INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

2026

Public sitting

held on Wednesday, 11 November 2026, at 10:30 a.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

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as Co-Agent;

and

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

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

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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,

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Sir Michael Wood KC,
Mr Sam Wordsworth KC,
Lord Verdirame KC,
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as Advisers.

THE PRESIDENT: Good morning. The Tribunal will continue the hearing in the *Case concerning hydrocarbon exploitation in the South-West Atlantic Ocean (Argentina* v. *United Kingdom)*, Provisional Measures. This morning we will hear the second round of oral arguments of Argentina.

I now invite Mr Kohen to take the floor. You have the floor, please.

MR KOHEN: (*Interpretation from French*) Mr President, distinguished members of the Tribunal, good morning.

Argentina complies with those conditions laid down by the Tribunal for the proceedings. In the second round of oral submissions, we will confine ourselves solely to refuting the British arguments set out yesterday. Now, this task is not particularly complicated. We already responded to certain arguments yesterday morning. The United Kingdom has remained remarkably silent on a number of arguments that Argentina put forward in its Request for provisional measures of 13 October. The considerations set out in the application which the British party has acknowledged therefore retain their full validity.

Yesterday, the British party essentially engaged in an exercise aimed at demonstrating that we wish to bring the dispute over territorial sovereignty before you. We explained at length yesterday in French and in English that this isn't the case. In prescribing the provisional measures requested, the Tribunal will not rule either explicitly or implicitly on the question of territorial sovereignty or on the question of which State is the coastal State.

The United Kingdom has counted how many times the word "sovereignty" appears in our submissions, yet, this hasn't prevented the Agent, the Attorney General and the other speakers who followed from asserting that it is the United Kingdom which is the sovereign State. The Attorney General told you that 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."[1] As far as the British party is concerned, whether it be Argentina, your Tribunal or the arbitral tribunal, we must all accept this claim as manifestly true. Thus, everything would be in accordance with the Convention because, as the United Kingdom is the sovereign State, it may exploit the hydrocarbons on the continental shelf. Mr President, which State is claiming that its status as a coastal State should be recognized?

I was wondering yesterday whether the British party would accept the existence of a dispute and draw the necessary conclusions. Ms Langrish accepted the existence of a dispute but defined it as follows: "a dispute which concerns Argentina's claim to land sovereignty over these two British Overseas Territories."[2] So that the British party is consistent in its reasoning, if there is a dispute, it is because one party's claim conflicts with that of the other. The United Kingdom persists in imposing its point of view, not only on Argentina, but more generally, on everyone. It fails to draw the necessary conclusions from the existence of the dispute, which, moreover, has been recognized as such by the United Nations. Distinguished members of the

[1] ITLOS/PV.27/C37/2, p. 4, lines 8-9 (Ms Reeves).
[2] ITLOS/PV.27/C37/2, p. 1, lines 30-31 (Ms Langrish).

Tribunal, where would the United Kingdom derive its right to commence exploitation of the non-renewable resources of the continental shelf in question if not from the fact that it considers itself to have sovereignty over the Malvinas?

Unfortunately, the United Kingdom persists in its position that as far as the Montego Bay Convention is concerned, there is some sort of black hole in the South-West Atlantic Ocean. In its view, there are no treaty relations between itself and Argentina. However, the fact that the Parties dispute sovereignty doesn't transform the maritime areas around the Malvinas into some sort of "Mare Britannicum" where the United Kingdom would be free to exploit resources as it sees fit. We are no longer in the 17th century when Selden, in his *Mare Clausum*, took the liberty of speaking of the *dominium maris Britannici*. Now, we are in an era in which we must put an end to the last vestiges of colonialism.

Mr President, I shall address three issues: firstly, the *prima facie* jurisdiction of the arbitral tribunal; secondly, the plausibility of the rights asserted by Argentina; and, thirdly, the provisional measures required to maintain the *status quo* and prevent the dispute from escalating.

But first, allow me to point out what, in English, is referred to as the existence of an "elephant in the room". Given the circumstances and the venue, I would go so far as to say that the British side fails to see the "whale in the bathtub". Yesterday, you didn't hear a single word, and I mean not a single, solitary word, on the following points, which are nevertheless fundamental to understanding the context of the issue before you and which are both unchallengeable and unchallenged.

1) The Malvinas are still included on the list of the UN list of Non-Self-Governing Territories;

2) The United Nations General Assembly and its Decolonization Committee are responsible for overseeing the decolonization process and for determining how each Non-Self-Governing Territory is to be decolonized;

3) The General Assembly has established the manner in which the Malvinas are to be decolonized;

4) The General Assembly has ruled out the application of the right of peoples to self-determination to the current inhabitants of the territory;

5) The General Assembly called on the Parties to refrain from taking unilateral measures during the decolonization process of the Islands, and it did so when the United Kingdom began to consider hydrocarbon exploitation;

6) While the territorial sovereignty of the Malvinas is disputed, so too are the maritime areas generated by those Islands (that's why the General Assembly adopted resolution 31/49);

7) The United Kingdom rejects the Secretary-General's proposals for negotiations and good offices and offers no alternative means of settling the dispute.

All of this was explicitly set out in our Request for the prescription of provisional measures dated 13 September, and in some cases even earlier in our initiation of arbitration proceedings on 28 September. There are still other aspects of our Request of 13 October to which the British party didn't respond yesterday, even though it could and should have done so. For example, the fact that it accepted the idea of reaching provisional arrangements in 1995 through the Joint Declaration on hydrocarbons, even though it subsequently acted unilaterally in a manner contrary to that Declaration, forcing Argentina to terminate it.

These aren't new arguments. The United Kingdom did not wish to address all these issues in a written submission as your Tribunal had given it the opportunity to do, nor did the United Kingdom wish to address them yesterday during the first round of oral proceedings. Yet, these uncontested facts form a fundamental part of the context in which the Convention must be interpreted and applied.

The United Kingdom can't deny that this context is relevant to the consideration of the rights and obligations of the Parties on the disputed continental shelf. It cannot challenge the functions of the General Assembly and their impact on matters relating to the Convention. This was clearly set out by your Special Chamber in the *Mauritius/Maldives* case: "The General Assembly has thus been entrusted to take the necessary steps toward the completion of the decolonization of Mauritius. In light of the general functions of the General Assembly on decolonization and the specific task of the decolonization of Mauritius with which it was entrusted, the Special Chamber considers that resolution 73/295 is relevant to assessing the legal status of the Chagos Archipelago."[3]

Now, I am aware that these two situations are not identical, but, distinguished members of the Tribunal, replace "Mauritius" and "Chagos" with "Malvinas" and replace the resolution number with the relevant resolutions on the Malvinas, in particular resolution 31/49, and you will find an explanation of the functions of the General Assembly and the significance of its resolutions on decolonization as they apply to the Malvinas Islands in the context of the law of the sea.

Let me move on now to the *prima facie* jurisdiction of the arbitral tribunal. The United Kingdom would have you believe that our request for provisional measures is intended to establish that we have territorial sovereignty. Now, we've been very clear as to the issue before you, both in our application and yesterday morning. It concerns the rights and obligations of the Parties under the Convention, pending the settlement of the dispute.

