

Reference: C.N.78.2016.TREATIES-XXI.7 (Depositary Notification)

AGREEMENT FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA OF 10
DECEMBER 1982 RELATING TO THE CONSERVATION AND
MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY
MIGRATORY FISH STOCKS
NEW YORK, 4 AUGUST 1995

CHILE: ACCESSION

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 11 February 2016, with:

Declaration (Translation) (Original: Spanish)

The Republic of Chile declares that the provisions of the 1995 Agreement must be implemented and interpreted in accordance with the provisions of the United Nations Convention on the Law of the Sea of 1982. Therefore, the Republic of Chile understands that the Agreement does not affect the sovereign rights, jurisdiction and competences of coastal States in conformity with the Convention.

In the interests of the protection, conservation and sustainable use of the ocean and its resources, and in particular, the competences, sovereign rights and jurisdiction of States in the exclusive economic zone and continental shelf, and the law applicable on the high seas, the Republic of Chile considers that the general principles and the ecosystem and precautionary approaches under articles 5 and 6 of the Agreement are crucial to the management of fishing activities carried out in maritime areas for the sustainability of activities and the comprehensive protection of the marine environment.

In conformity with international law and States' sovereignty over ports in their territory, the Republic of Chile understands that the rights of the port State, under article 23 of the Agreement, do not prevent the port State from taking stricter measures than those provided for in the Agreement, in accordance with international law.

With regard to articles 21 and 22 of the Agreement, the Republic of Chile understands that these rules contain useful mechanisms to prevent, deter and eliminate illegal, unreported and unregulated fishing, and that regional fisheries organizations and arrangements should adopt procedures for boarding and inspection consistent with the rules of the Agreement. Inspections conducted in accordance with this Agreement must be carried out taking into account all necessary steps to ensure

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the safety of the crew and inspectors. The use of force provided for in article 22 (1) (f) of the Agreement is an exceptional measure that must conform to the principle of proportionality. Any disputes arising in the implementation of that rule should be settled by the appropriate peaceful means.

Under article 42 of the Agreement, no reservations or exceptions may be made thereto. Therefore, declarations made by States parties in conformity with article 43 may not exclude or modify the legal effect of the provisions of the Agreement in their application to the State that made such a declaration. The Republic of Chile declares that it shall neither take into account nor be bound in any way by the declarations of third States in connection with the present Agreement, or by the declarations made by States parties to the Agreement, invoking article 43, that exclude or modify the effects of its rules.

Likewise, the Republic of Chile reserves the right to adopt a formal position, at any time, vis-à-vis any declaration that might be made or that has been made by a third State or a State party in relation to matters governed by the Agreement. Not taking a position or not responding to a declaration by such States shall not be interpreted or invoked as tacit consent or endorsement of said declaration.

For the purposes of the Agreement, the Republic of Chile reaffirms the declaration it made upon ratification of the United Nations Convention on the Law of the Sea of 1982 with regard to part XV of the Convention on the settlement of disputes. The Republic of Chile reiterates that:

(a) In accordance with article 287 of the Convention, it accepts, in order of preference, the following means for the settlement of disputes concerning the interpretation or application of the Agreement:

(i) The International Tribunal for the Law of the Sea established in accordance with annex VI of the Convention;

(ii) A special arbitral tribunal, established in accordance with annex VIII of the Convention, for the categories of disputes specified therein relating to fisheries, protection and preservation of the marine environment, and marine scientific research and navigation, including pollution from vessels and by dumping.

(b) In accordance with articles 280 to 282 of the Convention, the choice of means for the settlement of disputes indicated in the preceding paragraph shall in no way affect the obligations deriving from the general, regional or bilateral agreements to which the Republic of Chile is a party concerning the peaceful settlement of disputes or containing provisions for the settlement of disputes.

(c) In accordance with article 298 of the Convention, Chile declares that it does not accept any of the procedures provided for in part XV, section 2, with respect to the disputes referred to in article 298, paragraph 1 (a), (b) and (c) of the Convention.

The Agreement will enter into force for Chile on 12 March 2016 in accordance with its article 40 (2) which reads as follows:

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“For each State or entity which ratifies the Agreement or accedes thereto after the deposit of the thirtieth instrument of ratification or accession, this Agreement shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession.”

4 March 2016

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

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