

Translated from Spanish

Permanent Mission of Chile to the United Nations

Note No. 93/2016

The Permanent Mission of Chile to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the fortieth session of the Commission on the Limits of the Continental Shelf, which released a summary of its work on Monday, 23 May 2016.

The Mission, while reiterating its full commitment to the provisions of the United Nations Convention on the Law of the Sea and the Antarctic Treaty System – and in particular to article IV of the Antarctic Treaty of 1959, which has made stable and peaceful cooperation on that continent possible – wishes to point out that the submission by the Argentine Republic to the Commission on the Limits of the Continental Shelf and the recommendations made concerning that submission on 11 March 2016 in no way affect the legal position of Chile, as a country with sovereignty rights in Antarctica, in respect of the extended continental shelf of the Antarctic territories.

In view of the foregoing, the Mission recalls that rule 46 of the Commission's rules of procedure, concerning submissions in case of a dispute between States with opposite or adjacent coasts or in other cases of unresolved land or maritime disputes, is applicable to the Antarctic continental shelf, as are the Commission's 2009 and 2012 decisions that it was not in a position to consider and qualify those parts of submissions that are subject to dispute (CLCS/64, paras. 76 and 77, and CLCS/76, para. 57).

In this context, the Mission deems it appropriate to recall its note verbale No. 247 of 2004, a copy of which is attached herewith, which was addressed to the missions of Argentina, Australia, France, New Zealand, Norway and the United Kingdom. That communication reflected the agreement reached on a common position regarding submissions to the Commission on the subject of the Antarctic continental shelf.

The Permanent Mission of Chile to the United Nations takes this opportunity to convey to the Secretary-General the renewed assurances of its highest consideration.

New York, 25 May 2016

Secretary-General of the United Nations

Division for Ocean Affairs and the Law of the Sea/Commission on the Limits of the Continental Shelf
New York

REPÚBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES
MISIÓN PERMANENTE ANTE LAS NACIONES UNIDAS

No. 247/2004

The Permanent Mission of Chile to the United Nations presents its compliments to the Permanent Missions of Argentina, Australia, France, New Zealand, Norway, and the United Kingdom and has the honour to confirm on the part of the Government of Chile that the text below reflects the outcome of the recent discussions among the seven States on the question of submissions to the Commission on the Limits of the Continental Shelf.

**Argentina, Australia, Chile, France, New Zealand, Norway, and the United Kingdom have considered the question of the Antarctic Continental Shelf and affirm that they will each use the following text in their respective submissions to the Commission on the Limits of the Continental Shelf with regard to the outer limits of the continental shelf appurtenant to Antarctica:*

{State X} recalls the principles and objectives shared by the Antarctic Treaty and UNCLOS, and the importance of the Antarctic system and UNCLOS working in harmony and thereby ensuring the continuing peaceful cooperation, security and stability in the Antarctic area.

{State X} notes also the relevant provisions of UNCLOS, including its article 77, which provides inter alia that the rights of the coastal State over the continental shelf do not depend on any express proclamation, and recalls the decisions of Meetings of the States Parties to UNCLOS and the rules of the Commission on the Limits of the Continental Shelf (the Commission).

{State X} has regard to the circumstances of the area south of 60 degrees South latitude and the special legal and political status of Antarctica under the provisions of the Antarctic Treaty, including its article IV, and notes that appurtenant to Antarctica there exist areas of continental shelf the extent of which has yet to be defined. It is open to the States concerned to submit information to the Commission which would not be examined by it for the time being, or to make a partial submission not including such areas of continental shelf, for which a submission may be made later, notwithstanding the provisions regarding the ten-year period established by article 4 of Annex II to UNCLOS and the subsequent decision on its application taken by the Eleventh Meeting of States Parties to UNCLOS.

Consistent with the first option, {State X} requests the Commission in accordance with its rules not to take any action for the time being with regard to the information in this submission that relates to continental shelf appurtenant to Antarctica,

or

{State X} makes a partial submission, in accordance with the Commission's rules, not including areas of continental shelf appurtenant to Antarctica, for which a

submission may be made later, notwithstanding the provisions regarding the ten-year period established by article 4 of Annex II to UNCLOS and the subsequent decision on its application taken by the Eleventh Meeting of States Parties to UNCLOS.»

Without prejudice to the above mentioned common elements, it is understood that in cases where a land or maritime dispute exists among two or more of the States named above, the Commission will be required not to consider and qualify a submission made by any of the States concerned in the dispute in so far as it relates to the areas under dispute. However, with prior consent given by all States that are parties to such a dispute, the Commission may be required to consider, in such cases, one or more submissions.

Argentina, Australia, Chile, France, New Zealand, Norway, and the United Kingdom also express their commitment to consult further with a view to reaching common positions on the content and timing of any reaction they might deem necessary with regard to any subsequent development related to submissions to the Commission with respect to continental shelf appurtenant to Antarctica.”

The Permanent Mission of Chile to the United Nations takes this opportunity to renew to the Permanent Missions of Argentina, Australia, France, New Zealand, Norway, and the United Kingdom the assurances of its highest consideration.

Permanent Mission of Chile to the United Nations
NEW YORK

22 December 2004