Mr Wordsworth and Ms Sander have focused on Argentina's first submission before the arbitral tribunal. We have clearly explained that if we invoke our sovereign rights over the continental shelf, it is to establish the existence of a dispute with the United Kingdom regarding those rights. Indeed, the United Kingdom also invokes them to justify the exploitation of its resources. We shall see what this arbitral tribunal has to say regarding the first submission, whether on the issue of its admissibility or on the merits. However, distinguished members of the Tribunal, that's not the issue. The

[3] *Dispute concerning Delimitation of the Maritime Boundary in the Indian Ocean* (*Mauritius/Maldives), Preliminary Objections, Judgment of 28 January 2021, ITLOS Reports 2020-2021*, p. 83, para. 227.

provisional measures we are asking you to prescribe do not concern the first submission to the arbitral tribunal but the other three submissions. I already stated this yesterday on page 12, lines 44 through 47 of your transcript.[4] Argentina's four requests for provisional measures are specifically aimed at preserving Argentina's rights in the context of these three other submissions. This involves, in particular, the preservation of rights derived from the Convention until such time as the dispute is resolved. These requests in no way require a finding that the United Kingdom has violated Argentina's sovereign rights over its continental shelf.

Mr Wordsworth was well aware of this. In response, he painted an alarmist picture of what would happen if submissions 2 to 4 of the order instituting arbitration proceedings were upheld. He warned of the alleged consequences for other disputes concerning sovereignty and maritime areas arising from the disputed territories.[5] The examples cited by Sam Wordsworth, which I assume he chose "at random", all differ fundamentally from the Malvinas dispute. The latter concerns a territory subject to the UN decolonization process, which is not the case for any of the disputes mentioned by my distinguished opponent.

Argentina's second submission to the arbitral tribunal is key to establish *prima facie* the jurisdiction to prescribe provisional measures. It concerns the obligation on the Parties to refrain from taking unilateral measures to explore and exploit natural resources in maritime areas that are the subject of an international dispute between the two States within the framework of the decolonization process governed by the United Nations.

The United Kingdom put forward four arguments on this point yesterday: 1) that there is no explicit provision in the Convention setting this out;[6] 2) that resolution III of the Conference is not relevant;[7] 3) that articles 74(3) and 83(3) are not applicable;[8] and 4) that article 298 would exclude disputes arising from territorial sovereignty.[9]

I'm going to look at these *seriatim*. On the first argument, both States claim sovereign rights over the continental shelf on the basis of articles 56, 77 and 81. The Convention imposes rights and obligations on States Parties in respect of the continental shelf they claim. It also requires disputes to be settled by peaceful means and in good faith under articles 279 and 300. Sir Michael Wood asserts, and we don't dispute this, that only disputes concerning the interpretation and application of the Convention are covered by article 279. In his view, nothing in the Convention prevents the United Kingdom from taking unilateral measures.[10] If I apply the same criterion as Mr Wordsworth, which we looked at earlier, I would say that it is this interpretation which is the most dangerous for international relations.

[4] ITLOS/PV.27/C37/1, p. 12, lines 44-47 (Mr Kohen).
[5] ITLOS/PV.27/C37/2, p. 17, lines 14-22 (Mr Wordsworth).
[6] ITLOS/PV.27/C37/2, p. 10, lines 16-17 (Sir Michael Wood); p. 44, lines 38-40 (Lord Verdirame).
[7] ITLOS/PV.27/C37/2, p. 11, lines 1-4 (Sir Michael Wood).
[8] ITLOS/PV.27/C37/2, p. 9, lines 34-38 (Sir Michael Wood).
[9] ITLOS/PV.27/C37/2, p. 18, lines 42-44 (Mr Wordsworth).
[10] ITLOS/PV.27/C37/2, p. 10, lines 25-27 and 38-40 (Sir Michael Wood).

We interpret the Convention differently. We consider, as does the Tribunal, that it is possible to give a combined or joint interpretation of the articles of the Convention in order to determine its scope. This makes it possible to conclude that unilateral measures are not permitted in the context of competing claims over the exclusive rights to a continental shelf, especially as it relates to the maritime space of a territory undergoing the process of decolonization. This is something that I explained in great detail yesterday.

An interpretation of the Convention in its context, and in consideration of both its object and its purpose, shows without a doubt that the imposition of unilateral measures is not consistent with it. In fact, the obligation to refrain from acting unilaterally and to consult one another is found in many different articles of the Convention. I can mention, for instance, articles 63, 64, 66, 67 and 123. These articles set out obligations to look for an agreement or to cooperate. Article 142 also imposes consultations, including a system of prior notification. Furthermore, it requires prior consent when there is a risk of harming rights. The rationale is close to that of the obligation that I have called the obligation to "not jeopardize the settlement/provisional arrangements". The same is true of article 7(5) of the Agreement for the Implementation of the Provisions of the Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Pending an agreement on the conservation and management measures that would be compatible, the concerned States, "in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature." If they do not succeed in agreeing, they can then initiate dispute settlement proceedings in order to obtain provisional measures. Article 7(6) adds that these arrangements or provisional measures are without prejudice to the final settlement of all matters. All of this demonstrates that the "obligation to not jeopardize the settlement/provisional arrangements" exists, be it explicitly or implicitly, throughout the Convention, where there is a dispute or potentially in those situations that could give rise to a dispute.

The second argument of the United Kingdom is closely tied to the first one. This involves resolution III. We consider that resolution III of the Conference is the interpretation in the concrete application of the Convention to the special case of the Malvinas Islands. As I said yesterday, the British representative to the Conference deemed that all concerned parties were then ready to support the text of the resolution.[11] Sir Michael Wood considered yesterday that it was "a very general and, I believe, political statement by the United Kingdom delegation at the Conference".[12] However, there is nothing general in this statement. It refers explicitly to resolution III and to its repercussions, both for Argentina and the United Kingdom.

Sir Michael made much of Argentina's position on resolution III. We have quoted it in full, both in the note initiating the arbitration proceedings and in the Request for provisional measures. Argentina simply stated that the resolution "in no way affects the 'Question of the Malvinas Islands'" and that it accepted no interpretation likely to affect its rights.

[11] A/CONF.62/SR.184, 184th Plenary meeting, 24 September 1982, Official Records, Vol. XVII, para. 89, p. 10-11 (Mr Powell-Jones).
[12] ITLOS/PV.27/C37/2, p. 11, lines 7-8.

Esteemed members of the Court, resolution III is not a doctrinal comment, as those mentioned by opposing counsel. This is an official document that was adopted by the Conference and which, for the purposes of interpretation of the Convention, can be considered as forming part of the context in the meaning of article 31(2)(a) of the Vienna Convention on the Law of Treaties.

The third argument relates to articles 74(3) and 83(3) of the Convention. Argentina is not relying upon these articles. We said this in our Request.[13] The position of the United Kingdom, as relayed by Michael Wood,[14] can be summarized as follows: if there is a dispute because two States are claiming the same part of a continental shelf in the context of delimitation, then they must do everything in their power to enter into provisional arrangements of a practical nature and in order to not jeopardize or hamper the conclusion of a final agreement during the transition period. But if two States are claiming all of the continental shelf which was generated by an island which itself is the object of a dispute on sovereignty, then the parties can act unilaterally and are not under the obligation to do everything in their power to seek a provisional arrangement and are under no obligation to not jeopardize the settlement of the dispute opposing them. This is a very strange way of reasoning and interpreting the Convention that does not take into consideration the text, taken as a whole, or the context, or the object or the purpose of the Convention.

