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Continuity of Maritime Disputes in Turkish Foreign Policy in Retrospect

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ABSTRACT

International Relations (IR) scholars generally focus on disputes on land when they study international affairs. However, disputes on the sea are also very common in IR, and the states try to establish global and regional hegemonies over the seas in their regions. In retrospect, in case of Turkey, maritime disputes have been important factors in Turkish foreign policy. The Turks will celebrate the centennial of the Republic in 2023, and maritime disputes have been an unchanging factor in Turkish foreign policy in this last 100 years, in relation to neighbors and great world powers. Therefore, one may stipulate that Turkey has been both an important sea power, and that maritime disputes have also shown a continuous recurrence in its foreign relations. Due to Turkey's strategic location in between significant seaways like the Aegean Sea, Mediterranean, Black Sea and Turkish Straits, and between the continents of Europe, Asia and Africa, maritime disputes have always been on the agenda, as items of Turkish foreign policy. In this context, this paper analyses maritime disputes in Turkish foreign policy as a continuous element of Turkey's relations with its neighbors and the rest of the world.

Keywords: Maritime Supremacy, Dispute Settlement, Maritime Jurisdiction Areas, UNCLOS, Centennial of the Turkish Republic

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Introduction

Because of its geostrategic location, Turkey is among the most important states in the world. Considered in this context, Turkey has the potential to play a key role in any international dispute or crisis involving Europe, Asia, the northwestern and northeastern states, and the Middle East. The geostrategic importance of Turkey, which connects three continents and is located on energy corridors, is a fact that is also accepted in the international arena. However, Turkey has not been able to determine a long-term maritime strategy, which is carried out in parallel with its own political geography and foreign policy parameters. In fact, maritime jurisdiction areas constitute the most important elements of Turkish foreign policy, due to

Turkey's strategic location between seaways such as the Aegean, the Mediterranean and the Black Sea, and the continents of Europe, Asia and Africa. Since the establishment of the Republic of Turkey, Turkish foreign policy has been dealing with the Black Sea and the Turkish Straits since the 1930s, the Aegean Sea problems since the 1970s, and maritime issues in the Eastern Mediterranean since the 2000s. Now, it is high time for it to determine an overall maritime strategy.

While disputes related to maritime areas – except for the Black Sea – continue to remain on the agenda, an integrated maritime policy cannot be determined regarding these areas. A legal arrangement that is compatible with the basic principles of international law regarding the delimitation of maritime jurisdiction areas can contribute to the resolution of the problems between Turkey and other littoral states to a certain extent, while strengthening Turkey's legal position. However, since Turkey is not a party to the United Nations Convention on the Law of the Sea (UNCLOS),¹ it does not refer to this Convention, but to the rules of customary law, in order to introduce the concepts of the law of the sea. For this reason, it has problems with the delimitation of maritime areas, especially with neighboring countries. If we look at Turkish foreign policy, we see that maritime disputes do constitute a major part of its relations with the neighboring states and great powers of the world. There is a continuity in Turkish foreign policy based on maritime disputes. In the last 100 years' maritime disputes have been always on the agenda of Turkish foreign policy. In the following sections, these maritime disputes which Turkey has faced during the last century will be explored in detail, and this analysis will show that maritime issues have been constantly on the foreign policy agenda. Therefore, one may postulate that maritime disputes show a continuity in Turkish foreign policy. This continuity has existed during the last 100 years of the Republic.

Continuity in foreign policy is the situation where a state does not or cannot change its foreign policy, and limits it to within certain parameters. In other words, a state may find it irrational to change a continuing foreign policy or be deprived of the capabilities to change it.² For instance, Switzerland has followed a policy of neutrality for quite a long time, and Japan on the other hand has had a foreign policy based on good relations with the USA in the aftermath of the 2nd World War. In the case of Turkey, lack of economic resources has been one of the main determinants of Turkey's continuing foreign policy of having good relations with the West, following the proclamation of the Republic.³ Similarly, another unchanging issue of Turkish foreign policy has been maritime disputes in Turkey's surrounding seas. The Ottoman Empire controlled a vast geography, and following its collapse several disputes have

1 UNCLOS, which was prepared as a result of the UN Third Conference on the Law of the Sea, was put to the vote on April 30, 1982, and with the approval of 130 countries, 17 countries abstained and 4 countries voted against (Turkey was one of the vetoing countries). The text of the Convention, on which no consensus could be reached in this way, was opened for signature on 10 December 1982 together with the Final Act. It entered into force on 16 November 1994 upon deposition of the 60th instrument of ratification. Aydoğan Özman, *Deniz Hukuku I*, Ankara, Turhan Press, 2006, p. 42. For detailed information see: UN Treaty Series, UNCLOS, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (Accessed 01.01.2023).

