

4-10-2017

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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Submitted in Partial Fulfillment

of the Requirements

for the Degree of

Doctor of Juridical Science

April 2017

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