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".


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.


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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, 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 declaration.
of Micronesia, as established and notified to the 
proclaims that the maritime zones of the Federated States 
with the Secretary-General of the United Nations; and 
charts or lists of geographical coordinates once deposited 
no affirmative obligation to keep baselines and outer 
States of Micronesia affirms that the Convention imposes 
high seas and the Area, the Government of the Federated 
Agreement and acknowledging that the Agreement 
particulars as reflected in the United Nations Convention 
rights and entitlements under international law, 
Micronesia declares that its ratification of the Agreement 
paragraphs 1 (a), (b) and (c), of the Convention. 
Convention, Chile declares that it does not accept any of 
disputes; 
region or bilateral agreements to which the Republic of 
that may be made, or that has been made, by a non-party 
by a party in relation to matters governed by the 
. 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 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. 

MICRONESIA (FEDERATED STATES OF) 
“The Government of the Federated States of Micronesia 
declares that its ratification of the Agreement shall 
in no way constitute a renunciation of any of its 
rights and entitlements under international law, 
particularly as reflected in the United Nations Convention 
In this connection, recognizing that areas beyond 
national jurisdiction are the scope of application of the 
Agreement and acknowledging that the Agreement 
defines areas beyond national jurisdiction to comprise the 
high seas and the Area, the Government of the Federated 
States of Micronesia affirms that the Convention imposes 
no affirmative obligation to keep baselines and outer 
limits of maritime zones under review nor to update 
charts or lists of geographical coordinates once deposited 
with the Secretary-General of the United Nations; and 
proclaims that the maritime zones of the Federated States 
of Micronesia, as established and notified to the 
Secretary-General of the United Nations in accordance 
with the Convention, and the rights and entitlements that 
flow from them, shall continue to apply, without 
reduction, notwithstanding any physical changes 
connected to climate change-related sea-level rise. 
The identification of areas beyond national jurisdiction 
for the purposes of interpreting and implementing the 
Agreement must therefore be fully in accordance with the 
declarations made above by the Government of the 
Federated States of Micronesia.” 

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.” 

XXI 10. LAW OF THE SEA