

RESOLUTION MSC.71(69)
(adopted on 19 May 1998)
ADOPTION OF AMENDMENTS TO THE GENERAL PROVISIONS ON
SHIPS' ROUTING (RESOLUTION A.572(14) AS AMENDED)

ANNEX 8

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ADOPTION OF AMENDMENTS TO THE GENERAL PROVISIONS ON SHIPS' ROUTEING
(RESOLUTION A.572(14) AS AMENDED)

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECOGNIZING the need to provide general provisions for the adoption, designation and substitution of archipelagic sea lanes,

TAKING INTO ACCOUNT the decision of the Sub-Committee on Safety of Navigation at its forty-third session that an archipelagic sea lane should be considered to be a routeing system,

HAVING CONSIDERED, at its sixty-ninth session, the text of proposed amendments to the General Provisions on Ships' Routeing (resolution A.572(14), as amended), to incorporate provisions relating to the adoption, designation and substitution of archipelagic sea lanes to form a new annex thereof,

1. ADOPTS the Amendments to the General Provisions on Ships' Routeing, (resolution A.572(14), as amended), concerning the adoption, designation and substitution of archipelagic sea lanes, the text of which is set out in the Annex to the present resolution;
2. DETERMINES that amendments to the General Provisions on Ships' Routeing, including amendments to the General Provisions for the adoption, designation and substitution of archipelagic sea lanes, shall be adopted, brought into force and shall take effect in accordance with the provisions of A.572(14), as amended;
3. INVITES Governments intending to submit proposals for the adoption, designation and substitution of archipelagic sea lanes to take account of the annexed General Provisions;
4. REQUESTS the Secretary-General to bring this resolution and its Annex to the attention of all Contracting Governments to the SOLAS Convention and to Members of the Organization which are not Contracting Governments to the Convention.

ANNEX

AMENDMENTS TO THE GENERAL PROVISIONS ON SHIP'S ROUTING (RESOLUTION A.572(14), AS AMENDED)

- 1 The existing annex is renumbered as annex 1.
- 2 The following new annex 2 is added:

"ANNEX 2

GENERAL PROVISIONS FOR THE ADOPTION, DESIGNATION AND SUBSTITUTION OF ARCHIPELAGIC SEA LANES

INTRODUCTION

This Part takes into account the unique character of archipelagic sea lanes as a routing system.

The legal regime for archipelagic sea lanes is contained in Part IV of the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS provides that designation and substitution of an archipelagic sea lane by an archipelagic State automatically includes a corresponding air route above the sea lane. Use of an air route above a designated archipelagic sea lane by civil aircraft engaged in international air navigation shall be in accordance with any relevant requirements of the International Civil Aviation Organization (ICAO). International air traffic services (ATS) routes above the archipelagic waters to be used by civil aircraft engaged in international air navigation are subject to the approval process of ICAO.

1 OBJECTIVES

- 1.1 The purpose of these provisions is to provide guidance for the preparation, consideration and adoption of proposals for the adoption, designation and substitution of archipelagic sea lanes.

2 DEFINITIONS AND CLARIFICATIONS

- 2.1 The terms used in connection with matters relating to archipelagic sea lanes have the same meaning as in UNCLOS. These terms include:

- .1 *Archipelagic State*
- .2 *Archipelagic sea lane*
- .3 *Archipelagic sea lanes passage*
- .4 *Innocent passage*

2.2 The following terms are also used in connection with matters relating to archipelagic sea lanes:

.1 *All normal passage routes and navigational channels as required by UNCLOS*

All normal passage routes used as routes for international navigation or overflight through or over archipelagic waters and, within such routes, so far as ships are concerned, all normal navigational channels, provided that duplication of routes of similar convenience between the same entry and exit points shall not be necessary.

.2 *Partial archipelagic sea lanes proposal*

An archipelagic sea lanes proposal by an archipelagic State which does not meet the requirement to include all normal passage routes and navigational channels as required by UNCLOS.

3 PROCEDURES AND RESPONSIBILITIES

Procedures and functions of IMO

3.1 IMO is recognized as the competent international organization responsible for adopting archipelagic sea lanes in accordance with the relevant provisions of UNCLOS and these provisions.

