

U Straits O W

Professor Stuart Kaye

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UNIVERSITY
OF WOLLONGONG
AUSTRALIA

ANCORS
AUSTRALIAN NATIONAL CENTRE FOR
OCEAN RESOURCES & SECURITY



Outline

- Definition
- Exceptions to transit passage
- Transit passage
- Strait to a dead-end

International Straits

- Definition (Art. 37) [HS-EEZ] or [EEZ-EEZ]
- Examples of geographical straits?

Gibraltar

Turkish Straits

Magellan

English Channel

Torres

Bass

Hormuz

Korean Straits

Cook

Corfu Channel

Nth East Passage

Bab-el-Mandeb

Messina

Lombok

Sunda

Malacca

Singapore

Nth West Passage

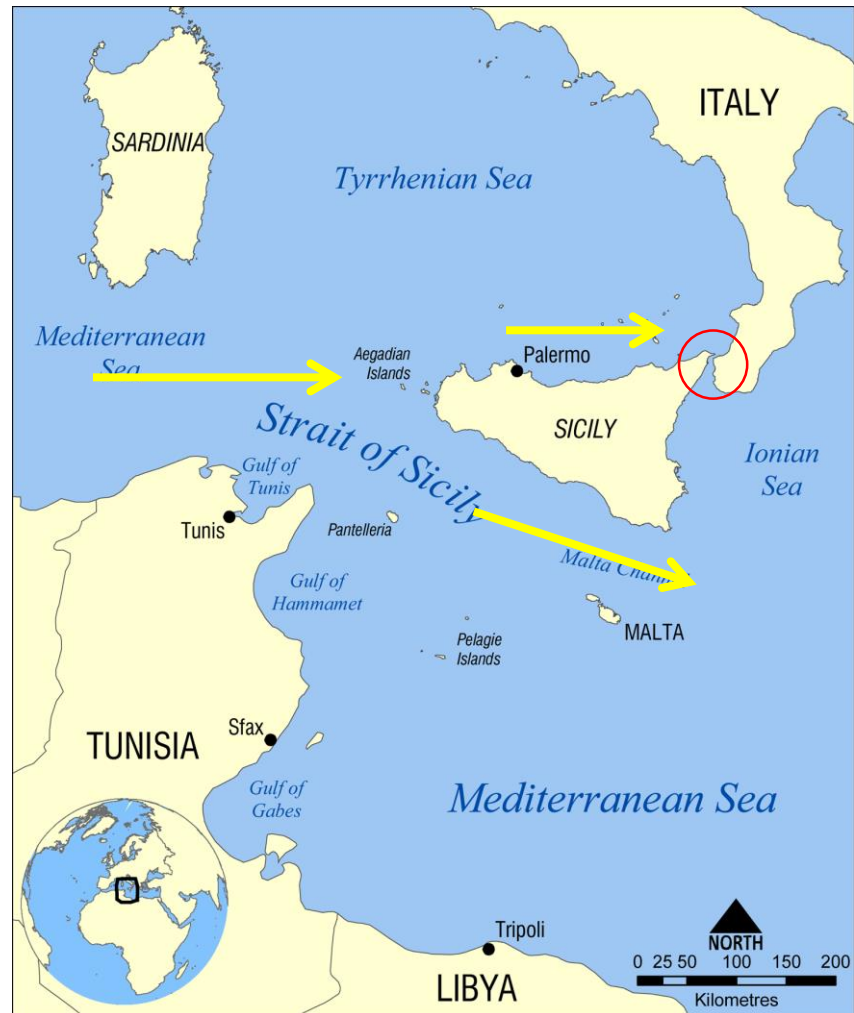
Transit Passage

- Applies to international straits except:
 - Straits with long-standing international agreements (eg. Montreux Agreement) (Art.35)
 - Messina exception: where a route of similar convenience exists elsewhere (Art.36)

Strait of Messina

A ship travelling west to east in the Mediterranean Sea could pass through the Strait of Messina, or to the south of Sicily. The route to the south of Sicily is a “route of similar convenience” to passing through the Strait.

As such, transit passage does not apply to the Strait of Messina.



Transit Passage

- Applies to international straits except:
 - Straits with long-standing international agreements (eg. Montreux Agreement) (Art.35)
 - Messina exception: where a route of similar convenience exists elsewhere (Art.36)
 - Not used for international navigation (NW Passage; NE Passage)

Transit Passage

- Non-suspendible (Art.44)
- Cannot be hampered (Art.44)
 - Torres Strait and compulsory pilotage

- Introduction of a traffic separation scheme and voluntary pilotage scheme in Torres Strait
 - Ships over 70 metres length & all loaded oil tankers, chemical tankers & liquefied gas carriers







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Torres Strait Compulsory Pilotage

- Falling rates of compliance with the voluntary pilotage scheme
- Australia has the Maritime Safety Committee of the IMO adopt a resolution supporting “Australia’s system of pilotage”
- New system has compulsory pilotage for all vessels under previous voluntary scheme
- Not enforced at transit – but upon first landfall at an Australian port
 - Effectively enforced by port State control in order to comply with Article 44

Transit Passage

- Non-suspendible (Art.44)
- Cannot be hampered (Art.44)
 - Torres Strait and compulsory pilotage
- Can be subject to navigational restrictions
 - IMO referral (traffic separation schemes) (Art.41)
- Is available to aircraft

Transit Passage

- Passage must be: (Art.38)
 - continuous and expeditious
 - visits to ports along the strait are possible
- Ships must: (Art.39)
 - proceed without delay
 - refrain from threat or use of force
 - use normal mode unless rendered necessary by distress or *force majeure*

Transit Passage

- Ships must transit safely - including *International Regulations for Prevention of Collisions at Sea* and other international regulations (Art.39)
- Aircraft must transit safely: (Art.39)
 - ICAO for civilian aircraft
 - safe navigation for State aircraft
 - monitor radio frequencies

Transit Passage

- Coastal State laws: (Art.42)
 - safety of navigation
 - pollution
 - fishing, including the stowage of gear
 - FISC
 - Sovereign immunity only gives rise to damages

Strait to a Dead-End

- Where the international strait leads to a port of a third State, transit passage does not apply
- However, innocent passage in such circumstances is not suspendible (Art.45)

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