

# COASTAL STATE REGULATION OF NAVIGATION IN ADJACENT WATERS – THE EXAMPLE OF THE TORRES STRAIT AND GREAT BARRIER REEF

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## **Abstract**

Australia has established a compulsory pilotage regime for the Torres Strait and Inner Route of the Great Barrier Reef. The introduction of the regime for the Torres Strait was controversial. It was opposed by other countries, particularly Singapore and the United States, on the grounds that compulsory pilotage in the strait was contrary to the UNCLOS regime of transit passage through straits used for international navigation.

Following the grounding of the Chinese bulk carrier *Shen Neng 1* in the Great Barrier Reef in April 2010, Australia is now submitting a proposal to the International Maritime Organization (IMO) to extend its mandatory ship reporting system for the Great Barrier Reef (REEFREP) further southwards. This process of ratification is required because over half of the proposed new coverage area is beyond Australia's territorial waters. It may also prove controversial at the IMO.

This paper will describe these developments. It will argue that they are illustrative of the trend towards greater coastal State regulation of navigation in adjacent waters, including through the designation of particularly sensitive sea areas (PSSAs). This trend is a consequence of the increased concern of coastal States for the health of their coastal environments, as well as a worrying trend towards the human element playing a prominent and increasing role in recent ship accidents.