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# Turkey and the International Law of the Sea

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The Pennsylvania State University

Penn State Law

**TURKEY AND THE INTERNATIONAL  
LAW OF THE SEA**

A Dissertation in

Law

by

Ekrem Korkut

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## **ABSTRACT**

The 1982 United Nations Convention on the Law of the Sea [hereinafter: LOSC] is widely accepted as the constitution of the oceans. Only four countries in the Third United Nations Conference on the Law of the Sea voted against the LOSC: The United States, Venezuela, Israel, and Turkey. Turkey voted against the LOSC because of dissatisfaction with the provision concerning the breadth of the territorial sea (Article 3), the delimitation of the territorial sea (Article 15), and the regime of islands (Article 121). With regard to other provisions of the LOSC, Turkish delegates at the Conference made supportive explanations. This study examines Turkey's perspective on the Law of the Sea and attempts to understand whether Turkey's maritime practices differ from the LOSC, most of whose provisions have become customary international law.

The question of whether Turkey should accede to the LOSC, and under what conditions, is addressed. By considering all maritime spaces of Turkey, as well as its outstanding disputes regarding the Law of the Sea, this dissertation provides a comprehensive analysis of Turkey's approach to the Law of the Sea and increase one's understanding of how the rules developed in a branch of international law are interpreted and applied in a domestic legal order.

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## List of Abbreviations

**Art:** Article

**CCS:** 1958 Convention on Continental Shelf

**Ch:** Chapter

**CHS:** 1958 Convention on the High Seas

**COLREG:** 1972 Convention on the International Regulations for Preventing Collisions at Sea

**CTCZ:** 1958 Convention on Territorial Sea and Contiguous Zone

**EEZ:** Exclusive Economic Zone

**e.g.:** for example

**Fn.:** footnote

**GCA:** Greek Cypriot Administration

**ICJ:** International Court of Justice

**ILM:** *International Legal Materials*

**IMO:** International Maritime Organization

**ISBA:** International Seabed Authority

**ITLOS:** International Tribunal for the Law of the Sea

**LNTS:** League of Nations Treaty Series

**LOSC:** 1982 United Nations Convention on the Law of the Sea

**MARPOL:** International Convention for the Prevention of Pollution from Ships, as Modified by the Protocol of 1978 Relating Thereto

**MSR:** Marine Scientific Research

**NATO:** North Atlantic Treaty Organization

**OPRC Convention:** 1990 Convention on Oil Pollution Preparedness, Response and Co-operation

**OPRC-HNS Protocol:** 2000 Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances

**OSRL:** 2005 Law Pertaining to Principles of Emergency Response and Compensation for Damages in Pollution of Marine Environment by Oil and Other Harmful Substances

**Reg:** Regulation

**SDR:** Special Drawing Rights

**SOLAS:** 1974 International Convention for the Safety of Life at Sea

**SUA Convention:** 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

**TRNC:** Turkish Republic of Northern Cyprus

**UKTS:** United Kingdom Treaty Series

**UN:** United Nations

**UNCLOS I:** First United Nations Conference on the Law of the Sea (24 February- 27 April 1958)

**UNCLOS II:** Second United Nations Conference on the Law of the Sea (17 March- 26 April 1960)

**UNCLOS III:** Third United Nations Conference on the Law of the Sea (1973-1982)

**UNGA:** United Nations General Assembly

**UNSC:** United Nations Security Council

**UNTS:** United Nations Treaty Series

**WMD:** Weapons of Mass Destruction