

4th Annual Stockton Center Law of Armed Conflict Conference

Russia-Ukraine: Full-Spectrum Conflict and International Law

U.S. Naval War College, Newport, RI



U.S. NAVAL WAR COLLEGE

*Stockton Center
for International Law*



Norwegian Defence
University College

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Restriction of Movement at Sea in the context of the
Russia/Ukraine conflict

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15 December 2022

Agenda

- 01 Introduction: the maritime conflict

- 02 Law of the sea passage rights

- 03 Straits used for international navigation

- 04 Black Sea and Sea of Azov

- 05 Blockade – the legal requirements

- 06 Movement of people at sea

- 07 Conclusions

Russia/Ukraine 2022



Law of the Sea passage rights

- Internal waters
- Territorial sea
- Contiguous zone
- Exclusive economic zone
- High Seas



Declarations upon signature/ratification

Romania

Declarations made upon signature and confirmed upon ratification:

"1. As a geographically disadvantaged country bordering a sea poor in living resources, Romania reaffirms the necessity to develop international cooperation for the exploitation of the living resources of the economic zones, on the basis of just and equitable agreements that should ensure the access of the countries from this category to the fishing resources in the economic zones of other regions or subregions.

2. Romania reaffirms the right of coastal States to adopt measures to safeguard their security interests, including the right to adopt national laws and regulations relating to the passage of foreign warships through their territorial sea.

The right to adopt such measures is in full conformity with articles 19 and 25 of the Convention, as it is also specified in the Statement by the President of the United Nations Conference on the Law of the Sea in the plenary meeting of the Conference on April 26, 1982.

3. Romania states that according to the requirements of equity as it results from articles 74 and 83 of the Convention on the Law of the Sea the uninhabited islands and without economic life can in no way affect the delimitation of the maritime spaces belonging to the main land coasts of the coastal States."

Russian Federation

Upon signature:

1. The Union of Soviet Socialist Republics declares that, under article 287 of the United Nations Convention on the Law of the Sea, it chooses an arbitral tribunal constituted in accordance with Annex VII as the basic means for the settlement of disputes concerning the interpretation or application of the Convention. It opts for a special arbitral tribunal constituted in accordance with Annex VIII for the consideration of matters relating to fisheries, the protection and preservation of the marine environment, marine scientific research, and navigation, including pollution from vessels and dumping. It recognizes the competence of the International Tribunal for the Law of the Sea, as provided for in article 292, in matters relating to the prompt release of detained vessels and crews.

2. The Union of Soviet Socialist Republics declares that, in accordance with article 298 of the Convention, it does not accept the compulsory procedures entailing binding decisions for the consideration of disputes relating to sea boundary delimitations, disputes concerning military activities, or disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations.

Upon ratification:

The Russian Federation declares that, in accordance with article 298 of the United Nations Convention on the Law of the Sea, it does not accept the procedures, provided for in section 2 of Part XV of the Convention, entailing binding decisions with respect to disputes concerning the interpretation or application of articles 15, 74 and 83 of the Convention, relating to sea boundary delimitations, or those involving historic bays or titles; disputes concerning military activities, including military activities by government vessels and aircraft, and disputes concerning law-enforcement activities in regard to the exercise of sovereign rights or jurisdiction; and disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations.

The Russian Federation, bearing in mind articles 309 and 310 of the Convention, declares that it objects to any declarations and statements made in the past or which may be made in future when signing, ratifying or acceding to the Convention, or made for any other reason in connection with the Convention, that are not in keeping with the provisions of article 310 of the Convention. The Russian Federation believes that such declarations and statements, however phrased or named, cannot exclude or modify the legal effect of the provisions of the Convention in their application to the party to the Convention that made such declarations or statements, and for this reason they shall not be taken into account by the Russian Federation in its relations with that party to the Convention.



