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INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
TRIBUNAL INTERNATIONAL DU DROIT DE LA MER

Press Release

TRIBUNAL RENDERS ITS ORDER IN THE *CASE CONCERNING HYDROCARBON EXPLOITATION IN THE SOUTH-WEST ATLANTIC OCEAN (ARGENTINA* V. *UNITED KINGDOM), PROVISIONAL MEASURES*

The International Tribunal for the Law of the Sea delivered its Order in the *Case concerning hydrocarbon exploitation in the South-West Atlantic Ocean (Argentina* v. *United Kingdom), Provisional Measures* on Saturday, 28 November 2026.

History of proceedings and factual background

On 28 September 2026, Argentina instituted arbitral proceedings under Annex VII to the United Nations Convention on the Law of the Sea ("the Convention" or "UNCLOS") against the United Kingdom in a "dispute concerning the exploitation of hydrocarbon resources in the South-West Atlantic Ocean".

On 13 October 2026, Argentina submitted a request to the Tribunal for the prescription of provisional measures against the United Kingdom under article 290, paragraph 5, of the Convention. In accordance with that provision, pending the constitution of an arbitral tribunal, the Tribunal may prescribe provisional measures if it considers that *prima facie* the tribunal which is to be constituted would have jurisdiction and that the urgency of the situation so requires.

The factual background may be summarized as follows: The "Sea Lion" Project is a project for hydrocarbon exploitation in the "Sea Lion" field. It is operated by Navitas Petroleum Development and Production Ltd ("Navitas"), which holds a 65 per cent ownership stake in the project. Its partner, Rockhopper Exploration Plc ("Rockhopper"), holds the remaining 35 per cent. The "Sea Lion" field is a reservoir located within 200 nautical miles north of the group of islands referred to by Argentina as "Malvinas Islands" and by the United Kingdom as "Falkland Islands" ("the Falkland Islands (Malvinas)"). On 10 December 2025, Rockhopper and Navitas announced that they had taken a "Final Investment Decision" on the "Sea Lion" Project. Rockhopper indicated that "[t]he Falkland Islands Government … has approved the field development and production programme for Phases 1 & 2 of the Northern Development Area within the Sea Lion field". On 24 August 2026, Rockhopper and Navitas reported that "[d]evelopment works in the Falkland Islands are progressing to plan and … are focused on … carrying out additional infrastructure works in preparation for … commencement of drilling in early 2027", and that phase 1 of the Northern Development Area "remains on track for first oil in Q1 2028".

The Tribunal held public sittings on 10 and 11 November 2026. In its final submissions, made on 11 November 2026, Argentina requested the Tribunal 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.

On 11 November 2026, in its final submissions, the United Kingdom invited the Tribunal "to reject all the requests by the Argentine Republic for the prescription of provisional measures."

The Tribunal's Order of 28 November 2026

I. *Prima facie* jurisdiction

The Tribunal recalls that it "may prescribe provisional measures under article 290, paragraph 5, of the Convention only if the provisions invoked by the Applicant *prima facie* appear to afford a basis on which the jurisdiction of the Annex VII arbitral tribunal could be founded, but it need not definitively satisfy itself that the Annex VII arbitral tribunal has jurisdiction over the dispute submitted to it" (paragraph 48 of the Order).

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

The Tribunal addresses the question whether the dispute submitted to the Annex VII arbitral tribunal is a "dispute concerning the interpretation or application of [the] Convention" as referred to in articles 286 and 287 of the Convention invoked by Argentina.

Argentina maintains that "[t]he present dispute between Argentina and the United Kingdom concerns the interpretation and application of UNCLOS", because it engages, in particular, "(a) the rights of the coastal State to the natural resources of its maritime areas; (b) the rights and obligations of States Parties to UNCLOS in the

event of a dispute relating to those maritime areas, pending its settlement and in the context of the United Nations' decolonization process; (c) the rights and obligations of States Parties to UNCLOS with respect to the protection of the marine environment of the disputed maritime area; and (d) the UNCLOS and general international law obligation to settle disputes by peaceful means and in good faith" (paragraph 50 of the Order). It clarifies that it "has **not** requested the Arbitral Tribunal to settle the territorial sovereignty dispute" (paragraph 52 of the Order).

The United Kingdom argues that Argentina has submitted "a dispute which concerns Argentina's claim to land sovereignty" (paragraph 54 of the Order). In its view, "jurisdiction under article 288(1) [of the Convention] does not extend to the determination of longstanding disputes over land sovereignty" (paragraph 55 of the Order). In particular, the United Kingdom states that the Convention "provides no rules on identification of the coastal State in cases where sovereignty over the land territory fronting a coast is disputed. This would involve the application of rules of international law lying entirely outside the law of the sea" (paragraph 55 of the Order).

