



INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
TRIBUNAL INTERNATIONAL DU DROIT DE LA MER

Press Release

**CASE CONCERNING THE CONSERVATION AND SUSTAINABLE
EXPLOITATION OF SWORDFISH STOCKS IN THE SOUTH-EASTERN
PACIFIC OCEAN (CHILE/EUROPEAN UNION)**

CASE REMOVED FROM TRIBUNAL'S LIST

At a public sitting held today at the International Tribunal for the Law of the Sea, the President of the Special Chamber constituted to deal with the *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Union)*, Judge P. Chandrasekhara Rao, read the Order adopted by the Chamber to discontinue the case, as requested by the parties.

On 25 November 2009, the parties jointly requested the Special Chamber to issue an Order for discontinuance of the case. The Chamber met on 15 and 16 December 2009 to consider the request.

In a joint communication submitted on 15 December 2009, the parties informed the Special Chamber that:

“The European Union and Chile have informed the Special Chamber that they are committed to the signature, ratification or approval, and implementation of and compliance with the new Understanding agreed between negotiators for both Parties on 16 October 2008.

The terms of the settlement agreed between negotiators comprise the following elements:

- 1) a more structured framework of fisheries cooperation to replace and transform the 2001 bilateral Provisional Arrangement into a definitive commitment to cooperate for the long-term conservation and management of the swordfish stocks in the South Eastern Pacific.
- 2) conducting their respective swordfish fisheries to catch levels commensurate with the objective of ensuring the

sustainability of these resources as well as safeguarding the marine ecosystem.

- 3) freezing of the fishing effort by both Parties at the 2008 level or at the maximum historical peak.
- 4) establishment of a Bilateral Scientific and Technical Committee (BSTC), with the following tasks: exchange of information and data on catch and fishing effort, as well as on stock status; providing scientifically-based advice to fisheries stocks managers to assist them in ensuring the sustainability of the fishing activities of both Parties; advising Parties on the adoption of further conservation measures if needed.
- 5) the multilateral consultation currently in place should include all the relevant participants in the South Eastern Pacific Ocean swordfish fishery and invited observers from existing organizations with a legitimate interest in the swordfish fishery.
- 6) agreement that EU vessels fishing for swordfish in the high seas in accordance with the objectives contained in the new Understanding shall be granted access to designated Chilean ports for landings, transshipments, replenishing or repairs.

As a consequence, in accordance with the provisions of the said Understanding, Parties request that the Special Chamber issue an Order for discontinuance of the Case No 7 (Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Community)).”

At the public sitting, the Agent of Chile expressed his deep gratitude and appreciation to the Tribunal and the Special Chamber for the assistance provided to the Parties in reaching a friendly settlement of the dispute. The Agent of the European Union paid tribute to the Tribunal and the Special Chamber for their invaluable assistance in bringing a dispute that has divided the Parties for about 20 years to a very satisfactory conclusion.

Before reading the Order, Judge Chandrasekhara Rao emphasized that while the adjudication of disputes is the main function of the Tribunal, it may also assist parties, where appropriate, in reaching direct settlement of the dispute between them. He stated that “The outcome of the present case is a classic example of what the Tribunal may do to bring about settlement of disputes by peaceful means chosen by the parties”.

The Order of the Special Chamber places on record the discontinuance, by agreement of the Parties, of the proceedings initiated on 20 December 2000 by Chile

and the European Community and orders that the case be removed from the List of cases.

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The press releases of the Tribunal, documents and other information are available on the Tribunal's websites: <http://www.itlos.org> and <http://www.tidm.org> and from the Registry of the Tribunal. Please contact Ms Julia Ritter at Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227, Fax: +49 (40) 35607-245; E-mail: press@itlos.org