

## (m) Written Statement of the Republic of Chile

REPUBLICA DE CHILE  
MINISTERIO DE RELACIONES EXTERIORES

18 August, 2010

His Excellency Judge Tullio Treves  
President of the Seabed Disputes Chamber  
International Tribunal for the Law of the Sea  
Hamburg

Excellency,

On behalf of the Government of Chile, it is my pleasure to refer to the invitation of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea, to give our views regarding the Advisory Opinion requested by the International Seabed Authority to the President of the Seabed Disputes Chamber in the context of article 191 of the United Nations Convention on the Law of the Sea (the Convention), in relation to the responsibilities and liabilities of States that sponsor activities in the Area by persons and entities.

In that respect Chile considers that the legal responsibilities and obligations of States Parties to the Convention sponsoring activities in the Area are subject to the principles and norms contained in the Convention, in particular Part XI and Annex III, and the 1994 Agreement related to the Implementation of Part XI of the Convention.

In addition, the principles enunciated by the International Law Commission in the field of State responsibility, and norms pertaining to the international law of the environment on the basis of acts and omissions that constitute an infringement of obligations, including those that apply the notion of due diligence, may also be applicable. In other terms, a sponsoring State may be held responsible only for breach of its own obligations under international law.

Thence, a distinction between the obligations of a sponsoring State and the obligations of the contractors (persons and entities) must always be taken into account. This is confirmed by article 22 of Annex III of the Convention that states that contractors shall have responsibility or liability for any damage arising out of wrongful acts in the context of its operations, account being taken of contributory acts or omissions by the Authority.

On the other hand, the standard of responsibility and liability applicable to the sponsoring State is based on a breach of international obligations.

Please accept, Excellency, the assurances of my highest consideration



*José Luis Balmaceda*  
Ambassador José Luis Balmaceda  
Director  
Directorate for Environmental, Antarctic and Maritime Affairs