In fact, members of the Court, if there is a State that is seeking to have this Tribunal recognize its sovereignty, this State is indeed the United Kingdom. I have already referred to the presentation made by the Attorney General yesterday afternoon. Referring to articles 74(3) and 83(3), Sir Michael Wood also stated, and I quote in English: *(Continued in English)* "They are wholly irrelevant in the present case, which turns on State A's claim to be sovereign over land territory of State B."[15]

(Interpretation from French) Indeed, Sir Michael here has already decided the dispute on sovereignty. Ours, which would be State A, is then a "claim" that the sovereign, which would be State B, would be the United Kingdom. All the presentations made by the United Kingdom yesterday essentially revolved around this assumption. The United Kingdom claims that Argentina, your Tribunal, and the arbitral tribunal, must consider that the United Kingdom can exercise sovereign rights on the continental shelf around the Malvinas Islands. Our position is quite clear: we say that there is a dispute on sovereignty, that it involves the continental shelf generated by the Malvinas Islands, that it is also a disputed space, and that so long as that question is not settled, there are rights and obligations relating to this maritime space, in particular the obligation to not change it and to not exploit non-renewable resources.

The fourth argument relates to article 298 of the Convention.[16] If we go along with the interpretation made by the United Kingdom of this article, then any dispute relating to jurisdiction over a maritime space would be excluded from the settlement of disputes under Part XV. This interpretation deprives article 298 of its meaning, which allows States Parties to exclude it from the compulsory procedure for the

[13] Request, para. 35.
[14] ITLOS/PV.27/C37/2, p. 9, lines 20-28 (Sir Michael Wood).
[15] ITLOS/PV.27/C37/2, p. 9, lines 37-38.
[16] ITLOS/PV.27/C37/2, p. 18, lines 39-41 (Mr Wordsworth).

settlement of disputes relating to maritime delimitations or those involving titles or historical bays. Nothing in this article make it possible to exclude a dispute involving jurisdiction over maritime space that's generated by a territory that, furthermore, is in the process of decolonization. In fact, the British side is trying to broaden the scope of article 298(1)(a).

Yesterday, the United Kingdom deployed tremendous efforts to portray our position as it would have us. It stressed many times that the idea according to which the real dispute is the one about sovereignty. We have already explained: from the moment we initiated the arbitral proceedings, that this aspect of the dispute between the UK and Argentina has nothing to do with these proceedings. That a dispute may give rise to other disputes is nothing new. In fact, case law has many examples illustrating this.[17] Despite the efforts deployed by opposing counsel, nothing distinguishes our situation from the situation of the Philippines, as seen from the decision reached by the arbitral tribunal in the *South China Sea* case. The dispute in these proceedings is clearly defined and relates to the rights of the States Parties to the Convention pending the settlement of the dispute. It is not intended to settle the dispute on sovereignty, and neither your Tribunal nor the arbitral tribunal need to address this.

Let me move now to the question of Argentina's rights which are plausible.

The way in which the British party has addressed the plausibility of rights claimed by Argentina was nothing if not circular. The United Kingdom would have Argentina say what it does not say again and again. We are not asking that the dispute on sovereignty be settled, nor are we asking to be qualified as a coastal State. In fact, the United Kingdom could not deny that Argentina's claim over the continental shelf is plausible and that there is a dispute over this maritime space. Mr Wordsworth and Ms Sander stressed the fact that only the rights recognized in the Convention can be relied upon and can be considered plausible.[18] At the risk of being repetitive, members of the Court, I have to say this once again: Argentina considers especially, but not exclusively, that the obligation to "not jeopardize the settlement/provisional arrangements" is part of the Convention.

The plausibility for Argentina to have these rights respected by the United Kingdom is further reinforced by the fact that the Malvinas Islands are a Non-Self-Governing Territory and that the General Assembly has called upon the Parties to abstain from

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[17] *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran), Judgment, I.C.J. Reports 1980*, p. 19-20, paras. 36-37; *Border and Transborder Armed Actions (Nicaragua v. Honduras), Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1988*, p. 91, para. 52; *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of all Forms of Racial Discrimination (Ukraine v. Russian Federation), Preliminary Objections, Judgment, I.C.J. Reports 2019*, para. 28; *Certain Iranian Assets (Islamic Republic of Iran v. United States of America), Preliminary Objections, Judgment, I.C.J. Reports 2019*, para. 36 ; *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America), Preliminary Objections, Judgment, I.C.J. Reports 2021*, para. 56; *South China Sea*, Award on Jurisdiction and Admissibility of 29 October 2015, paras. 152-153; *Chagos Marine Protected Area*, Award of 18 March 2015, paras. 220-221; *Coastal State Rights*, Award on Preliminary Objections of 21 February 2020, paras. 197-198, and Award of 22 April 2026, para. 705.

[18] ITLOS/PV.27/C37/2, p. 22, lines 45-46 (Ms Sander).

adopting unilateral measures while the islands are undergoing the process of decolonization.

Let me now move on to the measures to maintain the *status quo* and non-aggravation.

Yesterday, Lord Verdirame accused us of having broadened the scope of the first provisional measure sought.[19] I was clear yesterday: there is nothing new in asking that the United Kingdom refrain from carrying out new drilling and beginning the exploitation which would also involve refraining from installing the infrastructure that is required for exploitation. We gave the grounds for this measure yesterday and this has not been challenged by the United Kingdom. Rather, it simply challenged its proportionality.

The United Kingdom continued to rely on the alleged losses of the companies that invested at their own risk, knowing full well that this continental shelf is in dispute. This question lies beyond the jurisdiction of the arbitral tribunal and, therefore, of your own Tribunal. In these proceedings, what is at stake is the relationship between two States: Argentina and the United Kingdom. Be that as it may, now referring to Mr Ramsay's presentation and to the figure that was presented confidentially to the Tribunal, Argentina considers that this amount is not backed up by any evidence. Furthermore, Argentina invites the Tribunal to compare this figure with the amount of the insurance policy for political risk that Navitas contracted.[20]

Finally, the United Kingdom says that "those who suffer " will be the inhabitants of the Malvinas Islands, without, however, demonstrating the existence of a current prejudice.[21]

Suspension would not harm any of the benefits that the inhabitants have currently. The public services and their lifestyle do not depend on this project. The GDP per capita of the islands is double that of the United Kingdom, almost reaching the level of Switzerland. You can compare these figures with the references I gave yesterday. Of course, according to their own calculations, the welcoming of hydrocarbons coming from a disputed continental shelf will bring them to the highest ranks of wealth, just below the Principality of Monaco.[22]

Compare this picture with the prejudice that would be caused to Argentina, a prejudice that is not hypothetical at all: it is irreversible. In the event of suspension, oil will simply remain in its reservoir. In the reverse scenario, the rights of Argentina will be lost irreparably.

As for the measure of non-aggravation, the so-called assurances of the United Kingdom are not assurances. The suspension referred to by the United Kingdom

[19] ITLOS/PV.27/C37/2, p. 41, lines 31-33 (Lord Verdirame).
[20] Navitas Petroleum, Limited Partnership, "2025 Periodic and Annual Report", 18 March 2026, available at: https://maya.tase.co.il/en/reports/1728585?attachmentType=pdf1
[21] ITLOS/PV.27/C37/2, p. 7, lines 12-14 (Ms Reeves).
[22] ITLOS/PV.27/C37/2, p. 38, lines 41-42 (Ms McRae).

refers to new licences,[23] but by its own admissions, licences have already been granted that are only pending the necessary authorizations to go forward with the exploitation. Granting new licences is one thing; authorizing each stage all the way to exploitation is another.[24] Furthermore, as is apparent from the case file, the licences are periodically renewed.