Declarations upon signature/ratification

Ukraine

Upon signature:

1. The Ukrainian Soviet Socialist Republic declares that, in accordance with article 287 of the United Nations Convention on the Law of the Sea, it chooses as the principal means for the settlement of disputes concerning the interpretation or application of this Convention an arbitral tribunal constituted in accordance with Annex VII. For the consideration of questions relating to fisheries, protection and preservation of the marine environment, marine scientific research and navigation, including pollution from vessels and by dumping, the Ukrainian SSR chooses a special arbitral tribunal constituted in accordance with Annex VIII. The Ukrainian SSR recognizes the competence, as stipulated in article 292, of the International Tribunal for the Law of the Sea in respect of questions relating to the prompt release of detained vessels or their crews.

2. The Ukrainian Soviet Socialist Republic declares, in accordance with article 298 of the Convention, that it does not accept compulsory procedures, involving binding decisions, for the consideration of disputes relating to sea boundary delimitations, disputes concerning military activities and disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations.

Upon ratification:

1. Ukraine declares that, in accordance with article 287 of the United Nations Convention on the Law of the Sea of 1982, it chooses as the principal means for the settlement of disputes concerning the interpretation or application of this Convention an arbitral tribunal constituted in accordance with Annex VII. For the consideration of disputes concerning the interpretation or application of the Convention in respect of questions relating to fisheries, protection and preservation of the marine environment, marine scientific research and navigation, including pollution from vessels and by dumping, Ukraine chooses a special arbitral tribunal constituted in accordance with Annex VIII.

Ukraine recognises the competence, as stipulated in article 292 of the Convention, of the International Tribunal for the Law of the Sea in respect of questions relating to the prompt release of detained vessels or their crews.

2. Ukraine declares, in accordance with article 298 of the Convention, that it does not accept, unless otherwise provided by specific international treaties of Ukraine with relevant States, the compulsory procedures entailing binding decisions for the consideration of disputes relating to sea boundary delimitations, disputes involving historic bays or titles, and disputes concerning military activities.

3. Ukraine declares, taking into account articles 309 and 310 of the Convention, that it objects to any statements or declarations, irrespective of when such statements or declarations were or may be made, that may result in a failure to interpret the provisions of the Convention in good faith, or are contrary to the ordinary meaning of terms in the context of the Convention or its object and purpose.

4. As a geographically disadvantaged country bordering a sea poor in living resources, Ukraine reaffirms the necessity to develop international cooperation for the exploitation of the living resources of economic zones, on the basis of just and equitable agreements that should ensure the access to fishing resources in the economic zones of other regions and sub-regions.



Innocent Passage

- Passage can be to/from internal waters, and may involve stopping at a port or not (Art 18)
- Must be continuous and expeditious (Art. 18)
- Stopping or anchoring are possible where:
 - incidental to ordinary navigation
 - rendered necessary by *force majeure* or distress
 - rendering assistance to persons, ships or aircraft in danger or distress
- Can be temporarily suspended for essential security purposes, but not discriminate, and be published in advance (Art. 25(3))



Innocent Passage

- Innocent passage is not prejudicial to the peace, good order or security of the coastal State (Art. 19)
- Examples:
 - threat or use of force
 - weapons exercises
 - acts prejudicial to the defence or security of the coastal State
 - propaganda affecting State security
 - launching or landing aircraft or any military device
 - breaking FISC regulations
 - wilful pollution
 - fishing
 - research or survey
 - interfering with communications
 - any other activity not having a direct bearing on passage



Innocent Passage

- Coastal State can make laws and regulations for: (Art. 21)
 - safety of navigation
 - protection of cables, pipelines, nav aids etc
 - marine living resources
 - environmental protection
 - MSR
 - FISC
- Duties of the Coastal State: (Art. 24)
 - Shall not hamper the innocent passage of foreign ships through the TS except iaw LOSC
 - Shall not
 - impose requirements on foreign ships which have the practical effect of denying or impairing innocent passage
 - Discriminate in form or in fact against the ships of any State or against ships carrying cargoes to, from or on behalf of any State



