IN HER letter, 'Compulsory pilotage in Torres Strait approved' (ST, Dec 21), Acting Australian High Commissioner Penny Burtt asserts that the UN Convention on the Law of the Sea (Unclos) is silent on the question of whether a coastal state can introduce compulsory pilotage in an international strait. Ms Burtt adds that the International Maritime Organisation (IMO) has approved Australia's system of compulsory pilotage. These two assertions are an incorrect representation of the facts.

First, Unclos is not silent on whether a coastal state can introduce compulsory pilotage in a strait used for international navigation, like the Torres Strait. Under Part III of Unclos, a state bordering such straits may adopt only a limited set of laws and regulations dealing with, among other things, environmental protection. The measures permitted by Unclos do not include compulsory pilotage. It therefore follows that Australia's compulsory-pilotage scheme is in contravention of Unclos as it violates the right of transit passage, a right which foreign vessels are entitled to under international law.

Second, the records of the IMO show that it did not approve the compulsory nature of Australia's system of pilotage. The IMO resolution on this matter was recommendatory in nature. Moreover, it was explicitly articulated at the IMO that the resolution did not provide the legal basis for compulsory pilotage in the Torres Strait or any other straits used for international navigation.

This wrong interpretation of the Unclos provisions and the IMO decisions encourages other states to act likewise, not just with regard to other straits used for international navigation, but also other maritime zones like archipelagic waters and exclusive economic zones.

The introduction of compulsory pilotage in the Torres Strait therefore undermines the sanctity and integrity of both Unclos and the IMO.

Singapore supports efforts to protect the sensitive marine environment in the Torres Strait and understands Australia's concerns. We have therefore encouraged ships under our flag to take on pilotage when navigating the strait.

We believe that Singapore and Australia, working with the international maritime community, can find effective and practical measures to protect the marine environment in the Torres Strait which are in accordance with the Unclos and the IMO decisions.

We hope that Australia will seriously review its position on compulsory pilotage in the Torres Strait.

Chan Beng Seng
Director (Sea Transport)
Ministry of Transport