Order in that case.

As for the other two cases cited by Argentina – the Award of an Annex VII arbitral tribunal in *Guyana v. Suriname* and the ICJ judgement in *Somalia v Kenya* – they involved the applications of articles 74(3) and 83(3) of UNCLOS. Argentina wishes to rely on those cases but chooses to ignore the actual provisions which were being applied in those cases.

The plain terms of article 74(3) and 83(3) were explained by the ICJ in *Somalia v. Kenya* by reference to the judgment of the Special Chamber in *Ghana/Côte d'Ivoire*. This is what the ICJ said:

[177] Request of the Argentine Republic, 13 October 2026, para. 83.
[178] Request of the Argentine Republic, 13 October 2026, paras. 83-87.
[179] *Aegean Sea Continental Shelf (Greece v. Turkey)*, Order - Request for the Indication of Interim Measures of Protection, 11 September 1976, para. 30

> Under these provisions, States with opposite or adjacent coasts that have not reached an agreement on the delimitation of the exclusive economic zone or continental shelf are under an obligation to "make every effort […] during this transitional period, not to jeopardize or hamper the reaching of the final agreement". The Court considers that the "transitional period" mentioned in these provisions refers to '*the period after the maritime delimitation dispute has been established until a final [determination] by agreement or adjudication has been achieved*' (*Delimitation of the Maritime Boundary in the Atlantic Ocean (Ghana/Côte d'Ivoire), Judgment, ITLOS Reports 2017, p. 168, para. 630*).[180]

So, Mr President, Members of the Tribunal, the simple point is that there is no basis for characterizing the current situation as the transitional period contemplated in those provisions. Contrary to what Professor Schrijver said this morning, the legal basis and circumstances of those cases on which Argentina purports to rely were fundamentally different, and cannot therefore assist Argentina.

I now turn to Argentina's failure to demonstrate a real and imminent risk of irreparable prejudice.

It is important to emphasize at the outset that the only material Argentina has produced in support of its position is a "technical report", which, as you heard from Ms Sander earlier, has no probative value.

Moreover, that report is not based on any facts specific to the Sea Lion Project. It ignores the facts which Ms McRae has set out in her speech just now by reference to the specific materials submitted by the United Kingdom and, in particular, the report makes no reference to the Environmental Impact Statement.

In the Request, the focus of Argentina's complaint was on the extraction of resources, and we see that from paragraphs 88 and 95 of the Request.[181] This morning, Professor Schrijver sought to widen Argentina's complaint to include activities before extraction, including preparatory works and development drilling.

However, drilling over the very same deposits which have been drilled for exploration and about which Argentina did not seek the urgent intervention of this Tribunal before is not in the same category as extraction. The premise of the *fait accompli* of which Argentina complained this morning was the depletion of the reservoir, but that does not happen until extraction begins.

As for extraction of hydrocarbons, the Agent of the United Kingdom has confirmed that "[t]*he scheduled extraction of hydrocarbons will not take place before March 2028 at the earliest*".[182] Even on Argentina's own case, therefore, this prejudice cannot be said to arise before that date.

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[180] Maritime Delimitation in the Indian Ocean (Somalia v. Kenya), Judgment, I.C.J. Reports 2021, p. 206, para. 206.
[181] Request of the Argentine Republic, 13 October 2026, paras. 88, 95 and 115(a).
[182] UK Agent Letter to the Registrar, 5 November 2026. Also: Statement of Ian Ramsay, paras. 4.3-4.4 and 4.9-4.10.

Moreover, as you heard just now from Ms McRae, there is a comprehensive decommissioning phase for the Sea Lion Project, which is required under the legislation of the Falkland Islands. This decommissioning involves remedial steps being taken to repair the seabed and, in particular, plugging and abandoning the drilled wells. No structure is left in place after the drilling.[183]

These steps were taken, for example, after Rockhopper's drilling campaigns in 2010-2012. At the end of that drilling, the End of Well reports found, as we saw, that there were no environmental issues.[184]

Navitas has confirmed that these steps will be taken again, in compliance with international standards and with the Falkland Islands' legislation.[185]

Argentina's case on prejudice thus falls away also on the facts.