3.2 When adopting a proposed archipelagic sea lane, IMO will ensure that the proposed sea lane is in accordance with the relevant provisions of UNCLOS and determine if the proposal is a partial archipelagic sea lanes proposal. IMO may adopt only such archipelagic sea lanes as may be agreed by the Government of the proposing archipelagic State.

3.3 Upon receipt of a proposal for designating archipelagic sea lanes and before consideration for adoption, the IMO shall ensure that the proposal is disseminated to all Governments and ICAO so as to provide them with sufficient opportunity to comment on the proposal.

3.4 Following a proposal to the IMO by an archipelagic State, other States may request that the archipelagic State propose additional sea lanes to include all other normal passage routes used as routes for international navigation or overflight through or over archipelagic waters as required by UNCLOS.

3.5 In order for IMO to ensure that sea lanes proposed for adoption include all normal passage routes, IMO shall retain continuing jurisdiction (i.e., competence) over the process of adopting archipelagic sea lanes until such time that sea lanes including all normal passage routes have been adopted as required by UNCLOS.

Responsibilities of Governments and recommended practices

3.6 The Government of an archipelagic State considering proposing archipelagic sea lanes should consult at an early stage with other user Governments and the IMO.

3.7 Subject to paragraph 3.9, the Government of an archipelagic State which wishes to designate archipelagic sea lanes shall propose to IMO for adoption archipelagic sea lanes including all normal passage routes and navigational channels as required by UNCLOS.

3.8 An archipelagic sea lanes proposal shall provide sea lanes suitable for the continuous and expeditious passage of foreign ships and aircraft in the normal mode through or over the archipelagic waters and the adjacent territorial sea. In proposing archipelagic sea lanes, the Government shall explain in its proposal the suitability of such sea lanes for such continuous and expeditious passage.

3.9 The proposal shall also indicate if it is a partial archipelagic sea lane proposal.

3.10 In proposing archipelagic sea lanes, Governments shall also include the number, edition and, where possible, the geodetic datum of the reference charts used for the proposed sea lanes, together with copies of the reference charts listed in the proposed sea lanes showing the axis of the proposed sea lanes.

3.11 It is recommended that in areas where the 10 per cent rule applies (see paragraph 6.3) the outer limits of the sea lane should, so far as practicable, be clearly indicated on the charts.

3.12 If IMO adopts a partial archipelagic sea lane proposal as a partial system of archipelagic sea lanes, the archipelagic State shall periodically inform IMO on its plans for conducting further surveys and studies that will result in the submission to IMO of proposals for adoption of all normal passage routes and navigational channels as required by UNCLOS, along with the general location of these lanes and time frame for this effort. In such a case, the archipelagic State is ultimately required to propose for adoption archipelagic sea lanes including all normal passage routes and navigational channels as required by UNCLOS.

3.13 Archipelagic sea lanes adopted by IMO shall come into effect on a date promulgated by the Government of the archipelagic State that proposed the sea lanes, which shall be communicated to IMO by that Government. That date shall not be earlier than six months after the date of designation of the sea lanes by that Government. Either Notices to amend charts, or revised charts to depict the sea lanes, shall be made available at least six months before the sea lanes come into effect.

4 CRITERIA FOR CONSIDERATION AND ADOPTION OF PROPOSALS

4.1 Archipelagic sea lane proposals shall conform with the relevant provisions of UNCLOS, including Article 53, and the requirements of this Part.

4.2 The adequacy of aids to navigation, hydrographic surveys and nautical charts of the area, as well as the configuration of the archipelagic State, shall be considered.

4.3 Routing measures in the vicinity shall also be considered.

5 SUBSTITUTION OF ARCHIPELAGIC SEA LANES AND TRAFFIC SEPARATION SCHEMES

5.1 An archipelagic State may, when circumstances require, after giving due publicity thereto, substitute other sea lanes or traffic separation schemes for any sea lanes or traffic separation schemes previously designated or prescribed by it.

5.2 The provisions of this Part concerning the designation of archipelagic sea lanes apply equally to the substitution of archipelagic sea lanes.

5.3 The provisions of this Part and Part A of the IMO publication on Ships' Routeing concerning the prescription of traffic separation schemes apply equally to the substitution of traffic separation schemes.

