CHAPTER 9

The Turkish Straits and the Legal Regime of Passage

Yüksel İnän*

1 Introduction

The Turkish Straits have importance not only from the point of international navigation, especially for the Black Sea, but also from the perspectives of Turkish, European and Caucasus geopolitics, strategy and security. During World War I and II and also during the Cold War era, the geopolitical and strategic importance of the Turkish Straits played, and continues to play, a prominent role for the security of Turkey as well as for the Eastern and the Western European countries.

At the end of the 20th century, in addition to the above stated factors, the exploitation of oil resources in the Caucasus and Central Asian region resulted in the a significant increase in the amount of oil and other dangerous cargoes transported by tankers through the Turkish Straits.¹ This in turn once more brought attention to the Turkish Straits, but this time from the point of safety and security of international navigation and the security of the coastal areas. This latter point is not only of great concern to Turkey but also concerns the economic interests of the Black Sea coastal states and the world, due to the interest of securing oil supplies to world markets. For these reasons, the Turkish Straits has become one of the most important and also one of the most congested straits used for international navigation.

* Dr. Yüksel İnän is a Professor of International Law at the Department of International Relations, Bilkent University, Ankara and a member of the Council of Administration of the Turkish Foreign Policy Institute (FPI), Ankara.

¹ The number of tankers carrying oil and other dangerous cargo (e.g. TTA+LPG+TCH+LNG) that had passed through the Strait of Çanakkale increased from 6035 to 9567 and through the Strait of Istanbul from 5369 to 9299 in the years 1997–2009. The statistical information were obtained from the official website of the Turkish General Directorate for Maritime Affairs, which since the writing of this paper has been removed. The statistical information provided is on-file with the author.
In addition, the Turkish Straits are among the most difficult and dangerous waterways to navigate in the world due to sharp turns (twelve in the Strait of Istanbul and six in the Strait of Çanakkale) and up to 80° with surface and bottom currents flowing at a speed of 4–8 nautical miles (n.m.), which makes navigation extremely difficult.

The total distance between the entrance and the exit points of the Straits is approximately 160 n.m. (300 km) and it normally takes about 16–18 hours to navigate this distance with an average speed of 10 n.m. The Strait of Istanbul is 18 n.m. (31 km) long and the narrowest point within this area is 700 meters. In 2009 and 2010 ships carrying highly combustible substances such as oil, LNG, LPG and other dangerous and hazardous cargo, and an average of 25–26 tankers a day pass just meters away from the shores of Istanbul. The Strait of Çanakkale is 40 n.m. (70 km) long and the narrowest point within this area is approximately 1400 meters. The number of tankers that passed through the Strait of Çanakkale was 25–27 per day for the same years.

The Turkish Straits are not only important for international navigation but also because they connect two seas: the Black Sea and the Mediterranean Sea are linked by the Strait of Istanbul, Sea of Marmara (internal water due to its historic title), the Strait of Çanakkale and the Aegean Sea.

The Sea of Marmara, which lies between the Istanbul and Çanakkale Straits, is an internal water of Turkey, not only for geographical reasons but also by way of historic title. This geographic area, the Sea of Marmara and the Istanbul and Çanakkale Straits, has been treated as a unit throughout history. This is important from the point of view of Turkey’s jurisdiction, which is limited only by the recognized rights of passage and navigation under international law and domestic law. This jurisdictional competence covers, among others, pollution prevention, 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 unit over the centuries, the Ottomans and Turks would not have possessed the sole discretion to prohibit or permit foreign ships to pass through the Sea of Marmara.