Noting the disagreement of the Parties, the Tribunal observes that it "has to determine whether, on the date of the institution of arbitral proceedings, a dispute appears to have existed between the Parties and, if so, whether such dispute concerns the interpretation or application of the Convention" (paragraph 59 of the Order). Recalling relevant jurisprudence, the Tribunal considers that "a dispute, which requires the determination of a question of territorial sovereignty, may not be regarded as a dispute concerning the interpretation or application of the Convention under article 288, paragraph 1, of the Convention" (paragraph 60 of the Order).

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

First claim

The Tribunal notes that, "in its first claim, Argentina alleges that the United Kingdom has violated 'the international obligation to respect the sovereignty and sovereign rights of the Argentine Republic over the maritime areas, in accordance with articles 2, 56 and 77 of UNCLOS'" (paragraph 79 of the Order). The Tribunal considers that "the adjudication of the first claim of Argentina requires the identification of the coastal State that has sovereignty over the Falkland Islands (Malvinas),and presupposes the determination of a question of territorial sovereignty" (paragraph 79 of the Order). The Tribunal observes that, "[i]n order to make such a determination, the Annex VII arbitral tribunal would be required to interpret and apply not the Convention but other rules of international law" (paragraph 79 of the Order). In the Tribunal's view, "a dispute requiring the determination of a question of territorial sovereignty may not be regarded as a dispute concerning the interpretation or application of the Convention under article 288, paragraph 1, of the Convention" (paragraph 79 of the Order). Thus, "in respect of Argentina's first claim, the Tribunal is of the view that articles 2, 56 and 77 of the Convention invoked by Argentina do not

appear *prima facie* to afford a basis for the Annex VII arbitral tribunal's jurisdiction" (paragraph 80 of the Order).

Second claim

The Tribunal turns to the second claim, in which Argentina alleges that the United Kingdom has violated "the obligation to refrain from taking unilateral measures of exploration and exploitation of the natural resources of maritime areas subject to an international dispute between the two States within the framework of the decolonization process governed by the United Nations" (paragraph 98 of the Order). The Tribunal notes that the second claim "asserts rights to the exploration and exploitation of the natural resources in the 'disputed maritime areas'" and that it "is based on, *inter alia*, articles 74, paragraph 3, and 83, paragraph 3, of the Convention, in conjunction with Resolution III" (paragraph 99 of the Order). The Tribunal "is not persuaded that articles 74, paragraph 3, and 83, paragraph 3, of the Convention, even when read in conjunction with Resolution III or any provisions of the Convention, are relevant in the present case since they concern the conduct of States pending delimitation of maritime areas in which their entitlements overlap" (paragraph 100 of the Order). The Tribunal is further of the view that, "although Argentina's second claim is formulated differently from the first one, the adjudication of this second claim also requires the identification of the coastal State that has sovereignty over the Falkland Islands (Malvinas) and presupposes the determination of a question of territorial sovereignty" (paragraph 101 of the Order). The Tribunal thus considers that its reasoning in relation to the first claim "is equally applicable to the second claim" (paragraph 101 of the Order). Consequently, "with respect to Argentina's second claim, the Tribunal is of the view that the provisions of the Convention invoked by Argentina, even when read together with Resolution III, do not appear *prima facie* to afford a basis for the Annex VII arbitral tribunal's jurisdiction" (paragraph 104 of the Order).

Third claim

The Tribunal then analyses "the provisions explicitly invoked by Argentina in its third claim, namely, articles 192 and 194 of the Convention", while observing that Argentina, "in the course of the oral proceedings, refers to several additional provisions of the Convention, in particular, articles 199, 204, 205 and 206" (paragraph 105 of the Order). The Tribunal recalls that "Argentina's third claim alleges that, by 'unilaterally authorizing the exploration and exploitation of natural resources', the United Kingdom 'is in breach of the obligations set forth in Part XII of UNCLOS by preventing the Argentine Republic from fulfilling its obligations to protect and preserve the marine environment under Articles 192 and 194 of that Convention with respect to the disputed maritime areas'" (paragraph 113 of the Order). It notes that, "under Part XII of the Convention, all States have the obligation to protect and preserve the marine environment" (paragraph 114 of the Order). The Tribunal observes, however, "that Argentina's third claim is of a different nature, as it concerns the United Kingdom's alleged breach of the obligations under Part XII only to the extent that this breach prevents Argentina from fulfilling its *own* obligations under articles 192 and 194 of the Convention" (paragraph 114 of the Order). The Tribunal adds that "Argentina does not claim that it is being prevented from fulfilling its obligations under articles 192 and 194