Innocent Passage

- Submerged submarines are always not innocent
- Submarines must navigate on the surface and show their flag (Art. 20)
- Aircraft have no right of innocent 'overflight' (passage) in the territorial sea
- Nuclear vessels (cargo and/or propulsion) or vessels carrying dangerous or noxious substances can pass, but must comply with international conventions applicable (Art. 23)



Straits used for International Navigation

- **connecting one part of the EEZ/HS and another part of the EEZ/HS (article 37)**
- connecting a part of the EEZ/HS and the TS of a foreign State (article 45(1)(b))
- connecting one part of the EEZ/HS and another part of the EEZ/HS where the strait is formed by an island of a state bordering the strait and its mainland, and there exists seaward of the island a route through the EEZ/HS of similar convenience (article 38(1))
- **regulated in whole or in part by long-standing international conventions in force (article 35(c))**
- through AW governed by ASLP (article 54, incorporating articles 39, 40, 42 and 44)
- straits in which there exists a route through the EEZ/HS of similar convenience (article 36)



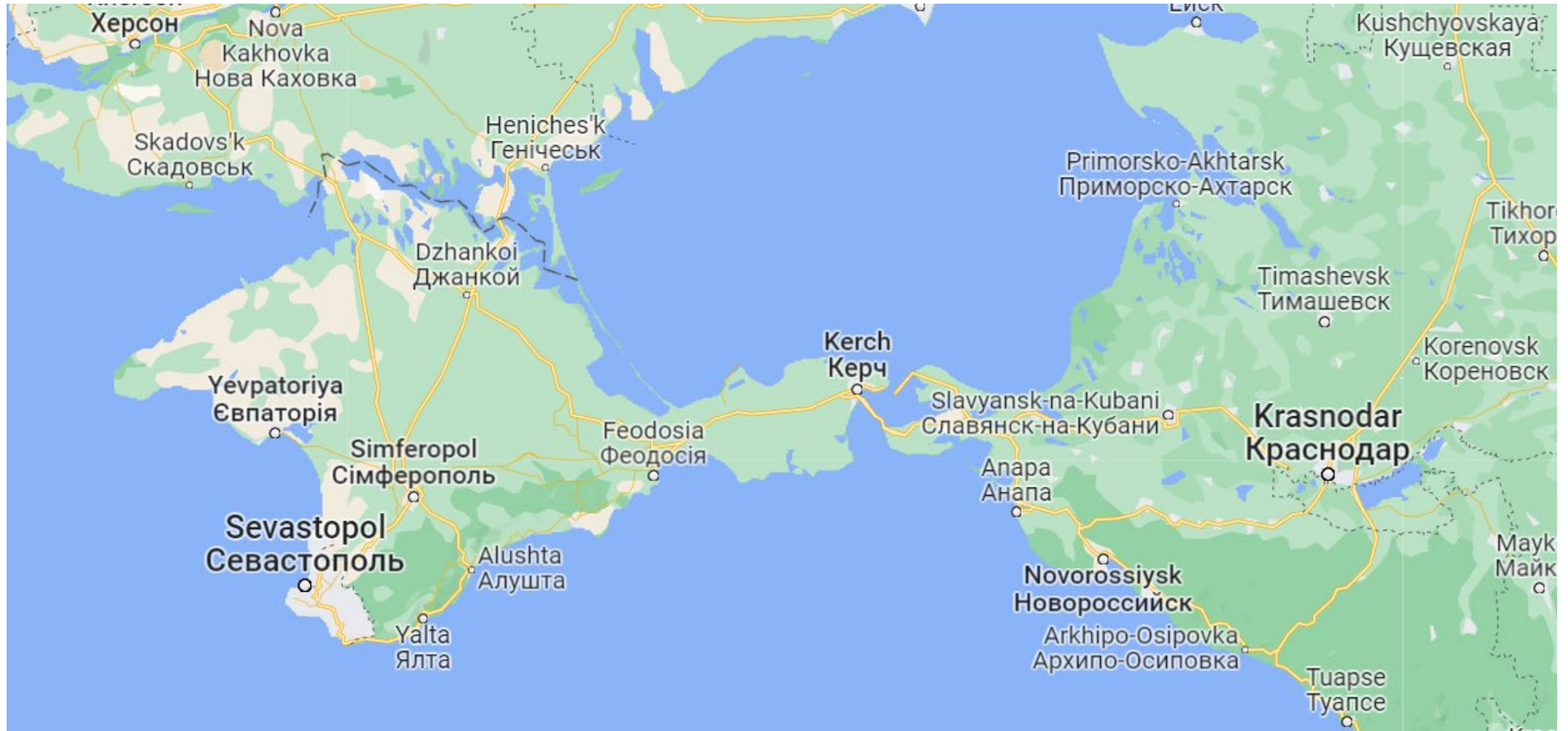
Passage through Straits

Transit Passage

- applies to international straits except:
 - Straits with long-standing international agreements (eg. Montreux Agreement)
- no suspension (Art.44)
- cannot be hampered (Art.44)
- can be subject to navigational restrictions
 - IMO referral (traffic separation schemes) (Art.41)
- available to aircraft
- 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*



Kerch Strait



Turkish Straits



Montreux Convention

No. 4015. — CONVENTION² REGARDING THE RÉGIME OF THE STRAITS. SIGNED AT MONTREUX, JULY 20TH, 1936.

*French official text communicated by the Permanent Delegate of Turkey to the League of Nations.
The registration of this Convention took place December 11th, 1936.*