Not granting new licences does not mean that there will not be authorization given for new drilling or other exploitation permits. The measure of non-aggravation, therefore, remains essential.

Ladies and gentlemen, members of the Court, given that the United Kingdom says nothing about this, I do not have much to add regarding the way in which the United Nations addresses the question of the Malvinas Islands in the context of decolonization. One thing, however: the Attorney General referred to the referendum that took place in 2013.[25] This event involving 1,517 British citizens could rather be qualified as a referendum on self-satisfaction rather than self-determination. The British government says that some individuals coming from different countries, not being representative of any country or any international body, controlled the said referendum. The fact is that this so-called referendum was neither organized nor supervised by the United Nations and that it changed nothing in terms of the legal situation. The referendum was simply ignored by the United Nations and the Malvinas Islands continue to be treated as a Non-Self-Governing Territory that is undergoing the process of decolonization.

I would like to thank you for your attention and I would like to ask you, Mr President, to give the floor to my colleague, Mr Nico Schrijver, who will address the question of the existence of a risk of irreparable prejudice and the urgency for the prescription of provisional measures and will also briefly address the second and third measures sought.

THE PRESIDENT: (*Continued in English*) Thank you, Mr Kohen. I now give the floor to Mr Schrijver. You have the floor, please.

MR SCHRIJVER: Good morning, Mr President, distinguished members of the Tribunal. This morning, I have the pleasure of responding to some questions and comments made by our colleagues of the United Kingdom. These relate to the timing of the institution of our proceedings, the issue of evidence, the serious risk to the environment, and the urgency pending the final decision of the Annex VII tribunal.

Yesterday, the United Kingdom asked why Argentina comes before your Tribunal now, and not earlier. In the words of the Attorney General, “why any urgency has arisen now, some 28 years later”.[26]

This question assumes that nothing has changed as regards the hydrocarbon activities in the North Malvinas Basin. On that assumption, the United Kingdom told the Tribunal that there is no urgency; that nothing will happen before March 2027;

[23] ITLOS/PV.27/C37/2, p. 32, lines 2-4 (Ms McRae).
[24] ITLOS/PV.27/C37/2, p. 45, lines 9-13 (Lord Verdirame).
[25] ITLOS/PV.27/C37/2, p. 4, lines 22-27 (Ms Reeves).
[26] ITLOS/PV.27/C37/2, p. 7, lines 1-2 (Ms Reeves).

that nothing will be lost before 2028; and that whatever may happen can be repaired later. Each of these propositions is mistaken, and each is contradicted by the United Kingdom's own evidence.

Argentina has shown in its first round that the conditions for the prescription of provisional measures under article 290(5) are met. I shall focus on two of these requirements: urgency and irreparable prejudice, including the risk of serious harm to the marine environment once exploitation starts.

So why now? Why urgent? Why irreparable?

The United Kingdom showed you yesterday a list of 29 wells drilled in the North Malvinas Basin between 1998 and 2015.[27]

All these wells were exploration or so-called appraisal wells; the last was drilled in 2015. Did Argentina accept that? Of course not. It protested every licensing round, every drilling campaign, every licence extension.

So what changed was not Argentina's position. What changed was the project.

For 15 years, there was no final investment decision, there was no financing in place, no exploitation drilling date. In less than one year, everything changed. On 10 December 2025 the licensees announced their final investment decision, and the Sea Lion licence moved into its 35-year exploitation phase. Contracts followed for the production vessel, the drilling rig, the subsea works, and a drilling date was published. On 21 September 2026, the licences were even extended for another five years.

Argentina protested each successive step until, on 28 September 2026, it instituted arbitral proceedings under Annex VII.

Far from denying these recent developments, also the UK itself relies on them. Ms McRae told the Tribunal that "[t]he contractual and financial picture has entirely changed now that the final investment decision has been taken".[28] Precisely. A prospect that lay dormant for 15 years has become a programme of operations with a start date, and that is why Argentina came to this Tribunal in this context.

Mr President, members of the Tribunal, please take a look at the screen. Two kinds of offshore activities, both identified and spelled out in article 77 of UNCLOS: exploration on the one hand, exploitation on the other.

On the left, an example of exploration. Single wells: first drilled and tested and then plugged.

It is settled case law that even that activity can cause permanent physical change to the continental shelf. In *Guyana* v. *Suriname*, a single planned exploratory well was

[27] Witness statement of Samuel Moody, Appendix 2.
[28] ITLOS/PV.27/C37/2, p. 38, lines 19-20 (Ms McRae).

held to risk a permanent physical change to the marine environment.[29] In *Ghana/Côte d'Ivoire*, the Special Chamber found that such activities "will result in a modification of the physical characteristics of the continental shelf", and that "any compensation awarded would never be able to restore the *status quo ante* in respect of the seabed and subsoil", and so the Special Chamber ordered "no new drilling" take place.[30]

Now please look at the right side of the screen. Not one well, but many. Not a temporary riser, but a comprehensive production system on the seabed, tied to a vessel anchored above it, with tankers coming alongside to carry the oil away. Not to find the oil as in the exploration stage, but to take it. And what leaves the reservoir does not come back. It is a non-renewable resource. Navitas, the operator itself, says that development wells "are fundamentally different from exploration and appraisal wells".[31]

Lord Verdirame says that these precedents concern delimitation, not sovereignty.[32] But the reason they give does not depend on why the area is disputed. A drill bit does not ask whether the dispute concerns a boundary or a coast; the seabed is altered all the same. And where the dispute did concern territory, in *Certain Activities*, the International Court of Justice prescribed measures all the same, including measures to protect the environment of the disputed area.

The UK asserted yesterday that the risk of irreparable prejudice must be assessed "on a case-by-case basis".[33] We fully agree. So let us look once again at this case.

The United Kingdom complains that Argentina's facts come from the UK's own documents. Mr President, they could come from nowhere else. Argentina does not control the area or the project: the United Kingdom does, and it authorized this project without notifying, without consulting and without communicating its Environmental Impact Statement to Argentina. A consultation held on the Islands, by authorities Argentina does not recognize, is not notification between States. Argentina's position implies neither consent nor indifference.

Ms McRae says that Argentina knew of the consultation and that the EIS could be found on the Internet.[34] That is not the same as receiving it. Article 206 requires the State to communicate the results of its assessment, and that obligation, as the *South China Sea* tribunal held, is "absolute".

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[29] *Arbitration regarding the Delimitation of the Maritime Boundary between Guyana and Suriname, Award of 17 September 2007, RIAA, Vol. XXX*, pp. 132-133, paras. 466-467 and 470, and p. 137, para. 480.
[30] *Delimitation of the Maritime Boundary in the Atlantic Ocean (Ghana/Côte d'Ivoire), Provisional Measures, Order of 25 April 2015, ITLOS Reports 2015*, p. 146, at p. 163, paras. 88-90, and p. 166, para. 108(1)(a).
[31] Navitas EIS, p. 149.
[32] ITLOS/PV.27/C37/2, p. 40, lines 11-18 (Lord Verdirame).
[33] *Ghana/Côte d'Ivoire, Provisional Measures, Order of 25 April 2015*, at p. 156, para. 43. See also ITLOS/PV.27/C37/2, p. 39, lines 30-32 (Lord Verdirame).
[34] ITLOS/PV.27/C37/2, p. 35, lines 9-13 and p. 35, lines 23-25 (Ms McRae).

