

From: LAP
To: ARM Committee

LIAISON NOTE

IALA Regions at the Poles

1 Introduction

LAP 20 received a liaison note from ARM 9 on IALA Regions at the Poles. In a liaison note to ARM from Lap 20 further information was sought and the information was received from the ARM Chair and WG Chair. A discussion paper was prepared for LAP 21 (attached).

2 Discussion

LAP 21 reviewed the discussion paper, which received general support by the participants.

In addition to the issues raised, participants highlighted possible legal issues associated with territorial claims in Antarctica. A number of States claim parts of Antarctica as part of their territory, and could as such consider those parts as belonging to the same IALA Region as the mother country. This would further complicate the legal issues associated with IALA Regions in Antarctica.

Limitations on national jurisdiction in the different maritime zones were also raised as an issue. Whereas the rights and duties of coastal states in internal waters are quite clear, the jurisdiction of coastal states in the territorial sea is finely balanced against the right of innocent passages and even more limited in the EEZ. In the High Seas freedom of navigation prevails. Drawing borders on a map that cross or divides these different maritime zones could raise a number of complicated legal issues.

The crucial information in the map is whether a countries coastal area is covered by Region A or B marking and not where the exact boarder is or could be interpreted to be between region A and B.

LAP is aware that IHO has been involved in charting Antarctic waters and may have developed policies on this issue.

Based on the discussion paper and the discussions during LAP 21 it is the view of LAP that:

- There could be legal implications of modifying the IALA Regions at the Poles, which should be avoided
- Any revision of the map illustrating Regions A and B should not try to resolve the potentially complicated legal issues of the exact borders between Regions A and B in polar regions
- Consider to remove border lines when the map is revised next time.
- Secretariat to liaise with IHO on their current policies on this issue.

3 Action requested

ARM13 to note the view of LAP 21 on the issue of IALA Regions at the Poles.