

**10. 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

NOT YET IN FORCE: in accordance with article 68(1) which reads as follows: "This Agreement shall enter into force 120 days after the date of deposit of the sixtieth instrument of ratification, approval, acceptance or accession".

STATUS: Signatories: 89. Parties: 4.

TEXT: -

Note: The Agreement was adopted in New York on 19 June 2023 during the further resumed fifth session of the Intergovernmental conference on an international legally binding instrument 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. The Agreement shall be open for signature in New York on 20 September 2023 and shall remain open for signature until 20 September 2025.

C.N.203.2023.TREATIES-XXI.10 of 20 July 2023 (Opening for Signature).

| <i>Participant</i> | <i>Signature</i> | <i>Ratification, Accession(a), Acceptance(A), Approval(AA)</i> | <i>Participant</i> | <i>Signature</i> | <i>Ratification, Accession(a), Acceptance(A), Approval(AA)</i> |
|--|------------------|--|--|------------------|--|
| Antigua and Barbuda..... | 20 Sep 2023 | | Dominican Republic | 20 Sep 2023 | |
| Australia..... | 20 Sep 2023 | | Ecuador | 21 Sep 2023 | |
| Austria | 20 Sep 2023 | | Estonia | 20 Sep 2023 | |
| Bahamas..... | 12 Apr 2024 | | European Union..... | 20 Sep 2023 | |
| Bangladesh..... | 20 Sep 2023 | | Fiji | 20 Sep 2023 | |
| Belgium | 20 Sep 2023 | | Finland | 20 Sep 2023 | |
| Belize..... | 22 Sep 2023 | 8 Apr 2024 | France | 20 Sep 2023 | |
| Bolivia (Plurinational State of)..... | 20 Sep 2023 | | Gabon..... | 20 Sep 2023 | |
| Brazil | 21 Sep 2023 | | Germany | 20 Sep 2023 | |
| Bulgaria | 20 Sep 2023 | | Ghana..... | 20 Sep 2023 | |
| Cabo Verde | 20 Sep 2023 | | Greece..... | 21 Sep 2023 | |
| Canada | 4 Mar 2024 | | Honduras..... | 20 Sep 2023 | |
| Chile..... | 20 Sep 2023 | 20 Feb 2024 | Hungary | 21 Sep 2023 | |
| China..... | 20 Sep 2023 | | Iceland | 20 Sep 2023 | |
| Colombia | 20 Sep 2023 | | Indonesia..... | 20 Sep 2023 | |
| Congo..... | 20 Sep 2023 | | Ireland..... | 20 Sep 2023 | |
| Cook Islands | 22 Sep 2023 | | Italy | 22 Sep 2023 | |
| Costa Rica..... | 20 Sep 2023 | | Lao People's Democratic Republic | 20 Sep 2023 | |
| Croatia | 20 Sep 2023 | | Latvia..... | 20 Sep 2023 | |
| Cuba..... | 20 Sep 2023 | | Lithuania | 20 Sep 2023 | |
| Cyprus..... | 20 Sep 2023 | | Luxembourg..... | 20 Sep 2023 | |
| Czech Republic..... | 29 Sep 2023 | | Malawi | 20 Sep 2023 | |
| Denmark | 20 Sep 2023 | | Malta..... | 20 Sep 2023 | |
| Dominica | 21 Sep 2023 | | | | |

