

F.A. (DIMA) OF. PUB. N°

OBJ: Respond to request for information on the Cape Town Agreement.

REF: Official Letter N ° 67241 Chamber of Deputies.

SANTIAGO, November 23rd, 2020

FROM: MINISTER OF FOREIGN AFFAIRS

TO: HONORABLE DEPUTY TUCAPEL JIMÉNEZ FUENTES

1. I am pleased to address Your Honor to answer the questions indicated in your letter of reference. As Your Honor well points out, on October 21, 2019, at the Ministerial Conference of the International Maritime Organization (IMO), on the safety of fishing vessels and illegal, unreported and unregulated (IUU) fishing, Chile signed the respective declaration and pledged to adopt measures leading to the signing of the Cape Town Agreement (CTA), before October 11, 2022
2. It should be borne in mind that the CTA has as its background the Torremolinos International Convention on Safety on Fishing Vessels of 1977 and its Protocol of 1993. Although, in 1985, Chile deposited the instrument of accession to become a party of this Convention, it never entered into force because the minimum number of ratifications was not reached. Despite this, Chile incorporated the standards established by this instrument into our national legislation.
3. Since the Torremolinos Agreement did not enter into force. IMO, together with different international actors, worked on an initiative to reach a new agreement that would establish minimum standards on the safety of fishing vessels and to fight against IUU fishing. The aforementioned process ultimately led to the CTA.
4. The provisions of the CTA can be considered as more flexible than those contained in the Torremolinos Agreement. In fact, the CTA incorporates a good part of the Torremolinos articles, establishing a simplified system for its accession. Without prejudice of the previous, from a legal point of view, it (*CTA*) is a new legally binding instrument.
5. Indeed, despite the fact that this Agreement apparently reduces the scope of application, the development that the Law of the Sea has had since its negotiation (1977) has meant that its provisions cover a wider variety of aspects related to the control, at a global level, of IUU fishing. An example of this is the “Port State Measures Agreement”, negotiated in 2005 and adopted within the framework of FAO in 2009. In this regard, DIRECTEMAR is carrying out, as a first step, a legal and technical analysis to determine the legal alternatives available to be able to sign the mentioned instrument.
6. As it can be appreciated, this Chancery (*referring to the Foreign Affairs Ministry*), together with DIRECTEMAR, SUBPESCA and the relevant public agencies, is currently developing the coordinations that lead to the signing of this new Agreement. The foregoing aims to provide coherence and follow-up to Chile's Foreign Policy, supporting multilateral initiatives that seek to protect the ocean and fight against IUU fishing.

7. Once the aforementioned analysis is completed, it will be possible to advance in the mechanisms established in the same Agreement, in order to formalize the participation of Chile in this important area of our Foreign Policy.

Greetings Your Honor,


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ANDRJS ALLAMANDY
MINISTRO DE RELACIONES EXTERIORES