HIS MAJESTY THE KING OF THE BULGARIANS, THE PRESIDENT OF THE FRENCH REPUBLIC, HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, HIS MAJESTY THE KING OF THE HELLENES, HIS MAJESTY THE EMPEROR OF JAPAN, HIS MAJESTY THE KING OF ROUMANIA, THE PRESIDENT OF THE TURKISH REPUBLIC, THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS, AND HIS MAJESTY THE KING OF YUGOSLAVIA ;

Desiring to regulate transit and navigation in the Straits of the Dardanelles, the Sea of Marmora and the Bosphorus comprised under the general term " Straits " in such manner as to safeguard, within the framework of Turkish security and of the security, in the Black Sea, of the riparian States, the principle enshrined in Article 23 of the Treaty³ of Peace signed at Lausanne on the 24th July, 1923 ;

Have resolved to replace by the present Convention the Convention⁴ signed at Lausanne on the 24th July, 1923, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BULGARIANS :

Dr. Nicolas P. NICOLAEV, Minister Plenipotentiary, Secretary-General of the Ministry of Foreign Affairs and of Cults ;

M. Pierre NEÏCOV, Minister Plenipotentiary, Director of Political Affairs at the Ministry of Foreign Affairs and of Cults ;

¹ Traduction du Foreign Office de Sa Majesté britannique.

¹ Translation of His Britannic Majesty's Foreign Office.

² Ratifications deposited at Paris :

GREAT BRITAIN AND NORTHERN IRELAND AND ALL PARTS OF THE BRITISH EMPIRE WHICH ARE NOT SEPARATE MEMBERS OF THE LEAGUE OF NATIONS
AUSTRALIA
BULGARIA
FRANCE
GREECE
ROUMANIA
TURKEY
UNION OF SOVIET SOCIALIST REPUBLICS
YUGOSLAVIA
JAPAN

November 9th, 1936.

April 19th, 1937.

The *procès-verbal* of deposit of the first six ratifications, including that of Turkey, provided for in Article 26 of the Convention, was drawn up on November 9th, 1936.

The present Convention, the provisions of which were provisionally applied as from August 15th, 1936, came finally into force on November 9th, 1936.

³ Vol. XXVIII, page 11, of this Series.

⁴ Vol. XXVIII, page 115, of this Series.



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Article 1.

The High Contracting Parties recognise and affirm the principle of freedom of transit and navigation by sea in the Straits.

