



of the Convention had existed between the Parties at the time of the filing of the Application in November 2010 and that, therefore, it had no jurisdiction *ratione materiae* to entertain the case before it.

3. *Case No. 20.* On 30 October 2012, Argentina sent to Ghana a notification instituting arbitral proceedings in a dispute between them concerning the detention in the port of Tema (Ghana) of the frigate “ARA Libertad”, a ship of the Argentine Navy. In the said notification, Argentina requested Ghana, as a provisional measure, to release the ship from detention. On 14 November 2012, pending the constitution of the arbitral tribunal, Argentina instituted provisional measures proceedings before the International Tribunal for the Law of the Sea, pursuant to article 290, paragraph 5, of the United Nations Convention on the Law of the Sea. As a provisional measure, Argentina requested the Tribunal to order Ghana to enable the Argentine warship Frigate ARA Libertad to leave the Tema port and the jurisdictional waters of Ghana. The Tribunal delivered its Order on 15 December 2012. In its Order, the Tribunal observed that, *“in accordance with general international law, a warship enjoys immunity”* (paragraph 95) and that *“any act which prevents by force a warship from discharging its mission and duties is a source of conflict that may endanger friendly relations among States”* (paragraph 97). It then concluded that *“under the circumstances of the present case, pursuant to article 290, paragraph 5, of the Convention, the urgency of the situation requires the prescription by the Tribunal of provisional measures and prescribed, as a provisional measure, that Ghana should forthwith and unconditionally release the frigate ARA Libertad.*

4. *Case No.19*