And the evidence is clear. It is the operator's EIS, put before you by the UK itself.[35] Up to 26 wells, drilled from six drill centres into a reservoir some two kilometres below the seabed.[36] On the seabed, 23 subsea trees, manifolds, some 60 kilometres of flowlines, tied to a production vessel anchored there for up to 30 years.[37] And this is only one scheduled production phase; others may well follow, no doubt once again entirely unilaterally, unless halted by these proceedings.

In 28 years of exploration, so far not one barrel of oil has left the reservoir. In this phase alone, the project is designed to take 50,000 barrels a day, and more than 310 million barrels in all, at least in the scheduled phase; others may follow.[38]

The Attorney General says that Argentina "has not identified any concrete harm".[39] Here are three, and no later award can undo them. The shelf will be permanently altered: the operator itself expects "a permanently modified area" around the wells at the end-of-field life.[40] The resource is consumed: oil once produced cannot be put back. And information about the reservoir is acquired, which cannot be unlearned.[41] Those are the plausible rights of Argentina that articles 77 and 81 of UNCLOS protect should the decolonization process of the Malvinas be completed: exclusive rights over the resources of the shelf, and the exclusive right to authorize drilling it or to conserve it.

Taking up the issue of the risk to the marine environment, Sir Michael assured this Tribunal that the new drilling "has no increased risk of environmental impact".[42] Ms McRae affirmed that "29 wells have been successfully drilled".[43]

One of those 29 is Isobel Deep, where the blowout preventer failed in 2015. Counsel called it a "minor malfunction".[44] The authorities on the Islands called the blowout preventer "critical equipment" and halted the drilling.[45]

Lord Verdirame stresses that this has happened "under a different operator".[46] Rockhopper, a licensee of Sea Lion today, was, however, a member of that consortium.

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[35] Navitas Petroleum Development and Production Ltd., *Environmental Impact Statement: The Sea Lion Field Northern Development Area, Phase 1 & 2*, Rev. 5, July 2025, Exhibit IR1/1 to the Witness Statement of Ian Ramsay (Ramsay Exhibit Bundle, Tab 1) ("Navitas EIS"). Page references are to the EIS's own pagination ("Page … of 2040"); the corresponding page of the Ramsay Exhibit Bundle is four pages higher. The scoping table is at p. 246.
[36] Navitas EIS, pp. 136-137 and 149-150.
[37] Navitas EIS, pp. 137 and 165-169 (Table 5.12). The figure of some 60 km is the sum of the lengths of the umbilicals, flowlines and jumpers listed in Table 5.12.
[38] Navitas EIS, p. 137 (310.5 million barrels). For the peak rate of 50,000 barrels per day, Navitas UK, "NPDP Confirms FID of Sea Lion Development", December 2025 (Ramsay Exhibit 3).
[39] ITLOS/PV.27/C37/2, p. 7, lines 5-6 (Ms Reeves).
[40] Navitas EIS, § 10.6.4.3.4.1, p. 758.
[41] *Ghana/Côte d'Ivoire, Provisional Measures, Order of 25 April 2015*, at p. 164, paras. 94-95.
[42] ITLOS/PV.27/C37/2, p. 13, lines 27-28 (Sir Michael Wood).
[43] ITLOS/PV.27/C37/2, p. 34, lines 8-9 (Ms McRae).
[44] ITLOS/PV.27/C37/2, p. 42, lines 30-32 (Lord Verdirame); see also p. 27, lines 40-42 – p. 28, line 1 (Ms Sander); Request, para. 58. For the press statement, FIG, "Eirik Raude Technical Issues", 28 April 2015, Exhibit SJM1, pp. 4074-4075.
[45] Exhibit SJM1 Tab No. E.98, p. 2.
[46] ITLOS/PV.27/C37/2, p. 42, lines 21-23 (Lord Verdirame); see also p. 27, lines 39-41 (Ms Sander).

That was only one exploration well, which was then plugged and abandoned. However, the next phase in Sea Lion is different. For the first time in the history of the Islands, the plan is for oil to be pumped, stored at sea and shipped away, day and night, for 30 years.

Risk is the standard at this stage, and the operator has measured it. It rates a blowout as an event that "[h]as occurred previously in the industry".[47] The licensees have modelled where the oil goes: in 2015, a 30 per cent probability of crossing "into Argentinian waters",[48] and in 2025, a probability above 90 per cent of reaching international waters, including the high seas.[49]

Ms Sander replied that these figures describe the consequences of a spill, not its likelihood.[50] But that is exactly, Mr President, what article 290 asks: whether the harm would be serious. And the operator has answered that question, too. In the worst case, according to the operator, effective recovery "will not be possible".

The UK also claimed yesterday that Argentina "licensed and conducted the drilling of over 400 wells in the Argentine Sea", and yet "now seeks to persuade you that it has concerns about environmental risks posed by the hydrocarbon project at issue in this hearing".[51] However, the offshore activities conducted in Argentine waters are subject to Argentina's own regulatory framework, its environmental assessment procedures and supervision, and Argentina bears full responsibility for them. None of this applies to the so-called Sea Lion project, which lies in a disputed area where Argentina has no means of supervising the activity, requiring guarantees or coordinating a response in the event of an incident. It is precisely this absence of any adequate control that gives rise to the risk of serious harm to the marine environment.

Mr President, the UK's answer on the environment rests on one comparison: development drilling is like exploration drilling, so nothing has changed. Ms McRae told you that there is "no material difference" in the risks "arising from the difference in well design".[52] But, on the screen, you could notice what was compared: one well, one single well, with another. No one on the other side in the exploration phase compared a plugged exploration well with a producing oil field. Yet that is exactly what starts in March 2027.

At this stage, Argentina need not prove that harm will occur. It must only show that the risk of serious harm is plausible and real. Where the effects of an activity are uncertain, this Tribunal has required the parties to act with "prudence and caution", and to cooperate in assessing the risks. The precautionary approach, as the Seabed Disputes Chamber held it, is "an integral part" of the obligation of due diligence.

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[47] Navitas EIS, § 8.6.2.2, Table 8.5, p. 570; see also § 12.1.6.1.2, p. 1200 ("it has happened in the industry before, but on extremely rare occasions").
[48] Premier Oil, Revised Oil Spill Contingency Plan for the Isobel (Elaine) well, 23 September 2015, Section D.6.3 (Annex 64), quoted in the Request, para. 59; see also Premier Oil, 2015 Falkland Islands Exploration Campaign Environmental Impact Statement, Rev. 1.0, 29 September 2014, p. 294 (Ramsay Exhibit 8).
[49] Navitas EIS, § 12.1.4.5.2, p. 1171.
[50] ITLOS/PV.27/C37/2, p. 28, lines 7-9 (Ms Sander).
[51] ITLOS/PV.27/C37/2, p. 6, lines 2-5 (Ms Reeves).
[52] ITLOS/PV.27/C37/2, p. 36, lines 11-14 (Ms McRae).

Here, the risk is not even uncertain. It is measured in the operator's own assessment, and it changes in four ways once exploitation begins.