2 Gültekin Sümer, "Dış Politikada Süreklilik-Değişim Çekişmesi", *Uluslararası Hukuk ve Politika*, Vol. 6, No 23, 2010, p. 74.

3 Oral Sander, "Türkiye'nin Dış Politikasında Sürekliliğin Nedenleri", Melek Fırat (ed.), *Türkiye'nin Dış Politikası*, 3rd Edition, Ankara, İmge Press, 2006, p. 71-99.

erupted in its lands and seas. In particular, maritime disputes in its surrounding seas have been a continuous topic of Turkish foreign policy.

Maritime Disputes in Turkish Foreign Policy

At the outset, it should be noted that maritime issues have a critical place in Turkish foreign policy, and Turkey not being a party to the UNCLOS is an important reason for some of the problems experienced. Within this framework, before we start to analyze the maritime issues that are persistent in Turkish foreign policy, it is useful to give a little more detail about the Convention from the perspective of Turkey. As already known, the Convention is an international agreement in which maritime jurisdiction areas are regulated individually and comprehensively, and Turkey does not object to many of its provisions. Since Turkey has not become a party to the Convention and keeps its ‘persistent objector’ status, it can neither openly nor implicitly refer to the Convention on international platforms.⁴ Although many provisions of the Convention are acceptable to Turkey, Turkey has had to constantly oppose the Convention on several issues such as territorial rights on the seas, due to the lack of opportunity to raise its reservations.⁵ As a result, Turkey did not sign the Final Act and the text of the Convention, and clearly stated that it would not ratify the Convention, both at the closing session of the Third Conference of the Law of the Sea and later on various platforms.⁶

It is not possible to explain how either Turkey’s maritime issues will be determined or its legal basis will be established without considering the provisions of the UNCLOS on maritime jurisdiction areas, given that the Convention is considered to be a “maritime constitution” and it has wide acceptance on a global scale. The Convention is of vital importance to Turkey as a littoral state surrounded by sea on three sides, by a narrow sea such as the Aegean Sea, and by the Eastern Mediterranean that has some exceptional features, by the strategically important Black Sea, and the Turkish Straits that are an important waterway in terms of transportation.⁷ The contents of the concepts of internal waters, territorial sea, contiguous zone, continental shelf and exclusive economic zone (EEZ), as defined in the Convention, are also acceptable in terms of Turkish law, to a large extent. These concepts were born within the jurisdiction of customary law, and were put into writing with the Convention. However, the main reasons why Turkey is not a party to the Convention are the extent of its territorial seas, unresolved disputes over the continental shelf maritime jurisdiction area, and the provisions regarding the resolution of disputes by compulsory methods with Greece in the Aegean.⁸

4 Fevzi Topsoy, “1982 Birleşmiş Milletler Deniz Hukuku Sözleşmesi Kapsamında ‘Barışçıl Amaçlar’ Teriminin Anlamı”, *Ankara Üniversitesi Hukuk Fakültesi Dergisi*, Vol. 61, No 1, 2012, p. 384. For the term ‘persistent objector’ see: Ian Brownlie, *Principles of Public International Law*, 6th Edition, Oxford and New York, Oxford University Press, 2003, p. 11; Jonathan I. Charney, “Universal International Law”, *American Journal of International Law*, Vol. 87, No 4, 1993, p. 529, 538-542.

5 Reservations are not permitted as mentioned in Article 309 of the UNCLOS: “No reservations or exceptions may be made to the Convention unless expressly permitted by other articles of the Convention.”

6 Özman, *Deniz Hukuku I*, p. 47.

