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THE CURRENT REGIME OF THE TURKISH STRAITS

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This article, on the occasion of the 65th anniversary of the Montreux Convention, aims to explain the passage regime of merchant vessels through the Turkish Straits in time of peace.

WHY THE TURKISH STRAITS?

To identify the Straits as the Turkish Straits has historical, political and legal justification, such as: respect for past and present general practice; due regard to Turkey's sovereign rights over this particular area and to its jurisdiction according to established principles of international law; and to indicate and emphasise the location of the Straits, like the other straits of the world.

The Turkish Straits comprises "the Strait of the Dardanelles, the Sea of Marmara and the Bosphorus"¹ and named by the general term 'Straits'.²

The literature of international law generally uses the expression the 'Turkish Straits', as in Ferenc A. Vali,³ Anthony R. Deluca,⁴ H.N. Howard,⁵ H.G. Knight,⁶ Christos L. Rozakis and Petros N. Stagos,⁷ etc.

Turkey, due to its treaty obligations under the Montreux Convention (art. 24), first gave annual reports to the League of Nations Secretary-General and, since 1945, has given these to the United Nations Secretary-General. These reports, which also go to the High Contracting Parties, are entitled, 'Rapport Annuel sur le Mouvement des Navires a Travers les Detroits Tuers' (Annual Report Concerning the Movement of Ships through the Turkish Straits). This document's title is evidence of the international credence of the expression 'Turkish Straits'.

Another important point in favour of using the expression the 'Turkish Straits' comes from a UN document. This is the 'Third United Nations Conference on the Standardisation of Geographical Names', held at Athens, in 1977, and attended by 152 participants representing 59 countries, with observers from 11 non-governmental and international scientific organisations. The basic aim of the Conference was to use national names to standardise the names of geographical locations. The Conference resolutions empower Turkey in the use of the name 'Turkish Straits'.⁸ The International Maritime Organisation (IMO), as a consequence of this UN document, started to refer to the Straits as the Strait of Istanbul, Strait of Çanakkale and the Marmara Sea.⁹ Turkey, due to these facts and as the sovereign state of the Straits, started to officially use the term 'Turkish Straits' in its domestic legislation, e.g. 'Maritime Traffic Regulation for the Turkish Straits', 8 October 1998.¹⁰

In official documents concerning state practice, such as the verbal notes given to the Turkish

Ministry of Foreign Affairs, no state refers to the Turkish Straits as the Black Sea Straits. Germany, the Netherlands, Spain, the United Kingdom and, recently, France, calls the Straits the Turkish Straits. Belgium, Romania, Ukraine and the United States prefer to name the Turkish Straits the 'Straits'. Chile and the Russian Federation prefer to name the Turkish Straits the 'Strait of Dardanelles and Bosphorus'. Greece and Italy sometimes name the Turkish Straits the 'Straits' and sometimes the 'Strait of Dardanelles and Bosphorus'. But, certain states in some of international forums, contrary to their official state practice, sometimes refer to the Turkish Straits as the 'Black Sea Straits'.

Turkey's notes in response to all states concerning the passage of their naval vessels through the Straits, and also the informative notes given to the High Contracting Parties according to the Convention (art. 24/3), only refers to the 'Turkish Straits'. Consequently, it is a legal fact that neither historical nor official documents - including diplomatic notes - in the twentieth century call the Straits the 'Black Sea Straits'. To this end, to name the Turkish Straits the 'Black Sea Straits' is misleading, as no legal grounds and, further, is highly biased.

THE SIGNIFICANCE OF THE TURKISH STRAITS AND ITS REGIME

The Turkish Straits not only have geopolitical and strategic significance, but also rapidly increasing importance for international transportation, both for the Black Sea states and for the whole world. This waterway with its sharp turns (12 within the Strait of Istanbul, some up to 80°, and six within the Strait of Çanakkale, also in certain places reaching 80°) and narrowness (in some places to less than a nautical mile) creates real dangers for safety of passage and navigation. Those physical restrictions also create dangers for the environment, including the human and marine environment. The Turkish Straits are not only important for international navigation but they also connect via an internal water two high seas, namely the Black Sea and the Mediterranean Sea are linked by the Istanbul Strait, Sea of Marmara (an internal water), the Çanakkale Strait and the Aegean.