6 USE OF ARCHIPELAGIC SEA LANES AND NORMAL PASSAGE ROUTES

6.1 Ships and aircraft shall exercise in accordance with UNCLOS their right of archipelagic sea lanes passage in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.

6.2 Ships and aircraft in archipelagic sea lanes passage shall respect applicable sea lanes and the relevant provisions of UNCLOS, including Article 39. Ships shall also respect any traffic separation schemes in archipelagic sea lanes established in accordance with Part A of the IMO publication on Ships' Routeing.

6.3 Ships and aircraft in archipelagic sea lanes passage shall not deviate more than 25 nautical miles to either side of the axis lines defining archipelagic sea lanes, provided that such ships and aircraft shall not navigate closer to the coasts than 10 per cent of the distance between the nearest points on islands bordering the sea lane.

6.4 Within archipelagic sea lanes, traffic is not separated, except in traffic separation schemes.

6.5 Except for internal waters within archipelagic waters, ships of all States enjoy the right of innocent passage through archipelagic waters and the territorial sea.

6.6 If an archipelagic State does not designate sea lanes and air routes thereabove, the right of archipelagic sea lanes passage may be exercised through the routes normally used for international navigation.

6.7 Where a partial archipelagic sea lanes proposal has come into effect, the right of archipelagic sea lanes passage may continue to be exercised through all normal passage routes used as routes for international navigation or overflight in other parts of archipelagic waters in accordance with UNCLOS.

6.8 The right of archipelagic sea lanes passage shall not be suspended, hampered or obstructed.

6.9 The archipelagic State shall give appropriate publicity to any danger to navigation within archipelagic sea lanes of which it has knowledge.



7 REPRESENTATION ON CHARTS

7.1 Axis lines of archipelagic sea lanes are shown on charts for the purpose of defining the sea lanes. Axis lines do not indicate any routes or recommended tracks as defined in Part A of the IMO Publication on Ships' Routeing.

7.2 The axis of designated archipelagic sea lanes, including a listing of geographical co-ordinates with geodetic datum that define axis turning points, so far as practicable the outer limits of the sea lanes where the 10 per cent rule applies (see paragraph 3.11 and 6.3), and any prescribed traffic separation schemes, shall be clearly shown on all appropriate scale charts, to which due publicity shall be given, and referred to in complementary hydrographic publications.

7.4 Use of legends on charts and in notes

7.5 Symbol for axis line of archipelagic sea lanes

	Description	Symbol	Note
1	Axis line of archipelagic sea lane		1
2	Legend	ASL (see Note)	2
3	Turning point of axis line of archipelagic sea lane		3


1 The axis line will be shown through other routeing measures without interruption, since it
may not necessarily form the centre line of a routeing measure established in Archipelagic
Sea Lanes, in accordance with Part A of the IMO Publication on Ships' Routeing.

2 The legend ASL (see Note) should normally be used. The full legend Archipelagic Sea
Lane (see Note) may however be used in cases where it is considered appropriate.

3 Turning points are indicated by joined pecked lines.

7.6 Symbol for outer limits of archipelagic sea lanes

Unless otherwise specified, symbols are printed on charts in colour, usually magenta.

	Description	Symbol	Note
1	Limit of area in which 10% rule applies		1
2	Outer limit	Not usually shown on charts but referred to in notes	


NOTE:

- 1 The solid half circle indicator is on the side of the limit of the area which lies within 10% of the distance between the nearest points on islands bordering the sea lane.

7.7 Cautionary and explanatory notes on charts

The following note provides an example of the type of information which should be included in the note:

ASL - ARCHIPELAGIC SEA LANES

Archipelagic Sea Lanes as defined in UNCLOS have been designated in the area of this chart. Vessels exercising archipelagic sea lanes passage shall not deviate more than 25 miles from the charted axis line and shall not navigate, while in archipelagic sea lanes passage, within the areas indicated thus: .

Where a traffic separation scheme exists in a narrow channel in such a sea lane, rules for the use of traffic separation schemes apply. It should be noted that the axis line of the ASL does not indicate the deepest water, any route or recommended track."

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