7 Sevin Toluner, *Milletlerarası Hukuk Dersleri*, 4th Edition, İstanbul, Beta Press, 1996, p. 62.

8 İsmail Demir, “Türk Deniz Yetki Alanlarının Belirlenmesinin Hukuki Dayanakları ve İç Hukuk Üzerine Bazı Düşünceler”, *Adalet Dergisi*, No 65, 2020, p. 27-31.

Although Turkey is a ‘persistent objector’ to the Convention, there is no obstacle to the inclusion of some provisions of the Convention in domestic law, so long as it does not contradict Turkish national law. Turkey, as a littoral state, has a continental shelf as *ipso facto*⁹ and *ab initio*,¹⁰ and also has the right to declare an EEZ. As a matter of fact, the rights of the coastal state over the continental shelf area are within the nature of customary rules and, unlike the declaration requirement for an EEZ, there is no need for a declaration to benefit from these rights. Therefore, every littoral state has a continental shelf. The coastal state has exclusive jurisdiction rights over the exploration and exploitation of the continental shelf’s natural resources. In other words, it is not possible for other states to explore or exploit the natural resources in the relevant region without the permission of the coastal state.¹¹ While the term EEZ was widely accepted even before the end of the Third Conference of the Law of the Sea, and prior to the UNCLOS coming into force, including Latin American countries such as Argentina, Chile, Peru, Ecuador, Panama and other developing countries have declared EEZs.¹²

In Turkey, Law No. 476 of May 15, 1964, on the Territorial Seas¹³ and Act No. 2674 of May 20, 1982, on the Territorial Seas,¹⁴ openly declared its status regarding internal waters in all the seas it has coasts on (the Black Sea, the Aegean and the Mediterranean). In addition, it has been decreed that the delimitation of territorial seas with the states whose coasts are opposite or adjacent to Turkey, will be made on the basis of “reciprocity”, both by agreement and by taking into account the characteristics of the region. In Turkish law, there is no separate law regarding the determination of maritime jurisdiction areas, except for Act No. 2674 on the Territorial Seas. Therefore, Turkey determines maritime jurisdiction areas based on customary law. In the period when Law No. 476 on the Territorial Seas was in force,¹⁵ 6 nautical miles (nm) of territorial sea and 12 nm of contiguous zone were declared. Later, based on the aforementioned law, the Council of Ministers declared the breadth of the territorial seas to be 12 nm in the Black Sea with Decree No. 8/4742, dated 1982, which was valid before Law No. 476 on the Territorial Seas came into force. It has been stated that Turkish jurisdiction over territorial seas will be determined on the basis of reciprocity against states that hold their territorial seas to be wider than this. Within this framework, Turkish territorial seas extend 12 nm in the Black Sea and the Mediterranean Sea, and 6 nm in the Aegean Sea. This results in a lack of integrity in the application of Turkish maritime jurisdiction areas.

Since the geography of Turkey occupies a very important location that connects the continents of Asia and Europe, the seaways in this geography have a number of maritime

9 By the fact itself.

10 From the beginning.

11 UNCLOS, 1982, art. 77 (1, 2).

12 Toluner, *Milletlerarası Hukuk Dersleri*, p. 273; Özman, *Deniz Hukuku I*, p. 87.

13 The Official Gazette dated 15.05.1964 and numbered 11711, https://www5.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc047/kanuntbmmc047/kanuntbmmc04700476.pdf (Accessed 29.12.2022).

14 The Official Gazette dated 29.05.1982 and numbered 17708, <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.2674.pdf> (Accessed 29.12.2022).

15 This law was declared according to the customary law, since Turkey was not a party to the 1958 Geneva Conventions on the Law of the Sea. It is also stated here that the provisions of international treaties, conventions and agreements to which Turkey is a party are reserved.

disputes starting from the internal waters (the baseline), the territorial seas, continental shelf and EEZ maritime jurisdiction areas in the Aegean and the Mediterranean. Turkey, as a littoral state, has the right to declare territorial seas, contiguous zones or EEZs, in accordance with the general principles of the law of the sea. However, since there is no clear regulation in domestic law, it determines the specified maritime jurisdiction areas based on the rules of customary law. As an exception, there is a special legal regime for the Turkish Straits, determined by an international treaty. The treaty on the Turkish Straits prioritizes the security of both Turkey and the Black Sea littoral states within the framework of the regime of the Montreux Straits Convention. After this brief information, we can start to take a detailed look at Turkey's maritime policies towards the said sea regions, and the maritime issues that are a continuous element of Turkish foreign policy.

