

Legal Standards of Navigation through the Turkish Straits

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Abstract

The Turkish Straits, being one of the most important routes for international navigation, have been the concern of many states, particularly the major maritime powers of the world, with respect to their military and commercial interests. The international regimes established to regulate the navigation through this unique maritime passage, have been shaped beginning from 1774 Küçük Kaynarca Peace Agreement which is concluded in between Turkey and Russia, up to 1936 Montreux Convention on Straits. The long experience with regard to 1936 Montreux Convention has established a clear regime for passage of vessels through the Turkish Straits, but not surprisingly, contains no articles with regard to environmental protection. According to Montreux Convention, Turkey guarantees nearly complete freedom of passage and navigation of the ships in spite of the considerable environmental risk they pose throughout the Straits. The significant increase both as to amount and the tonnage of the ships, especially the accidents caused by the oil tankers threatens the environmental security of the Turkish Straits and presents an adverse impact both on the inhabitants and the environment considerably. As a response to this situation, Turkey adopted the "Maritime Traffic Regulation for the Turkish Straits and the Marmara Region" in 1993 which came into force on 1 July 1994, with the aim of ensuring the safety of navigation, life and property and to protect the environment throughout the Straits, in accordance with her international obligations under Montreux Convention. Considering inadequacies of this regulation, the Turkish Government has adopted a new regulation, which abrogates the former one in November 1998. (Karar Sayısı: 98/ 11860, Karar Tarihi: 8.10 1998, Resmi Gazete, Tarih: 6 Kasım 1998, Sayı: Mükerrer 23515) The 1998 "Maritime Traffic Regulation for the Turkish Straits" is enforceable by November the 6th 1998.(article 53 of the 1998 Regulation) The purpose of this paper is to provide an insight into the legal standards of navigation in the Turkish Straits under the relevant international conventions and the corresponding national legislation.