The Montreux Convention regulates the legal regime of the Turkish Straits and this is recognised by the United Nations Convention on Law of the Sea (UNCLOS) (art. 35/c, 311/5). This article also recognises the established regimes for the Gibraltar, Danish and Magellan Straits. In legal terms, this means the exclusion, in principle, of the provisions of Part III (art. 34-45) of UNCLOS to those straits.¹¹

The Sea of Marmara, which lies between the Istanbul and Çanakkale Straits, is an internal water, not only for geographical reasons but also by historic title as this geographic area has been treated as a whole throughout history. This is important from the point of view of Turkey's jurisdiction, which is limited only by the recognised rights of passage and navigation. This jurisdiction covers, among other things, pollution, civil law, public law and criminal law matters. If the Strait of Çanakkale, the Sea of Marmara and the Strait of Istanbul had not been treated as a whole over the centuries, the Ottomans and Turks would not have had sole discretion to prohibit or permit foreign ships to pass through the Sea of Marmara.

In reference to the Straits regime, there are two different concepts: the legal and the political regime. Reference to the legal regime concerns whether the Straits are open to international navigation or not, and if so under what circumstances, and if closed why and under which circumstances. Reference to the political regime means, above all, the security of Turkey and of the Black Sea riparian states. In reality, the two regimes were regulated interdependently and parallel to each other

throughout history. To this end, when interpreting the norms for the regulation of passage through the Straits, Turkey's vital interests ought to be taken into account.¹²

THE REGIME OF THE TURKISH STRAITS IN THE TWENTIETH CENTURY

The present regime of the Turkish Straits is the outcome of a historical evaluation. From 1453 until 1809, the Ottomans were the sole power to determine the regime of the Straits. The accepted regime was to close the Straits to foreign civil and military traffic even in time of peace and it was called the Ancient Rule of the Empire. Because of the Capitulations, the Ottomans recognised concessions to allow merchant vessels of certain other states to pass through the Straits in time of peace. But, by 1809, passage through the Straits had become an international issue and subject to international agreements.¹³

Under the 1809 Çanakkale (Kala-i Sultaniye), 1829 Edirne, 1833 Hünkâr İskelesi, 1841 London, 1856 Paris and the Paris Straits conventions and the 1871 London and 1878 Berlin agreements, the Ottomans were committed to the signatory states to open the Straits to commercial vessels of all states and to close them, in principle, to all naval vessels of third states, in time of peace. In all those documents, reference to the Turkish Straits was as the Mediterranean (Bahr-i Sefid) or the Çanakkale (Kala-i Sultaniye) Strait and the Black Sea (Bahr-i Siyah) Strait, as an indication of direction of access either from the Mediterranean or from the Black Sea.¹⁴ The Turkish Straits regime founded under the nineteenth century agreements lasted until the outbreak of the First World War, and Wilson's principles played an important role in determining the ensuing legal regime for the Turkish Straits.

The Lausanne Peace Treaty and the Straits Convention

The Lausanne Peace Treaty formulates the basic principles concerning the Straits regime. According to this agreement, the term 'Straits' comprises the 'Strait of the Dardanelles', the 'Sea of Marmara' and the 'Bosphorus'. This agreement, within the same article, also declared that the parties to this agreement, "... agreed to recognise and declare the principle of freedom of transit and navigation, by sea and by air, in time of peace and in time of war..." through the said area (art. 23). The authentic text of this agreement is in French, and reads "la liberte de passage et de navigation", simply meaning "freedom of passage and navigation", but not freedom of transit. As a general rule of law, in case of a difference in the language of the texts, the authentic text will be the valid and applicable one.