The Aegean Sea: A Bilateral Deadlock?

The Aegean Sea has played a major role in various interactions with the surrounding geographical areas in every period of history. The fertile geography of the Aegean, located in the center of the zone, has always attracted the attention of the communities living in the inner parts, causing this region and the sea within it to be the scene of endless power and sovereignty struggles throughout history.¹⁶ The features that make the Aegean attractive, not only geographically but also politically, are the sporadic vistas created by thousands of islands, islets and rocks that seem to be scattered on the sea surface, in other words, by the geographical formation.¹⁷ In the Aegean, which has an area of approximately 214,000 km² between the Balkan and Anatolian peninsulas, the interesting geographical formation mass is composed of thousands of islands and islets, some of which are too small to be the subject of maps, corresponding to an area of 24,000 km². Today, approximately 1 million people live in these islands and 800 to 1,000 Aegean islands have a known specific name. Most of the remaining islands, islets and reefs are not named by the Turkish and Greek littoral states.¹⁸

There are two special political realities in the Aegean Sea that can be seen in very few geographies in the world. The first of these is the fact that most of the islands in the Aegean belong to Greece, although the lengths of the mainland coastlines of Turkey and Greece surrounding the Aegean are more or less equal. Secondly, the majority of islands with Greek sovereignty in the Aegean are located in the east of the Aegean (on the opposite side to the Greek mainland), lining up with Anatolia and the Turkish mainland like a wall from north to south. For this reason, it would not be wrong to say that during the issue of sovereignty for island groups such as Boğazönü, Saruhan and Menteşe in the east of the Aegean, a problem arose in the transfer of the sovereignty of these islands, which were in the right place geographically

16 Cevdet Küçük (ed.), *Türk Hâkimiyetinde Ege Adaları'nın Yönetimi*, Ankara, Stratejik Araştırma ve Etütler Milli Komitesi (SAEMK) Publications, 2002, p. 1.

17 For detailed information see: Dimitra Vagiona and George Doxopoulos, "The Development of Sustainable Tourism Indicators for the Islands of the Northern Sporades Region in Greece", *Fresenius Environmental Bulletin*, Vol. 26, No 2, 2017.

18 For a detailed index that includes Ottoman–Turkish and Romaic–Greek names of the Aegean Islands see: Sertaç Hami Başeren and Ali Kurumahmut, *Ege'de Egemenliği Devredilmemiş Adalar*, Ankara, Stratejik Araştırma ve Etütler Milli Komitesi (SAEMK) Publications, 2003, p. 133-137.

and geologically, to the state on the opposite side. In other words, the Aegean Sea is a maritime area where the geography is correct, but ownership is reversed. The fact that the sovereignty of the islands close to the Turkish mainland belong to the opposite side (Greece) causes political, economic and military problems, revealing how important it is for Turkey to be able to go to the high seas from its shores into the Aegean without interruption (freedom of navigation and air traffic).¹⁹

For Greece, there is only the problem of delimitation of the continental shelf in the Aegean Sea.²⁰ Other issues for Greece are those created artificially by Turkey violating international law, and most importantly violating the sovereign rights of Greece.²¹ Turkey, on the other hand, states that there are problems arising from the practices that Greece has unilaterally implemented in the Aegean, especially since the Treaty of Lausanne, in violation of good neighborly relations, equity and international law.²²

Starting from the 1970s and throughout the 1990s, the Aegean Sea has become a conflict area that brings the two littoral states of Turkey and Greece to the brink of open warfare from time to time in the relations between the two states. By interpreting the UNCLOS which was negotiated in 1973 and signed in 1982, as it sees fit, Greece has taken action to turn the balance in the Aegean completely in its favor. Greece's desire to extend its territorial seas from 6 nm to 12 nm in the Aegean Sea, which is a semi-enclosed sea and contains many islands, islets and rocks in this small area, has led to discussions in Ankara, where Greece is now considered as seeing the Aegean as a purely "Greek lake", and it further strengthens the belief that Turkey, which has a very long border along the Aegean, does not want to take into account its rights over this sea.²³ The limits of the high seas that will decrease as the boundaries of the territorial seas increase bring further problems. Military security problems are at the forefront of these problems, because, if the territorial seas stretch to 12 nm into the Aegean, changing the transit routes of military ships by allowing fewer routes will mean restrictions on military activities here, and this may also pose a threat to national security.²⁴ If the territorial seas in the Aegean are extended to 12 nm, given that the Greek islands block the way to Turkey's mainland, then

19 Gökhan Ak, "Ege'deki Hayalet: Türk-Yunan Deniz Sınırı, Durum ve Etkiler", *Cumhuriyet Tarihi Araştırmaları Dergisi*, Vol. 10, No 20, 2014, p. 261.