As Ms Sander observed, Argentina makes no specific allegation that the marine environment is at risk of imminent harm, and Argentina has failed to provide any credible evidence to this effect.

All Argentina has done in this regard is to put forward some high-level assertions about risk. However:

(1) A party cannot merely assert the existence of risk. As the Special Chamber in *Ghana/Côte d'Ivoire* observed, a party must "*adduce sufficient evidence to support its allegations that the activities … are such as to create an imminent risk of serious harm to the marine environment*".[186]

(2) Argentina's case falls very well below this threshold.

(3) Argentina has pointed to a minor malfunction of a well blowout preventer that happened over 10 years ago under a different operator and which, as Ms McRae explained, did not lead to any release.

(4) Argentina refers to the alleged inherent risk of environmental emergencies for operations in inhospitable climatic conditions. These allegations are also not borne out by the facts, and, in any event, they are not specific enough. Argentina is just referring to the general risks of incidents that might happen in the course of any offshore drilling anywhere in the world, and that is a risk that, as you have heard, is being mitigated against.

(5) So the main point is that on the facts before you, there is no imminent risk of serious harm, and Argentina has not identified any specific imminent risk of serious harm either.

[183] Statement of Ian Ramsay, paras. 9.1ff.
[184] Statement of Samuel John Moody, para. 54.
[185] Statement of Ian Ramsay, paras. 9.1ff.
[186] *Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)*, ITLOS Case No. 23, Order - Provisional Measures, 25 April 2015, para. 67.

There are also other facts that the United Kingdom has placed before the Tribunal which show Argentina's generic assertions about risk to be unmeritorious.

(1) The exploratory drilling has not had any material environmental impact.[187]
(2) The Environmental Impact Statement confirmed that virtually all environmental impacts on the seabed of the planned Northern Development Area Phases 1-2 (that is including both drilling and extraction later on) are "very low" or "low".[188]
(3) Navitas has introduced a series of mitigation steps to minimize any such "low" or "very low" environmental impact.[189]
(4) Furthermore, as you heard from His Majesty's Attorney General earlier, Argentina's own activities, and in particular mthe drilling of over 400 appraisal wells in the Argentine Sea, show that Argentina does not itself consider the protection and preservation of the environment to require the suspension of drilling altogether.

It's real concern is different. As its legislation and indeed the Request itself makes clear, Argentina wants to be the party licensing the exploration and exploitation, and extracting revenue from the development of hydrocarbons in the Falkland Islands. It does not wish to prevent drilling from happening at all. It wishes to claim sovereignty over the Falkland Islands and their natural resources.

I now turn to consider the prejudice that the provisional measures requested by Argentina would cause to the United Kingdom, and the "*undue burden*" they would place on it.

It must be recalled that, even in the very different circumstances of *Ghana/Côte d'Ivoire*, the Special Chamber declined to make an order to "*suspend[*ing*] all exploration or exploitation activities conducted by or on behalf of Ghana in the disputed area, including activities in respect of which drilling has already taken place*". Côte d'Ivoire had requested that far-reaching measure but it was not granted. The reason why the Special Chamber was not prepared to make such an order is that it would have caused irreparable prejudice to Ghana and created an "*undue burden*" on it.[190] As I mentioned before, also by reference to the Special Chamber in *Ghana/Côte d'Ivoire,* each request for provisional measures must be considered in light of the specific facts and circumstances.

The facts before you in this case are that, if such an order as Argentina is seeking was made, the Project would not survive. In the circumstances of *Ghana/Côte d'Ivoire*, Ghana was ready and able to move to extraction right after the final judgment of the Special Chamber. On the facts before you, the United Kingdom would not be in the same position at all if an order is made against it.

As highlighted in Ms McRae's speech, two categories of irreparable prejudice would

[187] Statement of Samuel John Moody, para. 50(a).
[188] EIS, Ramsay Exhibit Bundle, Tab 1, p. 57.
[189] Statement of Mr Ian Ramsay, paras. 6.11-6.17.
[190] *Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)*, ITLOS Case No. 23, Order - Provisional Measures, 25 April 2015, para. 100.

arise in this case.