First, duration. An exploration well is drilled in weeks and then plugged. Sea Lion is to produce, day and night, for up to 30 years. An event that is "extremely rare" on any given day is not so rare across 11,000 days.

Second, new sources of pollution. Up to 26 wells instead of one, each of them with a potential blowout. Some 60 kilometres of flowlines on the seabed. A production vessel storing crude at sea, and tankers loading it in the open South Atlantic. For a major spill from that vessel, the operator gives a probability above 90 per cent that oil reaches international waters, with wax residues up to 220 kilometres north of the field.

Third, there is the capacity to respond. We all know the field lies 700 up to 860 kilometres away from the nearest point in Argentina and Chile, in winds gusting above 130 kilometres an hour and waves of up to 30 metres in storms. The operator accepts that effective deployment of response equipment is unlikely in the prevailing weather, and that oil spill response is not considered effective for the largest incidents. Mr Moody calls this "a relatively benign location in which to operate". The operator's own assessment does not.

Fourth, there is the operator. Navitas will operate a producing offshore field for the first time, with a partner that has never operated one. Its contractors, as the UK sought to assure us, may be experienced, but it is the operator that answers when the telephone rings that something went wrong.

Lord Verdirame calls all this generic: the risks of "any offshore drilling anywhere in the world".[53] It is not. It is this field, this crude, these winds, this distance and these operators, quantified by the operator itself. That is the evidence the Special Chamber found lacking in *Ghana/Côte d'Ivoire*. And even there, without it, your Special Chamber ordered the parties to "take all necessary steps to prevent serious harm to the marine environment" and to "cooperate to that end".

And, lastly, one consequence of exploitation is not a risk but a certainty. We discussed it yesterday: the emissions. The operator rates them "Upper Moderate", the highest rating it gives any planned impact of the project. Ms Sander says that Argentina can complain of this only if it is sovereign. Not so. This Tribunal has held that the obligation under article 194 covers "activities carried out by both public and private actors" under a State's control. The UK insists that it controls this area; yet its own Nationally Determined Contribution excludes the Islands under the Paris Agreement. Neither State accounts for these emissions, and one of them prevents the other from doing so.

As regards the second and third measures, Ms Sander and Lord Verdirame say that Argentina's case under Part XII stands or falls with sovereignty, and that Argentina has identified no measure it wishes to take. Mr President, both points are mistaken.

[53] ITLOS/PV.27/C37/2, p. 42, lines 35-39 (Lord Verdirame).

Mr Wordsworth himself accepted that articles 192 and 194 "establish obligations for States other than the coastal State in certain situations".[54] This is one of them. The *South China Sea* tribunal held that Part XII applies to all States in all maritime areas, and that "questions of sovereignty are irrelevant" to its application. Ms Sander explained that China's responsibility was engaged by its "extensive conduct in the relevant area".[55] Precisely. Here it is the United Kingdom's conduct, its licences, its consents and its control, that engage Part XII. And article 194(2) protects "other States and their environment", such as the undisputed Argentine waters which, on the licensees' own modelling, the oil would reach. For that, Argentina need not be the coastal State at Sea Lion. It is enough that it is the coastal State next door.

Ms Sander asked whether Argentina also says that the UK is in breach of its own obligations.[56] Here comes the answer – the third measure is as stated in the Request: that the UK cease preventing Argentina from complying with its obligations. But the two are linked. Argentina is prevented precisely because the UK does not notify it, does not communicate its assessment, as article 206 requires, and does not plan the response jointly with the State in the area affected, as article 199 requires. And under article 290(1), preventing serious harm to the marine environment is, for your Tribunal, Mr President, a ground for measures in its own right, whoever holds title.

Nor is the measure vague. Argentina asked the UK on 24 August for an exchange of views and was refused. Argentina asks to be notified; to receive the assessment; to develop contingency plans jointly; and to coordinate search and rescue in the region for which it is responsible under the 1979 SAR Convention, as established by the IMO. The "declared area of responsibility"[57] of the Islands, to which Ms Sander referred, is a unilateral proclamation. What Argentina asks is what the Special Chamber ordered in *Ghana/Côte d'Ivoire*, and what this Tribunal ordered in *MOX Plant* and *Land Reclamation*, and that is cooperation and the exchange of information on the risks.

As to the second measure, the United Kingdom offers to keep operational information "confidential", as also mentioned by my colleague, Marcelo Kohen.[58] Well, confidentiality is not what the Special Chamber ordered. It ordered that information not be used "in any way whatsoever" to the detriment of the other Party. Information kept confidential by the licensees is still used by them: to drill the next well, and to produce the oil, to market the oil.

Mr Wordsworth says that Argentina's claim under articles 192 and 194 is "predicated on Argentina being the coastal State".[59] Once again, that is always the big elephant in the room. At this stage Argentina need not prove that it is. Its rights need only to be plausible, and they are. Argentina claims this shelf. As the State with sovereign rights over it, pending the completion of the decolonization process, Argentina is bound by those articles to protect and preserve the marine environment there, and

[54] ITLOS/PV.27/C37/2, p. 17, lines 33-35 (Mr Wordsworth).
[55] ITLOS/PV.27/C37/2, p. 29, lines 47-48 – p. 30, line 1 (Ms Sander).
[56] ITLOS/PV.27/C37/2, p. 27, lines 1-6 (Ms Sander).
[57] ITLOS/PV.27/C37/2, p. 27, lines 28-30 (Ms Sander).
[58] ITLOS/PV.27/C37/2, p. 44, lines 35-38 (Lord Verdirame).
[59] ITLOS/PV.27/C37/2, p. 17, lines 35-36 (Mr Wordsworth); see also p. 27, lines 10-14 (Ms Sander).

entitled to take measures they require. It can take none. The UK controls the area and authorizes the drilling alone. It refuses to negotiate the dispute, it refuses to cooperate with Argentina while the dispute lasts. It refuses to talk. It cannot keep the dispute open and then rely on it to deny Argentina's rights.

Mr President, nor does the claim depend on title alone. Mr Wordsworth accepts that these articles "establish obligations for States other than the coastal State in certain situations".[60] Well, Sea Lion is an activity under the UK's jurisdiction or control. In *Ghana/Côte d'Ivoire* the Special Chamber ordered both parties to prevent serious harm to the marine environment "in the disputed area" and ordered them to "cooperate to that end", without first deciding whose area it was.

Ultimately, what makes the imminent drilling operations under the so-called Sea Lion project particularly serious is that they mark the beginning of the exploitation of hydrocarbon resources in an area where sovereignty remains in dispute, without Argentina's consent and solely on the authority of the UK. Once these operations commence, the physical alteration of the continental shelf cannot simply be undone. It is precisely this unilateral and irreversible interference with the resources in dispute that establishes, beyond any doubt, a real and imminent risk of irreparable prejudice to Argentina's rights.

Mr President, I now turn to urgency. The UK asks where the urgency lies. The answer is simple: If the Tribunal does not act now, any later decision will come too late.

Sir Michael says that measures "pending the arbitration" are "not … article 290(5)".[61] With full respect, they are. Once constituted, the arbitral tribunal may "modify, revoke or affirm" the measures prescribed by this Tribunal. *Land Reclamation* says so: the measures "may remain applicable beyond that period".[62] But of course it need not.

