

A Temporal Analysis on the Legal Status of the Turkish Straits in the Scope of National and International Legislation

Authors : Gizem Kodak, Birsen Koldemir

Abstract : The Turkish Straits are at the crossroads of Europe and Asia continents and are unique waterways connecting the Black Sea countries to the rest of the world. Because of the geostrategic value of the location, passage of trade and war ships through the Turkish Straits has become a vital attraction and importance for the great powers and the riparian states throughout the history. This study contains a temporal analysis of the legal measures implemented in the Turkish Straits System. In this context, the historical alternation of the Turkish Straits has been examined, taking into account the relevant national and international regulations. In other words, relevant national and international regulations have been examined in this study according to historical time schedules. Parallel to the main concept mentioned above, the first chapter focuses on international regulations. These arrangements are organized according to date order and in three subheadings: Sèvres Treaty (1920), Lausanne Treaty (1923) and Montreux Convention (1936). Another topic, the national regulations, has been examined under five subheadings. These; (1982), Port Regulations of Canakkale (1982), Marine Traffic Regulations of the Turkish Straits and Marmara Region (1994) and Maritime Traffic Regulations for the Turkish Straits (1998). In doing so, the aim was to identify the differences in legal arrangements throughout the time regarding the navigation through the Turkish Straits. The current situation of the Turkish Straits has been presented in detail in the last part of the work, taking Montreux Convention into consideration. In this context, the articles of the Convention which regulate the passage of trade vessels have been examined from two perspectives; Peace time and war time. As for the measures that can be implemented in time of war, three options put forward depending on Turkey's stance: 'Turkey not being belligerent', 'Turkey being belligerent' and 'situation in which Turkey considers herself threatened with imminent danger of war'.

Keywords : temporal analysis, maritime law, Turkish straits, maritime accidents

Conference Title : ICMLP 2018 : International Conference on Maritime Law and Practice

Conference Location : Dublin, Ireland

Conference Dates : November 19-20, 2018