First, there would be irreparable prejudice to the Falkland Islands and its people, and that is obviously prejudice to the respondent State, the United Kingdom, contrary to what Argentina was suggesting this morning. The Legislative Assembly, the Executive Council of the Falkland Islands have made extensive plans for capital expenditure based on the expected increase in GDP and revenue. The loss of revenue, in particular, would have a very severe impact on public services, employment and infrastructure.

Second, the companies which have the relevant interests in the licences, the operator Navitas and its partner Rockhopper, would suffer significant and irreversible consequences. The Sea Lion Project is the lifeblood of Rockhopper, and has been for 22 years. Sunk costs are at least 1 billion for that company, and you have heard from Ms McRae about Navitas' position. Argentina said this morning that it would be better for the companies to stop now, but, with respect, this is not something which Argentina is in a position to assess, and there is no basis for the Tribunal to treat the evidence of the companies as in any way unreliable.

The United Kingdom has not simply asserted the facts on which its case on irreparable prejudice rests. It has demonstrated them with the detailed statements and documents that we have placed before the Tribunal. Argentina has placed before you nothing comparable in respect of the prejudice that it says it would suffer, and it has made only a handful of criticisms based on highly selective reading of the materials. For all these reasons, we respectfully submit that the United Kingdom has demonstrated that the provisional measures would cause irreparable prejudice to it and place an undue burden on the United Kingdom.

I have focused my remarks so far on the first, and principal, provisional measure sought by Argentina.[191] You have already heard Sir Michael put our case on urgency in respect of this same measure. Argentina's case on urgency and irreparable prejudice focuses almost exclusively on the first provisional measure, and I can be brief about the other measures.

As regards the second provisional measure, namely that the United Kingdom refrain from using the information obtained in the exploration to the detriment of Argentina,[192] the United Kingdom has assured the Tribunal that relevant categories of operational information will be recorded and kept confidential.[193] Argentina refers to "*detriment*" to its rights, but has identified no specific rights, no specific detriment that is said to arise imminently. The fact that there is no such detriment, as a matter of principle, and the fact is that there is no such detriment as a matter of principle but also light of the assurances that have been offered by the United Kingdom.

As regards the third provisional measure, namely that the United Kingdom cease preventing Argentina from complying with its obligations under articles 192 and 194,[194] Argentina has identified no urgent measure that it has purported to take, that

[191] Request of the Argentine Republic, 13 October 2026, para. 115(a).
[192] Request of the Argentine Republic, 13 October 2026, para. 115(b).
[193] UK Agent Letter to the Registrar, 5 November 2026.
[194] Request of the Argentine Republic, 13 October 2026, para. 115(c).

it wishes to take, or that the United Kingdom must take. Nor has it specifically alleged any risk of imminent environmental harm at all, as Ms Sander explained. Even on Argentina's case, therefore, there is no reason for urgent intervention on the part of the Tribunal.

Argentina's fourth provisional measure is a request for non-aggravation, for a non-aggravation order, with a specific reference to the granting of new permits for the exploitation in the relevant areas. The facts before you, which the United Kingdom's Agent has confirmed, show that there is no such risk of aggravation. Specifically, the United Kingdom confirmed that the last production licence was granted in 2009 and no licences are presently under consideration by the Falkland Islands Government. Should any new applications be made, the United Kingdom will inform the Tribunal and Argentina without delay.

Having received an assurance that addressed its specific request in full, Argentina sought to expand its case this morning to include any regulatory authorization in addition to the new licences, but regulatory authorizations are obviously a very different matter. There is no detriment to Argentina that results from a mere authorization, particularly when the United Kingdom has provided assurances in relation to the activities.

Mr President, members of the Tribunal, I've concluded my submissions on irreparable prejudice, and in the last few minutes I've got left, I will bring the four strands of the United Kingdom's case together and conclude our first round submissions.

