

Reference: C.N.73.2024.TREATIES-XXI.10 (Depositary Notification)

AGREEMENT UNDER THE UNITED NATIONS CONVENTION ON THE LAW
OF THE SEA ON THE CONSERVATION AND SUSTAINABLE USE OF
MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL
JURISDICTION

NEW YORK, 19 JUNE 2023

CHILE: RATIFICATION

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

The above action was effected on 20 February 2024, with:

Declarations (Translation) (Original: Spanish)

The Republic of Chile declares that the provisions of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction shall be applied 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 is without prejudice to the sovereign rights, jurisdiction and powers of coastal States under the Convention.

For the purposes of the relationship between the Agreement and the Convention and other relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, the Republic of Chile declares that the Agreement shall in no case undermine those legal instruments and frameworks, or said bodies, and that it shall pursue coherence and coordination with those instruments, legal frameworks and bodies, on the basis of a collaborative and non-prescriptive approach. The Republic of Chile therefore considers that an interpretation and application that does not undermine relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, neither the establishment of general principles and approaches nor the strengthening and promotion of international cooperation, as provided for in articles 5, 6, 7 and 8 of the Agreement, is essential to guiding the relationship between the Agreement and those instruments, legal frameworks and bodies.

Chile declares that the Agreement shall in no way undermine the legal regimes to which Chile is a party, such as, among others, the Antarctic Treaty and its related instruments in force (the Convention on the Conservation of Antarctic Marine Living Resources, the Convention for the Conservation of Antarctic Seals, and the Protocol on Environmental Protection to the Antarctic Treaty and its annexes), the South Pacific Regional Fisheries Management Organisation, the International Seabed Authority and the International Maritime Organization.

Pursuant to article 70 of the Agreement, no reservations or exceptions may be made to this Agreement. Therefore, declarations made by the parties in accordance with article 71 must not exclude or modify the legal effect of the provisions of the Agreement in respect of the party making such a

declaration. The Republic of Chile declares that it shall not take into account or be bound in any way by declarations made regarding the Agreement by non-parties, or by declarations made by parties to the Agreement invoking article 70 which exclude or modify the effect of the provisions of the Agreement. The Republic of Chile also reserves the right to adopt a formal position, at any time, on any declaration that may be made, or that has been made, by a non-party or by a party in relation to matters governed by the Agreement. Not adopting a position or not responding to a declaration by such States shall not be interpreted or invoked as tacit consent or approval of that 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 aforementioned 1982 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, paragraphs 1 (a), (b) and (c), of the Convention.

20 February 2024

A handwritten signature in black ink, consisting of stylized letters 'DN' with a horizontal line underneath.