On the test the Parties agree. Sir Michael confirmed that the Annex VII tribunal "must not only be constituted but must also be able to function".[63] He cannot now ask you to look only at the date of the establishment of the tribunal, which on his own account is no later than in January.[64]

Well, how long does functioning take? "Within a few days", says Sir Michael.[65] In *Enrica Lexie*, counsel for Italy told you something else: the tribunal "will have to convene, and put in place rules of procedure and other administrative arrangements, such as a registry … so we are looking at months, not weeks".[66]

The experience of this Tribunal confirms it. *Southern Bluefin Tuna*: nearly five months from your Order until the arbitral tribunal was operational. *Land Reclamation*:

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[60] ITLOS/PV.27/C37/2, p. 17, lines 33-35 (Mr Wordsworth).
[61] ITLOS/PV.27/C37/2, p. 12, lines 5-8 (Sir Michael Wood).
[62] *Land Reclamation in and around the Straits of Johor (Malaysia* v. *Singapore), Provisional Measures, Order of 8 October 2003, ITLOS Reports 2003*, p. 10, at p. 22, para. 69.
[63] ITLOS/PV.27/C37/2, p. 12, lines 16-18 (Sir Michael Wood).
[64] ITLOS/PV.27/C37/2, p. 13, lines 13-14 (Sir Michael Wood).
[65] ITLOS/PV.27/C37/2, p. 12, lines 19-21 (Sir Michael Wood).
[66] *"Enrica Lexie" Incident (Italy* v. *India), Provisional Measures*, Minutes of the Public Sittings held on 10 and 11 August 2015, p. 30 (Sir Michael Wood).

nine months. *ARA Libertad*: over five. *Arctic Sunrise*, the fastest: almost four, and that with the respondent not taking part, which is no small detail. *Enrica Lexie*: nearly five, and a further 140 days to rule on provisional measures. The *Ukrainian naval vessels*: almost six months.

These six cases, spanning more than 20 years, all point the same way: it takes several months for an Annex VII tribunal to be established, to adopt its rules and to organize itself.

If we count from today, Mr President, members of the Tribunal, drilling starts on 20 March 2027, four months and ten days away. On the timetable of five of those six cases, the Annex VII tribunal would not yet be in a position to act when drilling begins in March 2027. In the fastest, it would be operational on 6 March, fifteen days before drilling, with a request still to be heard and to be decided.

Argentina appreciates the United Kingdom's stated commitment to a swift constitution of the tribunal. However, on the UK's own estimate, the Annex VII tribunal can be constituted "by January 2027 at the very latest",[67] and exploitation drilling may begin in March 2027. In that interval, the tribunal must organize itself, receive a request, select a registry, hear the UK, hear Argentina, deliberate. The UK asks this Tribunal to assume that all of this will be done in time, in a matter of days if necessary, as Sir Michael suggested. Mr President, how likely is it that this Annex VII tribunal will make it into the Guinness Book of Records? Rather, "within a few days" is an assertion, it is not a timetable.

The safety valve of your article 290(5), which allows recourse to ITLOS, exists precisely for that reason: so that the interim protection of rights does not depend on such uncertain assumptions.

The UK also asked you to look to first oil, in 2028.[68] Mr President, with due respect, that is the wrong date. The prejudice lies in the drilling, not in the first barrel: that is what the Special Chamber stopped in *Ghana/Côte d'Ivoire,* new drilling, not extraction. And drilling begins on 21 March 2027.[69]

Lord Verdirame says that Argentina has widened its case from extraction to drilling.[70] It has not. The Request said that "[e]ach well drilled leaves a permanent physical footprint" and that "[o]nce drilling has occurred, the modification of the subsoil is permanent and irreversible". And the Agent summarized the first measure in three words: "no new drilling".[71]

The UK tells you that "nothing is about to happen".[72] However, its witness tells you that even "the shortest of suspension" would be "terminal".[73] They cannot both be

[67] ITLOS/PV.27/C37/2, p. 13, lines 13-14 (Sir Michael Wood).
[68] ITLOS/PV.27/C37/2, p. 12, lines 38-40 and p. 13, lines 18-20 (Sir Michael Wood).
[69] ITLOS/PV.27/C37/2, p. 36, lines 26-28 (Ms McRae); see also p. 13, lines 18-19 (Sir Michael Wood).
[70] ITLOS/PV.27/C37/2, p. 41, lines 30-33 (Lord Verdirame).
[71] ITLOS/PV.27/C37/1, p. 38, lines 40-42 (Agent of the Argentine Republic).
[72] ITLOS/PV.27/C37/2, p. 12, line 43 (Sir Michael Wood).
[73] Witness statement of Ian Ramsay, 2 November 2026, paras. 10.4-10.5.

true. If nothing is about to happen, the project can pause, and the measures impose no undue burden. If it cannot, the time is to act now.

Once the first development well is drilled, there is no *status quo* left to preserve. No Annex VII tribunal will be able to act before then. This Tribunal can. If not now, it will be never.

In conclusion, Mr President, distinguished members of the Tribunal, what has changed is the project, not Argentina's position. Sea Lion is no longer about finding oil but about taking it, through up to 26 wells in a comprehensive production system on the seabed, designed to extract more than 300 million barrels over 30 years.

That harm is irreparable. The shelf will be permanently modified, the oil, once extracted, will not return to the reservoir, and the information, once acquired, cannot be erased by any later award.

That harm, Mr President, is also imminent. Drilling is scheduled to begin within a couple of months and, on this Tribunal's own experience, the Annex VII tribunal will not be in a position to function and to act by then.

Once the first development well is drilled, there will be no *status quo* to preserve. Only this Tribunal can act in time to prevent that. If not now, it is never.

I thank you for your kind attention and I ask you to give the floor to our Agent.

THE PRESIDENT: Thank you, Mr Schrijver. I understand that the Agent of Argentina, His Excellency Mr Oyarzábal, will make some closing remarks and present the final submission of Argentina.

In this regard, I wish to recall that pursuant to article 75(2) of the Rules of the Tribunal, at the conclusion of the last statement made by a party at the hearing, its agent, without recapitulation of the arguments, shall read that party's final submission. A copy of the written text of this, signed by the agent, shall be communicated to the Tribunal and transmitted to the other party.

I now invite the Agent of Argentina to take the floor to make a closing statement and present the final submission of Argentina. You have the floor, please.

MR OYARZÁBAL: Mr President, members of the Tribunal, we have now reached the conclusion of the oral pleadings of the Argentine Republic. That Argentina appears before this Tribunal as applicant for a second time reflects its steadfast commitment to the peaceful settlement of international disputes and its respect for the authority of the Tribunal.

Over the course of these hearings, Argentina has demonstrated, first, that the Annex VII arbitral tribunal would have jurisdiction *prima facie*; second, that the rights Argentina seeks to protect are plausible; third, that there is a real and imminent risk of irreparable prejudice to those rights, as well as of serious harm to the marine environment; and fourth, that the urgency of the situation requires the Tribunal to

prescribe provisional measures before the arbitral tribunal is constituted and able to act.

Argentina has further demonstrated that the measures it requests are necessary and proportionate. They would preserve the respective rights of both Parties, whatever the outcome of the dispute. They would prejudge neither the sovereignty dispute nor the merits of the case before the arbitral tribunal, and they would impose no undue burden on the United Kingdom. On the contrary, they would enable the Parties to hold consultations and to seek provisional arrangements of a practical nature, pending the settlement of their dispute.