The Lausanne Convention Relating to the Regime of the Straits forms an integral part of the Lausanne Peace Treaty (art. 23) and, as indicated in the preamble of the Convention, the parties ensure freedom of transit and navigation between the Mediterranean Sea and the Black Sea, in accordance with the principles in the Treaty. The authentic French text of the Convention, like the Treaty, states "liberte de passage" ("freedom of passage"), and defines the 'Straits' in the same way as the Treaty (art.1).

The Lausanne Straits Convention's regime was based upon the principle of freedom of passage of merchant vessels and of warships, taking into account various alternatives such as whether Turkey is in a time of peace or of war and also whether it is a neutral or a belligerent power.

The Montreux Straits Convention

The Lausanne Straits Convention did not satisfy Turkey because of its establishment of the Straits Commission and the demilitarisation of both shores of the Straits and all the islands in the Sea of Marmara except (Emir Ali). The collective guarantee system accepted for the security of the demilitarised zones and the security of Turkey in this region was weak and proved its insufficiency during the 1930s. Events during those years - the revisionist policies of certain states, the militarisation of certain areas in the south Aegean close to Turkish shores and the failure of global demilitarisation efforts - led Turkey to refer to the principle of law known as the *rebus sic stantibus* clause and ask the parties for a new convention to safeguard its security. To this end, the Turkish verbal note of 11 April 1936, given to all the contracting states, was received with sympathy by all except Italy.

A conference to frame a replacement for the Lausanne Straits Convention convened in Montreux on 22 June 1936 and the parties signed the new Convention on 20 July 1936. The Convention, which came into force on 9 November 1936, aimed to regulate the passage and navigation of commercial and naval vessels through the Straits in times of peace and war, and during times when Turkey considers itself under threat of imminent war. The Protocol annexed to the Convention empowered Turkey to remilitarize the shores of the Straits and the islands in the Sea of Marmara to ensure its security.

The Montreux Convention Regarding the Regime of the Straits is also based on the principle laid down in the Lausanne Peace Treaty (art. 23); the principle of freedom of transit and navigation (the authentic text is in French and uses the terms "principe de la liberté de passage et de navigation") in the Straits of the Dardanelles, the Sea of Marmara and the Bosphorus. Those geographical places, according to the Convention, are included under the general term 'Straits'. According to the wording of the Convention, it desires to regulate freedom of passage and navigation ("la passage et la navigation"), but the translation of His Britannic Majesty's Foreign Office uses the expression "transit and navigation". The Convention, as stated in the preamble, also aims to safeguard the security of Turkey and the security of the Black Sea riparian states. So, in the interpretation and implementation of the provisions of the Convention (and, in particular, the principle of freedom of passage and navigation) the security criteria must be taken into serious account since it is one of the fundamental and undeniable aims of the Convention.

Provision Related to the Passage of Merchant Vessels

The key article concerning the passage of merchant vessels through the Straits in time of peace is article 2 (paragraph 1) of the Convention, which reads:

"In time of peace, merchant vessels shall enjoy complete freedom of transit ['passage', according to the authentic French text] and navigation in the Straits, by day and night, under any flag and with any kind of cargo, without any formalities, except as provided in Article 3 below [an article related to sanitary control]. 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."

Certain expressions, such as "complete freedom of transit [passage] and navigation", "with any kind of cargo", "without any formalities" requires appropriate interpretation. However, while interpreting those terms in good faith, should they be interpreted only conceptually or with consideration of the object and purposes of the relevant provisions of the treaty? Should the preparatory work be referred

to so as to better realise the spirit of the provisions and the text as a whole? The general principles of law empower jurists to take into account all these and other factors, including those related to the use of such freedoms. Not taking into account those points for the purposes of an interpretation may create an injustice and would probably lead to an abuse of rights that no principle of law protects.

