Section II

Narrow International Ocean Waterways

The freedoms of navigation and overflight might be considered within the context of three alternative regimes. A first is in the high seas beyond the limits of national jurisdiction. Here article 87 of the LOS Convention guarantees that these freedoms shall be exercised by all States with due regard to the interests of other States. Since no restrictions are placed on the movement of vessels and aircraft on the high seas, the regime is not included for consideration within this Report.

A second regime exists within the limits of national jurisdiction, including the EEZ, territorial sea, archipelagic and internal waters. Certain restrictions are placed here by the Convention articles on the passage of vessels and aircraft and/or on their activities during passage. This regime has been discussed in Section I.

A third is the regime of narrow international ocean waterways, defined in this Report as international straits, archipelagic sea lanes and international canals.1 Narrow waterways are places where passage by foreign vessels and aircraft could be prevented by the coastal State or States without difficulty. A decision to interdict might involve shore batteries, mines, sunken ships, submarine nets, or the presence of warships or law enforcement vessels.

Certain narrow waterways are often referred to as “choke points,” where geographical conditions permit a country to close off, or at least restrict, the flow of oceanborne traffic of the international community. Gibraltar, Malacca-Singapore, Hormuz and Bab el Mandeb, as well as the Suez and Panama Canals, are examples of such choke points. Global choke points generally have three criteria. They are relatively narrow; they handle a considerable volume of world traffic; and they are the only practicable sea routes connecting bodies of water used in international navigation. There may also be “regional” choke points, affecting primarily the interests of one State or a small group of States. For example, Soya (La Perouse) Strait between the Seas of Japan and Okhotsk is a critical choke point for the U.S.S.R., but of relatively small concern to most other shipping countries. For the United States, Windward Passage in the Caribbean might be considered a choke point since through it passes the most direct route from the northeastern United States to the Panama Canal. One problem with the choke point concept is that people often emphasize choke points to the exclusion of the many other narrow international waterways involved in the global network of ocean navigation routes.

International straits, canals and archipelagic sea lanes are “convergence points” of navigation routes, but there are also what might be termed “oceanic convergence points” where vessels round prominent points of land. Two of these are off the Cape of Good Hope, South Africa, and Cape Leeuwin, southwestern Australia. Other important oceanic convergence points are off Cape Sao Roque, Brazil; Cape Corrientes, Mexico; Cape Race, Newfoundland; and Cape Guardafui, Northeast Africa. Should the contiguous coastal State, for environmental or other reasons, seek to prevent foreign vessels from passing close to its coast, the result may be the addition of considerable distance and expense to the use of traditional ocean navigation routes congregating in this area.

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1 In addition, narrow waterways also involve interisland passages away from major sea lanes (as in the Aegean) and navigation routes between island fringes and the mainland (as in northwestern Norway).