Argentina's request is a simple one: that no *fait accompli* be created on the disputed continental shelf before the arbitral tribunal is in a position to rule.

Mr President, at every stage of these proceedings, Argentina has complied with the Rules of the Tribunal and with the procedural directions it has given. Regrettably, the same cannot be said of the United Kingdom. Having chosen not to file a written statement, the United Kingdom set out its position only after the time limit fixed by the Tribunal had expired. It offered evidence, and then attached conditions to it. It sought to amend that evidence minutes before Argentina was due to address the Tribunal yesterday. And it exceeded its allotted time by more than 15 minutes.

As Professor Kohen observed a few minutes ago, the United Kingdom has not engaged with the principal factual elements of this case, which Argentina set out in its Request of 13 October 2026. It would be manifestly unfair if the United Kingdom were to raise these matters for the first time this afternoon, when Argentina will have no opportunity to respond. Argentina, therefore, reserves the right to seek the leave of the Tribunal to respond in writing to any such new arguments, should that prove necessary.

Mr President, the United Kingdom chose to present its written case in the form of a witness statement. That choice misleads no one. Those statements are pleadings, not evidence. The United Kingdom observes that Argentina did not challenge the statements of the three individuals it presented as witnesses.[74] Argentina saw no need to do so beyond its note of 8 November and the references to them made in the course of its oral pleadings, because it was clear that those statements are not evidence of fact; they are expressions of opinions by persons with a clear interest in the outcome of these proceedings. Moreover, the United Kingdom was free to call those individuals to testify before the Tribunal during its allotted time. It chose not to.

Mr President, Argentina agrees with the United Kingdom on three points. First, jurisdiction under Part XV of the Convention extends to any dispute concerning the interpretation or application of the Convention.[75] Second, the present case is not a delimitation dispute.[76] Third, that jurisdiction does not extend to the determination of territorial sovereignty.[77] It does not follow, however, that the Convention ceases to apply to conduct in maritime areas affected by a territorial dispute – still less where,

[74] ITLOS/PV.27/C37/2, p. 2, lines 43-48 (Ms Langrish).
[75] ITLOS/PV.27/C37/2, p. 15, lines 35-38 (Mr Wordsworth) and p. 6, lines 21-22 (Ms Reeves).
[76] ITLOS/PV.27/C37/2, p. 9, lines 20-28. (Mr Wood).
[77] ITLOS/PV.27/C37/2, p. 6, lines 22-23 (Ms Reeves) and p. 20, lines 42-44 (Mr Wordsworth).

as here, that dispute is the subject of a decolonization process supervised by the United Nations.

The United Kingdom seeks to recast these proceedings as an attempt to litigate territorial sovereignty under the guise of a dispute under the Convention.[78] Argentina rejects that characterization. The references to the sovereignty dispute explain the context in which this maritime dispute arose. They do not turn every question concerning conduct at sea into a claim to title over land territory. The question before this Tribunal is a much narrower one: whether, while the underlying dispute remains unresolved and proceedings under Part XV are pending, the United Kingdom may unilaterally authorize or carry out new drilling for the exploitation of hydrocarbons in the disputed maritime area, in a manner capable of prejudicing rights that the arbitral tribunal may subsequently adjudge to belong to Argentina, and of causing serious harm to the marine environment.

In support of that characterization, the United Kingdom relied on a selective reading of statements by senior members of the Argentine Government. Mr Wordsworth referred to President Milei's address to the General Assembly.[79] He did not mention that, on the same occasion, and in response to the progress of the so-called Sea Lion project in the North Malvinas Basin, President Milei also stated that Argentina would have recourse to the legal mechanisms available to it to ensure "a peaceful, practical and effective defense" of its rights. That is precisely what Argentina is doing before this Tribunal. If either Party is seeking to consolidate its position on sovereignty through unilateral conduct, it is the United Kingdom, through the very hydrocarbon activities that Argentina asks the Tribunal to suspend.

Ms Reeves also referred to Security Council resolution 502, adopted on 3 April 1982.[80] She failed to mention that, in its third operative paragraph, the Council called on the Governments of Argentina and the United Kingdom "to seek a diplomatic solution to their differences and to respect fully the purposes and principles of the Charter of the United Nations". The resolution did not purport to determine sovereignty over the Islands. Nor did it displace the established United Nations framework calling for a peaceful settlement of the sovereignty dispute. Nor did she mention that, seven months later, on 4 November 1982, the General Assembly adopted resolution 37/9, on the Question of the Malvinas Islands. In that resolution, the Assembly requested the two Governments to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute and requested the Secretary-General to undertake a renewed mission of good offices to assist the parties in complying with that request.

Mr President, members of the Tribunal, the Argentine Republic reaffirms before you its firm willingness to resume bilateral negotiations with the United Kingdom, in accordance with the relevant resolutions of the General Assembly, with a view to settling all aspects of the dispute. Pending that settlement, Argentina stands ready to enter into provisional arrangements of a practical nature.

[78] ITLOS/PV.27/C37/2, p. 7, lines 26-28 (Ms Reeves), and p. 21, lines 34-42 (Mr Wordsworth) and, lines 10-13 (Mr Wordsworth).
[79] ITLOS/PV.27/C37/2, p. 21, lines 14-28 (Mr Wordsworth).
[80] ITLOS/PV.27/C37/2, p. 4, lines 15-19 (Ms Revees).

Mr President, in accordance with article 75(2) of the Rules of the Tribunal, I shall now read the final submissions of the Argentine Republic.

On the basis of the facts and the law set out in its request for the prescription of provisional measures and in its oral pleadings, the Argentine Republic respectfully requests the Tribunal, pending the constitution of the arbitral tribunal under Annex VII to the Convention, to prescribe the following provisional measures:

(a) the United Kingdom shall take all necessary measures to ensure that no new drilling for exploitation, and no installation of production infrastructure, takes place in the North Malvinas Basin in connection with the project known as “Sea Lion”, whether carried out by the United Kingdom or by any natural or juridical person under its jurisdiction or control;

(b) the United Kingdom refrain from using the information obtained in the exploration of the natural resources of the disputed maritime areas to the detriment of the rights of the Argentine Republic;

(c) the United Kingdom cease preventing the Argentine Republic from complying with its obligation under Articles 192 and 194 of UNCLOS to protect and preserve the marine environment of the maritime areas subject to dispute; and

(d) the United Kingdom refrain from taking any other measure that might aggravate the dispute, in particular the granting of new authorizations for the exploitation of the resources of the disputed continental shelf.

A copy of the written text of these submissions, signed by me as Agent, shall be communicated to the Tribunal.

Mr President, before concluding, allow me, on behalf of the Argentine delegation, to thank you and the members of the Tribunal for your attention and courtesy throughout this hearing. Our thanks also go to the Registrar and to the staff of the Registry, to the interpreters and to the verbatim reporters for their excellent work. I would also like to thank the Agent, counsel and members of the delegation of the United Kingdom.

Mr President, members of the Tribunal, this concludes the oral pleadings of the Argentine Republic.

THE PRESIDENT: I thank Mr Oyarzábal. Thank you very much.

This concludes the second round of the oral arguments of Argentina, as well as this morning’s sitting. The hearing will resume at 5.30 p.m. today for the second round of oral arguments of the United Kingdom.

This sitting is closed.

(Lunch adjournment)