Before trying to interpret article 2 of the Convention, it is important to note that the Convention was concluded for the security of Turkey, and article 2 merely limits Turkey's sovereign rights in the Straits with regards to "freedom of passage and navigation of merchant vessels" and only for the stipulated rights (i.e. at any time, with any kind of cargo, under any flag, without any formalities). According to the general principles of international law, issues that the Convention does not cover or does not deal with clearly fall to Turkey. The Convention does not limit Turkey's sovereign rights beyond the issues indicated in the text and within the general principles of international law. In addition, customary rules of the Law of the Sea, whether general or particular, are applicable in the Straits since neither the Convention nor the principles of international law prohibit Turkey from such applications and implementations. Accordingly, the general principles of law give recognition to Turkey's jurisdiction, including its power to prohibit pollution and fine polluting vessels, and the power to regulate freedom of passage and navigation while preserving the spirit of this right. To deny those rights or the jurisdiction of a coastal state simply means to recognise absolute rights and freedoms to third persons contrary to the vital interests of the concerned riparian state, which no norm of law permits.

Turkey submitted a draft convention text, consisting of 13 articles, to the Montreux Conference¹⁵ on 22 June 1936. The preamble of the draft indicated the aim of the Convention and underlined that its purpose was to ensure Turkey's security, taking into account article 23 of the Lausanne Peace Treaty. Article 2 of this draft recognised freedom of passage and navigation and was very similar to the final text of article 2 of the Montreux Convention. Article 12 of the draft, which also concerned freedom of passage and navigation reflected Turkey's concern that none of the provisions of the Convention should by interpretation be broadened so as to breach Turkey's sovereign rights.

The United Kingdom, taking the Turkish draft as a starting point, amended some of its provisions in the light of the debates and submitted its own draft to the Conference on 4 July 1936. This draft also referred, in the preamble, to the security of Turkey, and draft article 3 was similar to the Turkish draft article 2. The main difference of understanding was on article 12 of the Turkish draft. The United Kingdom claimed that this provision could be too narrowly interpreted and may affect freedom of passage and navigation. To this end, as proposed in draft article 22, the Turkish draft should be amended to read, "Subject to the provisions of this Convention, Turkey's sovereign rights on its territory and on its territorial sea are fully preserved". Some of the provisions of the United Kingdom's draft were amended on 6 July 1936. According to this amended text, article 22 this time read, "Subject to the provisions of this Convention, Turkey's sovereign rights in the regulated area and on its territorial waters are fully preserved." From this we can clearly understand that the parties were in full agreement with respect to Turkey's sovereign rights over the Straits.

Passage is Innocent

What does complete freedom of passage and navigation mean? This freedom is accepted as a right but it can not mean an absolute one in principle, and it ought to be regulated. The use of an unregulated right leads to chaos or even abuse. Therefore, regulation of rights and freedoms, in this case by the concerned riparian state, is an accepted principle of law.

The passage regime through the Turkish Straits is not a transit passage regime within the terms of present-day legal terminology because, in the 1930s, there was no transit regime known as 'transit passage regime' (within the meaning described in UNCLOS) through straits used for international navigation. Taking this into account along with the minutes of the Conference, the Convention regime related to the passage and navigation of ships through the Turkish Straits is a sui generis innocent passage since the Convention explicitly takes into account the security of Turkey and the security of the Black Sea riparian states, as stated in the preamble. The security factor gives this type of innocent passage a sui generis character and must be taken into account when interpreting and implementing the Convention. Indeed, the security factor and Turkish draft article 12, by explicitly indicating that the provisions of the Convention cannot limit Turkey's sovereign rights in the region, aimed to give the passage the character of innocent passage.