The exercise of this freedom shall henceforth be regulated by the provisions of the present Convention.

SECTION I. MERCHANT VESSELS.

Article 2.

In time of peace, merchant vessels shall enjoy complete freedom of transit and navigation in the Straits, by day and by night, under any flag and with any kind of cargo, without any formalities, except as provided in Article 3 below. No taxes or charges other than those authorised by Annex I to the present Convention shall be levied by the Turkish authorities on these vessels when passing in transit without calling at a port in the Straits.

In order to facilitate the collection of these taxes or charges merchant vessels passing through the Straits shall communicate to the officials at the stations referred to in Article 3 their name, nationality, tonnage, destination and last port of call (provenance).

Pilotage and towage remain optional.

Article 3.

All ships entering the Straits by the Aegean Sea or by the Black Sea shall stop at a sanitary station near the entrance to the Straits for the purposes of the sanitary control prescribed by Turkish law within the framework of international sanitary regulations. This control, in the case of ships possessing a clean bill of health or presenting a declaration of health testifying that they do not fall within the scope of the provisions of the second paragraph of the present Article, shall be carried out by day and by night with all possible speed, and the vessels in question shall not be required to make any other stop during their passage through the Straits.

Vessels which have on board cases of plague, cholera, yellow fever, exanthematic typhus or smallpox, or which have had such cases on board during the previous seven days, and vessels which have left an infected port within less than five times twenty-four hours shall stop at the sanitary stations indicated in the preceding paragraph in order to embark such sanitary guards as the Turkish authorities may direct. No tax or charge shall be levied in respect of these sanitary guards and they shall be disembarked at a sanitary station on departure from the Straits.

Article 4.

In time of war, Turkey not being belligerent, merchant vessels, under any flag or with any kind of cargo, shall enjoy freedom of transit and navigation in the Straits subject to the provisions of Articles 2 and 3.

Pilotage and towage remain optional.

Article 5.

In time of war, Turkey being belligerent, merchant vessels not belonging to a country at war with Turkey shall enjoy freedom of transit and navigation in the Straits on condition that they do not in any way assist the enemy.

Such vessels shall enter the Straits by day and their transit shall be effected by the route which shall in each case be indicated by the Turkish authorities.

Article 6.

Should Turkey consider herself to be threatened with imminent danger of war, the provisions of Article 2 shall nevertheless continue to be applied except that vessels must enter the Straits by

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day and that their transit must be effected by the route which shall, in each case, be indicated by the Turkish authorities.

Pilotage may, in this case, be made obligatory, but no charge shall be levied.

Article 7.

The term "merchant vessels" applies to all vessels which are not covered by Section II of the present Convention.

SECTION II. VESSELS OF WAR.

Article 8.

For the purposes of the present Convention, the definitions of vessels of war and of their specification together with those relating to the calculation of tonnage shall be as set forth in Annex II to the present Convention.

Article 9.

Naval auxiliary vessels specifically designed for the carriage of fuel, liquid or non-liquid, shall not be subject to the provisions of Article 13 regarding notification, nor shall they be counted for the purpose of calculating the tonnage which is subject to limitation under Articles 14 and 18, on condition that they shall pass through the Straits singly. They shall, however, continue to be on the same footing as vessels of war for the purpose of the remaining provisions governing transit.

The auxiliary vessels specified in the preceding paragraph shall only be entitled to benefit by the exceptional status therein contemplated if their armament does not include : for use against floating targets, more than two guns of a maximum calibre of 105 millimetres ; for use against aerial targets, more than two guns of a maximum calibre of 75 millimetres.

Article 10.

In time of peace, light surface vessels, minor war vessels and auxiliary vessels, whether belonging to Black Sea or non-Black Sea Powers, and whatever their flag, shall enjoy freedom of transit through the Straits without any taxes or charges whatever, provided that such transit is begun during daylight and subject to the conditions laid down in Article 13 and the Articles following thereafter.

