



## PCA PRESS RELEASE

### ARBITRATION BETWEEN THE ARGENTINE REPUBLIC AND THE REPUBLIC OF GHANA

#### THE *ARA LIBERTAD* ARBITRATION (ARGENTINA V GHANA)

THE HAGUE, 27 SEPTEMBER 2013

#### Argentina and Ghana conclude Agreement in the matter of the *ARA Libertad* Arbitration

The Argentine Republic and the Republic of Ghana, the Parties in the *ARA Libertad Arbitration*, have concluded an **Agreement** in relation to their dispute. Delegations from both States met to formalize their Agreement at an official signing ceremony at the Peace Palace in The Hague, the Netherlands, on Friday, 27 September 2013. In addition to the Parties' delegations, the ceremony was attended by H.E. Judge Bruno Simma, the President of the Arbitral Tribunal in this matter, and representatives of the Permanent Court of Arbitration.

The arbitration, which was initiated by Argentina pursuant to Annex VII to the United Nations Convention on the Law of the Sea (the "Convention"), concerned the detention and court measures adopted by Ghana against the Argentine frigate *ARA Libertad* in the Port of Tema, Ghana, in October 2012. As noted in the Agreement, "[o]n June 20, 2013 the Supreme Court of Ghana delivered a judgment which sets out the Ghanaian law with regard to the arrest of warships and which upholds the customary international law position on the immunity of warships." The Parties agreed that this, and other measures taken by Ghana, "constitute sufficient satisfaction to discharge any injury occasioned by the injunction measure over the Argentine warship – frigate *ARA Libertad*". The Parties have requested that the Arbitral Tribunal "issue an order for the termination of the arbitral proceedings."

The Arbitral Tribunal will issue a formal **Termination Order** in due course. A copy of the Agreement between Argentina and Ghana, as well as the statements made by the Agents of the Parties and the President of the Arbitral Tribunal, video footage and photographs of the ceremony, and prior documents relating to this arbitration may be found on the website of the Permanent Court of Arbitration at <[http://www.pca-cpa.org/showpage.asp?pag\\_id=1526](http://www.pca-cpa.org/showpage.asp?pag_id=1526)>.

**Background to the arbitration:** This arbitration was commenced by Argentina on 29 October 2012 and notified to Ghana on the 30<sup>th</sup> of the same month pursuant to Article 287 of the Convention and Article 1 of Annex VII to the Convention.

In conjunction with its Notification, pursuant to Article 290(5) of the Convention, Argentina made a request to the International Tribunal for the Law of the Sea ("ITLOS") for provisional measures, in particular, for an order for the release of the frigate *ARA Libertad* from the port of Tema. Accordingly, ITLOS convened a hearing on 29 and 30 November 2012 in Hamburg, Germany. On 15 December 2012, ITLOS issued an Order in which it directed, "pending a decision by the Annex VII arbitral tribunal," that Ghana "forthwith and unconditionally release the frigate *ARA Libertad*" and enable the frigate and its crew to be resupplied and to leave the Port of Tema. The *ARA Libertad* subsequently left the port of Tema on 19 December 2012.

The text of this Order and other materials relating to the ITLOS proceedings are available at <<http://www.itlos.org/index.php?id=222&L=0>>.

The Arbitral Tribunal in this matter was constituted on 4 February 2013 and is composed of H.E. Judge Bruno Simma (President), H.E. Judge Awn Shawkat Al-Khasawneh, Judge Elsa Kelly, Judge Thomas A. Mensah, and Professor Bernard H. Oxman. Prior to the conclusion of the Parties' Agreement, the Arbitral Tribunal had convened a procedural meeting with the Parties at the Peace Palace on 21 May 2013, adopted Rules of Procedure, and established the Procedural Timetable for the proceedings. The Permanent Court of Arbitration acts as Registry in the arbitration.

**The Permanent Court of Arbitration:** The Permanent Court of Arbitration ("PCA") is an intergovernmental organization established by the 1899 Hague Convention on the Pacific Settlement of International Disputes. Headquartered at the Peace Palace in The Hague, the Netherlands, the PCA facilitates arbitration, conciliation, fact-finding and other dispute resolution proceedings among various combinations of States, State entities, intergovernmental organizations, and private parties.

Contact: Permanent Court of Arbitration  
E-mail: [bureau@pca-cpa.org](mailto:bureau@pca-cpa.org)