The first strand is this: it is well-established that a dispute will fall outside an Annex VII tribunal's jurisdiction where the real issue in the case is the determination of a claim of territorial sovereignty, whether because a determination of sovereignty is required to resolve the claim, or because the true object of the claim is to advance the claimant's position on sovereignty.

Each of Argentina's claims falls outside of the Annex VII Tribunal's jurisdiction for this reason, and Argentina fails to satisfy the threshold for *prima facie* jurisdiction as a result.

As Sir Michael Wood, Mr Wordsworth and Ms Sander explained, Argentina either seeks determinations of sovereignty, or orders intended to advance its claim on sovereignty over land territory.

For its claim under articles 2, 56 and 77, Argentina's claim is premised on its alleged sovereign rights as the relevant coastal State. This requires a determination as to whether Argentina is in fact sovereign over the Falkland Islands.

For its claim under articles 192 and 194 of UNCLOS, Argentina's claim is also premised on its alleged sovereign rights over the same land territory. Argentina refers to its right to protect the environment in maritime areas under its jurisdiction. Again, this requires a determination of the sovereignty dispute.

Argentina's baseless claims under articles 279 and 300 is also another way of

asserting its claim to sovereignty before the Annex VII Tribunal and purporting to advance its position in that regard.

Second, as Sir Michael and Ms Sander have explained, Argentina cannot show that the rights that it invites the Tribunal to protect are at least plausible, by which I mean that they exist as a matter of law, and that they could reasonably be adjudged to apply to the facts of the case.

As to its alleged rights under articles 2, 56 and 77, there is no basis under those provisions for any claim as to who is the coastal State or how a claim to sovereign rights should somehow be 'preserved' pending the settlement of the sovereignty issue.

The same point applies to Argentina's alleged rights under articles 192 and 194.

As for Argentina's alleged rights under articles 279 and 300, the prohibition on unilateral measures does not exist under UNCLOS as a matter of law. There is no plausible free-standing legal right at all.

On the basis of these first two strands of our case, the United Kingdom will respectfully invite the Tribunal to find that it does not have *prima facie* jurisdiction; and that, in any event, there are no plausible rights that are capable of protection. Each of these two grounds is dispositive, on its own, of Argentina's request.

Moving on to the third strand of our case, Sir Michael explained that the Tribunal has no power to prescribe provisional measures in circumstances where there is no urgency in the specific sense of article 290(5), that is, pending the constitution of the Arbitral Tribunal. The events that Argentina seeks to protect against will happen well after the constitution of the arbitral tribunal, a process which is well underway. In any event, there is no justification for approaching this Tribunal now to seek measures in respect of activity that has long been underway.

Like the first two grounds, lack of urgency is also entirely dispositive of Argentina's request.

Fourth, and finally, as I have just explained, Argentina's case on irreparable prejudice fails too. It rests on an incorrect legal premise, namely principles developed in the context of delimitation disputes which have no application here. Moreover, the facts before the Tribunal do not show any real and imminent risk of irreparable prejudice to Argentina's rights. By contrast, the detailed information submitted by the United Kingdom demonstrates the very severe impact that the provisional measures would have on the Falkland Islands and its people, and therefore the United Kingdom, as well as the companies involved.

As for the other three provisional measures, Argentina has barely made a case on urgency and irreparable prejudice, nor would the facts before you support any such case.

To conclude, Argentina has manifestly failed to satisfy each of the conditions that it must meet for the prescription of these exceptional provisional measures under

Article 290(5).

Its Request should accordingly be dismissed.

Mr President, Members of the Tribunal, this concludes the oral submissions of the United Kingdom of the first round. I thank you for your very kind attention.

THE PRESIDENT: (*Interpretation from French*) Thank you very much, Lord Verdirame, for your closing submission.

The first round of statements is now complete. The hearing will resume tomorrow with the second round of statements. We shall hear Argentina in the morning, between 10.30 and midday, and the United Kingdom between 5.30 and 7 p.m.

This session is adjourned.

(*The hearing adjourned*)