Vessels of war other than those which fall within the categories specified in the preceding paragraph shall only enjoy a right of transit under the special conditions provided by Articles 11 and 12.

Article 11.

Black Sea Powers may send through the Straits capital ships of a tonnage greater than that laid down in the first paragraph of Article 14, on condition that these vessels pass through the Straits singly, escorted by not more than two destroyers.

Article 12.

Black Sea Powers shall have the right to send through the Straits, for the purpose of rejoining their base, submarines constructed or purchased outside the Black Sea, provided that adequate notice of the laying down or purchase of such submarines shall have been given to Turkey.

Submarines belonging to the said Powers shall also be entitled to pass through the Straits to be repaired in dockyards outside the Black Sea on condition that detailed information on the matter is given to Turkey.

In either case, the said submarines must travel by day and on the surface, and must pass through the Straits singly.

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Article 13.

The transit of vessels of war through the Straits shall be preceded by a notification given to the Turkish Government through the diplomatic channel. The normal period of notice shall be eight days ; but it is desirable that in the case of non-Black Sea Powers this period should be increased to fifteen days. The notification shall specify the destination, name, type and number of the vessels, as also the date of entry for the outward passage and, if necessary, for the return journey. Any change of date shall be subject to three days' notice.

Entry into the Straits for the outward passage shall take place within a period of five days from the date given in the original notification. After the expiry of this period, a new notification shall be given under the same conditions as for the original notification.

When effecting transit, the commander of the naval force shall, without being under any obligation to stop, communicate to a signal station at the entrance to the Dardanelles or the Bosphorus the exact composition of the force under his orders.

Article 14.

The maximum aggregate tonnage of all foreign naval forces which may be in course of transit through the Straits shall not exceed 15,000 tons, except in the cases provided for in Article 11 and in Annex III to the present Convention.

The forces specified in the preceding paragraph shall not, however, comprise more than nine vessels.

Vessels, whether belonging to Black Sea or non-Black Sea Powers, paying visits to a port in the Straits, in accordance with the provisions of Article 17, shall not be included in this tonnage.

Neither shall vessels of war which have suffered damage during their passage through the Straits be included in this tonnage ; such vessels, while undergoing repair, shall be subject to any special provisions relating to security laid down by Turkey.

Article 15.

Vessels of war in transit through the Straits shall in no circumstances make use of any aircraft which they may be carrying.

Article 16.

Vessels of war in transit through the Straits shall not, except in the event of damage or peril of the sea, remain therein longer than is necessary for them to effect the passage.

Article 17.

Nothing in the provisions of the preceding Articles shall prevent a naval force of any tonnage or composition from paying a courtesy visit of limited duration to a port in the Straits, at the invitation of the Turkish Government. Any such force must leave the Straits by the same route as that by which it entered, unless it fulfils the conditions required for passage in transit through the Straits as laid down by Articles 10, 14 and 18.

Article 18.

(1) The aggregate tonnage which non-Black Sea Powers may have in that sea in time of peace shall be limited as follows :

(a) Except as provided in paragraph (b) below, the aggregate tonnage of the said Powers shall not exceed 30,000 tons ;

(b) If at any time the tonnage of the strongest fleet in the Black Sea shall exceed by at least 10,000 tons the tonnage of the strongest fleet in that sea at the date of the

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signature of the present Convention, the aggregate tonnage of 30,000 tons mentioned in paragraph (a) shall be increased by the same amount, up to a maximum of 45,000 tons. For this purpose, each Black Sea Power shall, in conformity with Annex IV to the present Convention, inform the Turkish Government, on the 1st January and the 1st July of each year, of the total tonnage of its fleet in the Black Sea ; and the Turkish Government shall transmit this information to the other High Contracting Parties and to the Secretary-General of the League of Nations ;

(c) The tonnage which any one non-Black Sea Power may have in the Black Sea shall be limited to two-thirds of the aggregate tonnage provided for in paragraphs (a) and (b) above ;