of the Convention in all of its maritime zones but solely in the 'disputed maritime areas'" (paragraph 115 of the Order). In the Tribunal's view, the determination whether the United Kingdom's conduct "has interfered with the exercise of Argentina's own obligations in the 'disputed maritime areas' would require the Annex VII arbitral tribunal to first decide which Party has jurisdiction to discharge obligations of the coastal State to protect and preserve the marine environment in those areas" (paragraph 116 of the Order). As the Tribunal points out, "[s]uch a determination would necessarily entail a decision on sovereignty over the Falkland Islands (Malvinas), which is beyond the scope of interpretation or application of the Convention" (paragraph 116 of the Order). The Tribunal adds that Argentina's claims that are based on articles 199 and 204 to 206 of the Convention are subject to the same ramifications (paragraph 117 of the Order). Therefore, "with respect to the third claim, as formulated, the Tribunal is of the view that the provisions invoked by Argentina in its third claim and in support of that claim do not appear *prima facie* to afford a basis for the Annex VII arbitral tribunal's jurisdiction" (paragraph 118 of the Order).

Fourth claim

The Tribunal then turns to the fourth claim put forward by Argentina (paragraph 119 of the Order). In that regard, the Tribunal is of the view that, "as expressed by the Annex VII arbitral tribunal in the *Coastal State Rights* case, 'neither Article 279 of the Convention, nor the general obligation to refrain from aggravating a dispute, can itself serve as the sole and independent basis or "docking point"' for a claim advanced by an applicant State" (paragraph 126 of the Order). The Tribunal observes that, in its fourth claim, Argentina also invokes article 300 of the Convention in relation to the performance of that obligation in good faith. The Tribunal considers, however, that "it is apparent from the language of article 300 of the Convention that article 300 cannot be invoked on its own" but that "[i]t becomes relevant only when 'the rights, jurisdiction and freedoms recognised' in the Convention are exercised in an abusive manner" (paragraph 127 of the Order). Consequently, "in respect of Argentina's fourth claim, the Tribunal is of the view that articles 279 and 300 of the Convention invoked by Argentina do not appear *prima facie* to afford a self-standing basis for the Annex VII arbitral tribunal's jurisdiction" (paragraph 128 of the Order).

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

The Tribunal takes note of the statement of the United Kingdom during the hearing that its "Agent has confirmed to the Tribunal that extraction will not commence before March 2028; and indeed drilling will not commence before 21 March 2027", as well as of the United Kingdom's statement that "[n]o further licenses will be granted as the licensing regime is suspended". The Tribunal "places these assurances on record" (paragraph 130 of the Order). The Tribunal further "encourages the Parties to continue

cooperating in the swift establishment of the Annex VII arbitral tribunal, mindful of article 3 of Annex VII to the Convention" (paragraph 131 of the Order). The Tribunal also "emphasizes that the Convention is applicable in the maritime areas in dispute and expects that the Parties will act accordingly" (paragraph 132 of the Order).

II. Operative provision (paragraph 134 of the Order)

For these reasons,

THE TRIBUNAL,

By 18 votes to 3,

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

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

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

Judge Brown appends a declaration to the Order of the Tribunal. Judge Marciniak appends a declaration to the Order of the Tribunal. Judge Infante Caffi appends a separate opinion to the Order of the Tribunal. Judge Keh Kamara appends a separate opinion to the Order of the Tribunal. Judges Adusu and Nguyen append a joint separate opinion to the Order of the Tribunal. Judge Bandeira Galindo appends a separate opinion to the Order of the Tribunal. Judge Horinouchi and Judge *ad hoc* Vinuesa append a joint dissenting opinion to the Order of the Tribunal. Judge Patel appends a dissenting opinion to the Order of the Tribunal.

The text of the Order, the declarations and opinions as well as a recorded webcast of the reading are available on the website of the Tribunal.

Note: The press releases of the Tribunal do not constitute official documents and are issued for information purposes only.

The press releases of the Tribunal, documents and other information are available on the Tribunal's website (http://www.itlos.org and http://www.tidm.org) and from the Registry of the Tribunal. Please contact Ms Julia Ritter or Mr Yuhao Tang at: Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227/181; E-mail: press@itlos.org