| <i>Participant</i> | <i>Signature</i> | <i>Ratification, Accession(a), Acceptance(A), Approval(AA)</i> | <i>Participant</i> | <i>Signature</i> | <i>Ratification, Accession(a), Acceptance(A), Approval(AA)</i> |
|---|------------------|--|---|------------------|--|
| Marshall Islands..... | 20 Sep | 2023 | Singapore | 20 Sep | 2023 |
| Mauritania..... | 22 Sep | 2023 | Slovakia | 20 Sep | 2023 |
| Mauritius..... | 20 Sep | 2023 | Slovenia | 20 Sep | 2023 |
| Mexico | 20 Sep | 2023 | Solomon Islands | 20 Sep | 2023 |
| Micronesia (Federated States of) | 20 Sep | 2023 | Spain | 20 Sep | 2023 |
| Monaco | 20 Sep | 2023 | St. Lucia..... | 20 Sep | 2023 |
| Morocco..... | 21 Sep | 2023 | St. Vincent and the Grenadines | 20 Sep | 2023 |
| Nauru | 22 Sep | 2023 | State of Palestine | 20 Sep | 2023 |
| Nepal..... | 20 Sep | 2023 | Sweden..... | 20 Sep | 2023 |
| Netherlands (Kingdom of the)..... | 20 Sep | 2023 | Timor-Leste | 20 Sep | 2023 |
| New Zealand..... | 20 Sep | 2023 | Togo..... | 22 Sep | 2023 |
| Norway | 20 Sep | 2023 | Tonga..... | 26 Jan | 2024 |
| Palau | 20 Sep | 2023 | Tuvalu..... | 20 Sep | 2023 |
| Panama..... | 20 Sep | 2023 | 22 Jan | 2024 | |
| Philippines | 20 Sep | 2023 | United Kingdom of Great Britain and Northern Ireland..... | 20 Sep | 2023 |
| Poland | 21 Sep | 2023 | United Republic of Tanzania..... | 20 Sep | 2023 |
| Portugal..... | 20 Sep | 2023 | United States of America..... | 20 Sep | 2023 |
| Republic of Korea..... | 31 Oct | 2023 | Uruguay | 29 Jan | 2024 |
| Romania..... | 20 Sep | 2023 | Vanuatu..... | 30 Nov | 2023 |
| Samoa | 20 Sep | 2023 | Viet Nam..... | 20 Sep | 2023 |
| Seychelles | 20 Sep | 2023 | 13 Apr | 2024 | |
| Sierra Leone..... | 20 Sep | 2023 | Zambia | 13 Feb | 2024 |

Declarations

(Unless otherwise indicated, the declarations were made upon ratification, accession or succession.)

CHILE

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.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

“In signing the Agreement, the Government of the United Kingdom of Great Britain and Northern Ireland (the “United Kingdom”) recalls Article 71 of the Agreement and has the honour to convey the following declarations:

1. The United Kingdom welcomes the general obligation to interpret and apply the BBNJ Agreement in a manner that promotes coherence and coordination with and that does not undermine other relevant instruments, frameworks and global, regional, subregional and sectoral bodies. In this context, the United Kingdom notes that the Antarctic Treaty system comprehensively addresses the legal, political and environmental considerations unique to that region and provides a comprehensive framework for the international management of the Antarctic.

2. The United Kingdom notes references in paragraph 8 of the Preamble to “the existing rights of Indigenous Peoples, including as set out in the United Nations Declaration on the Rights of Indigenous Peoples, or of, as appropriate, local communities,” and in Article

7(k) to “the rights of Indigenous Peoples or of, as appropriate, local communities”. The United Kingdom’s long-standing and well-established position, set out in its annual explanation of position at the UN General Assembly on the rights of indigenous people, is that human rights are held exclusively by individuals. With the exception of the right of self-determination (Common Article 1 of the two International Human Rights Covenants), the United Kingdom does not recognise collective human rights in international law. The United Kingdom consider this important in ensuring that individuals within groups are not left vulnerable or unprotected by allowing the rights of the groups to supersede the human rights of the individual. The United Kingdom therefore understands any internationally-agreed reference to the rights of indigenous peoples or local communities, including those in the UN

Declaration on the Rights of Indigenous Peoples and, in the Agreement signed today, to refer to those rights bestowed by governments at the national level. The United Kingdom further understands the term “local communities” to be used consistently with the way it is used in the Convention on Biological Diversity.”