(d) In the event, however, of one or more non-Black Sea Powers desiring to send naval forces into the Black Sea, for a humanitarian purpose, the said forces, which shall in no case exceed 8,000 tons altogether, shall be allowed to enter the Black Sea without having to give the notification provided for in Article 13 of the present Convention, provided an authorisation is obtained from the Turkish Government in the following circumstances : if the figure of the aggregate tonnage specified in paragraphs (a) and (b) above has not been reached and will not be exceeded by the despatch of the forces which it is desired to send, the Turkish Government shall grant the said authorisation within the shortest possible time after receiving the request which has been addressed to it ; if the said figure has already been reached or if the despatch of the forces which it is desired to send will cause it to be exceeded, the Turkish Government will immediately inform the other Black Sea Powers of the request for authorisation, and if the said Powers make no objection within twenty-four hours of having received this information, the Turkish Government shall, within forty-eight hours at the latest, inform the interested Powers of the reply which it has decided to make to their request.

Any further entry into the Black Sea of naval forces of non-Black Sea Powers shall only be effected within the available limits of the aggregate tonnage provided for in paragraphs (a) and (b) above.

(2) Vessels of war belonging to non-Black Sea Powers shall not remain in the Black Sea more than twenty-one days, whatever be the object of their presence there.

Article 19.

In time of war, Turkey not being belligerent, warships shall enjoy complete freedom of transit and navigation through the Straits under the same conditions as those laid down in Articles 10 to 18.

Vessels of war belonging to belligerent Powers shall not, however, pass through the Straits except in cases arising out of the application of Article 25 of the present Convention, and in cases of assistance rendered to a State victim of aggression in virtue of a treaty of mutual assistance binding Turkey, concluded within the framework of the Covenant of the League of Nations, and registered and published in accordance with the provisions of Article 18 of the Covenant.

In the exceptional cases provided for in the preceding paragraph, the limitations laid down in Articles 10 to 18 of the present Convention shall not be applicable.

Notwithstanding the prohibition of passage laid down in paragraph 2 above, vessels of war belonging to belligerent Powers, whether they are Black Sea Powers or not, which have become separated from their bases, may return thereto.

Vessels of war belonging to belligerent Powers shall not make any capture, exercise the right of visit and search, or carry out any hostile act in the Straits.

Article 20.

In time of war, Turkey being belligerent, the provisions of Articles 10 to 18 shall not be applicable ; the passage of warships shall be left entirely to the discretion of the Turkish Government.



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Article 21.

Should Turkey consider herself to be threatened with imminent danger of war she shall have the right to apply the provisions of Article 20 of the present Convention.

Vessels which have passed through the Straits before Turkey has made use of the powers conferred upon her by the preceding paragraph, and which thus find themselves separated from their bases, may return thereto. It is, however, understood that Turkey may deny this right to vessels of war belonging to the State whose attitude has given rise to the application of the present Article.

Should the Turkish Government make use of the powers conferred by the first paragraph of the present Article, a notification to that effect shall be addressed to the High Contracting Parties and to the Secretary-General of the League of Nations.

If the Council of the League of Nations decide by a majority of two-thirds that the measures thus taken by Turkey are not justified, and if such should also be the opinion of the majority of the High Contracting Parties signatories to the present Convention, the Turkish Government undertakes to discontinue the measures in question as also any measures which may have been taken under Article 6 of the present Convention.

Article 22.

Vessels of war which have on board cases of plague, cholera, yellow fever, exanthematic typhus or smallpox or which have had such cases on board within the last seven days and vessels of war which have left an infected port within less than five times twenty-four hours must pass through the Straits in quarantine and apply by the means on board such prophylactic measures as are necessary in order to prevent any possibility of the Straits being infected.

SECTION III.

AIRCRAFT.

Article 23.