In addition, the Turkish delegation at the Conference raised the view that the passage through the Straits should have the character of innocent passage, and none of the states that attended the Conference objected or contested this view. But, the United Kingdom representative, Lord Stanhope, criticised Turkish draft article 12 at the fifth session of the Conference, held 25 June 1936. According to him, the Turks wanted to stress that the Straits were within Turkish waters and that they were ready to bind themselves with the provisions of this Convention. On the other hand, despite the binding nature of the Convention, the Turks also wanted to underline that their sovereignty would not be limited or breached under any circumstances. But, according to Lord Stanhope, this article might be interpreted in a manner contrary to its aim and purpose. After the entry into force of the Convention, Turkey might claim that the issue in question is related to its sovereignty and in order to protect it, might claim the right to amend a provision unilaterally. Lord Stanhope said that he was sure Turkey did not mean this and hoped that the Turkish representative was sharing the former but not the latter view. Indeed, the Turkish representative, Tevfik Rü?tü Aras, pointed out that Turkey shared the former view of Lord Stanhope and said that Turkey would accept the Convention by its own consent to ease and facilitate international navigation. In addition, he also emphasised that neither the Convention nor its provisions, at any time, could be implemented and interpreted so as to limit Turkey's sovereign rights and no attempt to this end should be made. As a consequence, the United Kingdom, in order to clarify all the expressed views during the sessions, submitted an amended draft text, taking into account the Turkish text. Article 22 of the United Kingdom's draft text corresponds to Turkey's draft article 12, which implicitly accepted the principle of innocent passage by using the phrase, "Subject to the provisions of this Convention, Turkey's sovereign rights in the regulated area and on its territorial waters are fully preserved." If the participating states had objected to 'innocent passage', ideas relating to Turkey's sovereignty would not appear in the United Kingdom's text.

The parties' lack of objections to the Turkish view on the status of passage explains why the innocent passage character was not explicitly stated in the Convention. In addition, in those days, there existed a single type of regime, called innocent passage, for the passage of ships through the internal waters, the territorial sea of a state, straits located in internal waters or within the territorial waters of a state. The lack of objection to Turkey's claims during negotiations of the Convention's article 2, the Turkish draft article 12 and the United Kingdom's draft article 22 (for the preservation of Turkey's administrative and juridical powers over the area) is further evidence for the innocent passage status of the regime. Because of the lack of objection to the regime concerning the status of passage, at the fifteenth session of the Conference, held 16 July 1936, Turkey's representative, T. R. Aras, requested the withdrawal of the United Kingdom's draft article 22 from the agenda since the Straits were an

integral part of Turkish territory and none of the participating states raised hesitations about Turkey's sovereignty over the area. The United Kingdom's representative, B.G.W. Rendal, welcomed Turkey's request.

The Turkish delegate, Numan Menemenciođlu, at the plenary of the eleventh session of the Conference, held 9 June 1936, explicitly pronounced the innocent character of passage. He said that Turkey wanted to have administrative and juridical powers over the Straits and that those powers did not affect the provisions of the Convention and were beyond its scope. He also declared that those powers were essential and that no state could claim a right of passage through the Straits similar to navigating on the high seas. Menemenciođlu emphasised in the same session that Turkey had explained the issue in the Technical Committee and that the Drafting Committee had to find a formula to express those views in the text. No state objected to these points either at the eleventh session or in later sessions.

The United Kingdom's draft article 22 and some other draft articles were later referred to the Drafting Committee, which was composed of the representatives of France, Greece, the United Kingdom, Turkey and the USSR, and chaired by the Greek representative, E.B.N. Politis. In addition, during the negotiations of article 2 of the main draft, concerning the passage of merchant vessels, held in the twelfth and thirteenth meetings of the Conference, 13 and 15 July 1936, no states countered Turkey's position on the status of passage. Since no objection was raised during negotiations or after, the nature of passage is 'innocent passage' and, according to the well-established principles of the law of the sea, Turkey has legal rights to regulate passage and navigation, taking into account the security factor and the aims and spirit of the Convention.

Innocent Passage and the Rights of the Coastal State

Since the passage regime through the Turkish Straits is sui generis innocent passage, it is subject to the well-established principles of innocent passage. The provisions of the UNCLOS (articles 17-32) concerning innocent passage reflect the customary principles of the law of the sea, which recognises mutual rights and obligations both to the flag state and to the coastal state. If the ship does not violate the established principles of innocent passage, the coastal state has no right to stop or intervene in the passage of the ship.