In order to assure the passage of civil aircraft between the Mediterranean and the Black Sea, the Turkish Government will indicate the air routes available for this purpose, outside the forbidden zones which may be established in the Straits. Civil aircraft may use these routes provided that they give the Turkish Government, as regards occasional flights, a notification of three days, and as regards flights on regular services, a general notification of the dates of passage.

The Turkish Government moreover undertake, notwithstanding any remilitarisation of the Straits, to furnish the necessary facilities for the safe passage of civil aircraft authorised under the air regulations in force in Turkey to fly across Turkish territory between Europe and Asia. The route which is to be followed in the Straits zone by aircraft which have obtained an authorisation shall be indicated from time to time.

SECTION IV.

GENERAL PROVISIONS.

Article 24.

The functions of the International Commission set up under the Convention relating to the régime of the Straits of the 24th July, 1923, are hereby transferred to the Turkish Government.

The Turkish Government undertake to collect statistics and to furnish information concerning the application of Articles 11, 12, 14 and 18 of the present Convention.

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They will supervise the execution of all the provisions of the present Convention relating to the passage of vessels of war through the Straits.

As soon as they have been notified of the intended passage through the Straits of a foreign naval force the Turkish Government shall inform the representatives at Angora of the High Contracting Parties of the composition of that force, its tonnage, the date fixed for its entry into the Straits, and, if necessary, the probable date of its return.

The Turkish Government shall address to the Secretary-General of the League of Nations and to the High Contracting Parties an annual report giving details regarding the movements of foreign vessels of war through the Straits and furnishing all information which may be of service to commerce and navigation, both by sea and by air, for which provision is made in the present Convention.

Article 25.

Nothing in the present Convention shall prejudice the rights and obligations of Turkey, or of any of the other High Contracting Parties members of the League of Nations, arising out of the Covenant of the League of Nations.

SECTION V.

FINAL PROVISIONS.

Article 26.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited in the archives of the Government of the French Republic in Paris.

The Japanese Government shall be entitled to inform the Government of the French Republic through their diplomatic representative in Paris that the ratification has been given, and in that case they shall transmit the instrument of ratification as soon as possible.

A *procès-verbal* of the deposit of ratifications shall be drawn up as soon as six instruments of ratification, including that of Turkey, shall have been deposited. For this purpose the notification provided for in the preceding paragraph shall be taken as the equivalent of the deposit of an instrument of ratification.

The present Convention shall come into force on the date of the said *procès-verbal*.

The French Government will transmit to all the High Contracting Parties an authentic copy of the *procès-verbal* provided for in the preceding paragraph and of the *procès-verbaux* of the deposit of any subsequent ratifications.

Article 27.

The present Convention shall, as from the date of its entry into force, be open to accession by any Power signatory to the Treaty of Peace at Lausanne signed on the 24th July, 1923.

Each accession shall be notified, through the diplomatic channel, to the Government of the French Republic, and by the latter to all the High Contracting Parties.

Accessions shall come into force as from the date of notification to the French Government.

Article 28.

The present Convention shall remain in force for twenty years from the date of its entry into force.

The principle of freedom of transit and navigation affirmed in Article 1 of the present Convention shall however continue without limit of time.

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Turkey has closed the Dardanelles Strait for international sea voyages

The strait was closed due to strong wind and storms thick fog ... visibility fell below 10 metres

Russia/Ukraine conflict 2022



Black Sea and Sea of Azov



Blockade – the legal requirements

- A legitimate method of warfare
 - Can involve maritime and/or air forces
- Purpose is to interfere with enemy imports and exports
- Requirements:
 - Declared and notified
 - Effectively enforced
 - Impartial
 - Prohibited if solely or primarily intended to starve or deprive civilian population of items essential for survival



Movement of people at sea



Movement of people at sea

M/V Tampa (2001) – some legal issues

- A. Conduct and Responsibility of the MSR operation
- B. Australia's closure of its TS to M/V *Tampa*
- C. The Status of M/V *Tampa* in distress and its movement towards Christmas Island
- D. Boarding of M/V *Tampa* by SAS





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Conclusions and Questions