Customary principles of the law of the sea empower the coastal state to adopt laws and regulations in respect to regulating innocent passage and navigation, for example, for the purposes of:

- The safety of navigation and marine traffic, including sea lanes and traffic separation schemes for all ships and, in particular, tankers, nuclear powered ships, ships carrying nuclear or other inherently dangerous or noxious substances or materials;
- The protection of cables and pipelines;
- The conservation of the living resources of the sea;
- The protection and preservation of the environment;
- The prevention, reduction and control of pollution, etc.

Turkey, in 1994 and 1998, totally replaced the former regulation and started to use its rights effectively in regulating the passage and navigation of civil vessels through the Turkish Straits, in conformity with the general principles of international law. Indeed, various IMO documents approved Turkey's measures. Among those documents are IMO Res. A/857 and the IMO Doc. MSC

71/WP.14/Add.2, dated 27 May 1999, continuing the IMO adopted routing system, including the associated IMO Rules and Recommendations adopted in 1994 (Res.A/857) since those measures were effective and successful. The IMO Resolution stated that the organisation's measures were established for safety of navigation and protection of the environment, and all national measures should be in conformity with those aims.

The concept of security has changed a great deal since the 1930s. So, coastal states, while trying to regulate freedom of passage and navigation, should not only take into account the security of passage and navigation, but also the security of the lives and property of the people living in the area and of the environment, including the marine environment. All developments in the law of the sea concerning the security of the vessel, of passage and navigation, and the protection of the environment should be fully observed while regulating passage and navigation by legal norms. Turkey was not only being empowered due to the security principle enshrined in the preamble of the Convention, but also by the general principles of the law of the sea including UNCLOS. Indeed, Turkey took those points into account while enacting the 1994 and the 1998 regulations, which have international implications. The regulations are traffic separation schemes (TSSs), temporary suspension of the TSSs or its sections and advising a vessel in the area to comply with rule 9 of the International Regulations for Preventing Collisions at Sea, 1972 (COLREG), in case of inability to comply with the TSSs either for technical or geographical reasons, temporary suspension of one- or two-way traffic, maintaining a safe distance between vessels, participation in the reporting system (TUBRAP), giving prior information for the purpose of efficient and expeditious traffic management and for the safety of navigation and environment, to offer pilotage or towing services for safer navigation, to ask the vessel to navigate in daylight through the Straits for ships over 200 metres in overall length and for vessels having a maximum draught of 15 metres or more, etc.¹⁶ In addition to these measures Turkey has taken unilaterally, VHF systems and Vessel Traffic Services (VTS) will soon be constructed along the Turkish Straits¹⁷ and these will contribute greatly to safety of passage and navigation.

Increasing vessel traffic through the Straits affects Istanbul. The city is of great importance because of its 10 million inhabitants its historical character, UNESCO having declared it a World Heritage site for its 3000-year history and for having hosted many cultures. These features of the city and its environment capture the attention of the environmentalists. Scientists maintain that an LPG tanker explosion in or near the Istanbul Strait would have the same affect as a quake of 11.0 on the Richter scale. This undeniable reality increases the importance of the Turkish government's measures to safeguard passage and navigation and protect the environment, and it makes third parties' respect for these measures imperative.

CONCLUSION

The Turkish Straits, because of its geography and the increasing volume of traffic, harbours real dangers for the safety of passage and navigation, life, property and the environment. Big ships and especially tankers face serious difficulties navigating the sharp turns because of the Strait's geographical structure and its strong surface and undercurrents.

Statistics reveal the speed at which maritime traffic through the Straits has increased in recent years.

Year Number of Merchant Vessels
1988 22,23218

1989 21,23519
1990 20,51520
1991 19,70321
1992 22,53022
1993 23,41423
1994 19,63024
1995 19,52925
1996 37,78126

The traffic originating from the Main-Danube, Volga-Baltic and Volga-Don canals, bound for the Mediterranean Sea and Turkish ports has increased significantly the volume of traffic.

In 1997, 50,942 merchant vessels passed through the Istanbul Strait, of which 26,672 called at a Marmara Sea port. The number of ships passing through the Çanakkale Strait in the same year is 36,453 of which 11,863 called at a port on the Marmara Sea.²⁷

In 1998, in addition to 2,000 domestic vessel crossings a day, 49,304 merchant vessels passed through the Istanbul Strait - an average of 134 ships per day or one ship every eleven minutes. Of those ships, 24,738 called at ports on the Marmara Sea. In that year 38,776 ships passed through the Çanakkale Straits, of which 13,641 called at Marmara Sea ports.²⁸

The number of ships that passed through the Turkish Straits in 1999 was almost the same as in 1998, numbering 47,897 through the Strait of Istanbul and 40,555 through the Strait of Çanakkale.²⁹ This increase in the volume of maritime traffic through the Turkish Straits since 1996 demonstrates the necessity of Turkey taking all appropriate measures for safety of passage and navigation and the protection of the environment (including the marine environment) in accordance with the well-established principles of international law. The volume and growth of traffic also demonstrates the need for states to fully respect and comply with Turkish measures because they are effective and successful despite the rapid increase in maritime traffic.

References

- 1 Lausanne Peace Treaty, art. 23. For the text of the Treaty, refer to 28 L.N.T.S., 11, reprinted in 18 AJIL 4 (Supp. 1924); Lausanne Convention Relating to the Regime of the Straits, art.1. For the text of the Convention refer to 28 L.N.T.S., 115; Montreux Convention Regarding the Regime of the Straits, preamble. For the authentic text (French) and the translation (English) of the Convention made by His Britannic Majesty's Office, refer to 173 L.N.T.S., 213.
- 2 Lausanne Convention Relating to the Regime of the Straits (preamble and art. 1), and Montreux Convention Regarding the Regime of the Straits (preamble).
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- 9 IMO Doc.SN/Circ. 166, 1 June 1994; IMO Doc. Res. A/857; IMO Doc. MSC 71/WP. 5, 25 May 1999; IMO Doc. MSC 71/WP. 14/Add.2, 27 May 1999.
- 10 T.C. Resmi Gazete (Official Gazette of the Republic of Turkey), No. 23515 Supp. 6 November 1998. This regulation came into force on the same day. Later, article 50 of this Regulation was been repealed and this amendment was promulgated in Official Gazette, No. 23686, 5 May 1999.
- 11 Yüksel İnan, *Türk Boğazlarının Siyasal ve Hukuksal Rejimi* (The Political and Legal Regime of the Turkish Straits), 2nd ed., Turhan Kitapevi, Ankara, 1995, pp. 2-3.
- 12 Ibid., pp. 4-5.
- 13 Ibid., pp. 7-9.
- 14 Ibid., pp. 9-19.
- 15 'Actes de la Conférence de Montreux Concernant la Régime des Détroits (22 juin-20 juillet 1936)', *Compte Rendu des Séances Plénières et Procès-Verbal des Débats du Comité Technique*, October 1936, Imprimé par H. Vaillant-Caemanne S.A., Liège, 1936.
- 16 IMO Res.A/857 concerning Rules and Recommendations on Navigation through the Strait of Istanbul, the Strait of Çanakkale and the Marmara Sea, which came into effect on 24 November 1994, not only approved Turkey's measures, but also recommended that ships' masters use the pilot services for safe navigation. In addition, vessels having a maximum draught of 15m or more and vessels over 200 metres in overall length were advised to navigate the Straits in daylight.
- 17 Eight in the Istanbul Strait and four in the Çanakkale Strait.
- 18 *Rapport Annuel sur le Mouvement des Navires a Travers les Detroits Turcs*, 1988, 52^{ème} année, Ministère des Affaires Etrangères de la République de Turquie, Ankara, 1998, pp. 43-44.
- 19 op. cit., 1989, 53^{ème} année, Ankara, 1990, pp. 45-46.
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- 28 op. cit., 1998, 62^{ème} année, Ankara, 1999, pp. 49-52.
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