20 The Greek Government spokesperson at the time, Yorgos Petalotis, declared that there was only a continental shelf problem between Greece and Turkey. Cumhuriyet, "Sadece Kıta Sahaneliği Sorunu Var", 11 May 2010, <https://www.cumhuriyet.com.tr/haber/sadece-kita-sahanligi-sorunu-var-144170>, (Accessed 06.03.2022).

21 Ak, "Ege'deki Hayalet", p. 276.

22 According to Turkey, these problems are: i) the extension of territorial seas beyond 6 nm, ii) the delimitation of the continental shelf, iii) Greece's 10-mile airspace claims and the FIR (Flight Information Region) line, iv) the existence of armaments on the disputed islands and the non-military status of the islands, v) search and rescue issues, vi) issues of command-and-control areas of responsibility. Ali Kurumahmut, *Ege'de Temel Sorun: Egemenliği Tartışmalı Adalar*, Ankara, Türk Tarih Kurumu Publishing, 1998.

23 For the disputes in the Aegean Sea and the rules of the Law of the Sea see: Deniz Bölükbaşı, *Turkey and Greece: The Aegean Disputes*, London, Cavendish Publishing, 2004; Yücel Acer, *The Aegean Maritime Disputes and International Law*, London, Routledge, 2017.

24 H. B. Oxman, "The Application of the Straits Regime Under the UN Convention on the Law of the Sea in Complex Geographic Situations such as the Aegean Sea", *International Conference: The Passage of Ships Through Straits*, Athens, October 1999, p. 26.

the Turkish territorial seas (Turkish maritime country) rise from 7.47% to 9%, and the Greek territorial seas (Greek maritime country) rise from 43,68 to 75%. This rise would cause international waters to decrease from 48.85% to 15%.²⁵

The relationship between the Turkish and Greek nation and, as a reflection of this, the relations between the two states is based on insecurity and even hostility, stemming from some historical events. This factor prevents the problems between the two countries from being easily resolved. As a matter of fact, the two sides either refuse to sit at the negotiating table²⁶ in this environment of insecurity, or show no inclination to make any concessions, even if negotiations are started.²⁷ The dispute over maritime jurisdiction areas in the Eastern Mediterranean has recently been added to the Aegean problems, which constitute an important obstacle to Turkish–Greek relations. The relations have become even more problematic with the maritime disputes in the Eastern Mediterranean entering the picture. As can be seen, maritime disputes, which are an element of continuity in Turkish foreign policy, always remain on the agenda, and always maintain their importance.

The Mediterranean Sea: Mare Nostrum?

The Mediterranean Sea is a complex conflict zone in the context of the international system. In this geography, as long as there are serious conflicts between states or governments in the Mediterranean area such as the ones between Turkey–Greece and Republic of Cyprus (RoC),²⁸ conflicting interests and distrust between countries will continue. Conflict-oriented current developments regarding the states of the region make the issue of delimiting maritime areas with Turkey’s neighbors and other states in the Eastern Mediterranean more important than ever. Before analyzing the Eastern Mediterranean maritime jurisdiction dispute in detail, a summary of the Cyprus problem should be considered. In fact, the Cyprus problem also significantly affects stability in the Eastern Mediterranean. The struggle for sovereignty within the framework of the control of the island of Cyprus also includes the maritime issues experienced today, and affects maritime trade and policy in the region.

Cyprus Problem: Turkish-Greek Conflict in the Heart of the Eastern Mediterranean

Geostrategically, the island of Cyprus is very important, as it is located in the heart of the Eastern Mediterranean. In the past, several civilizations have prospered on this island, and several states have tried to subjugate it. For maritime supremacy in the Eastern Mediterranean,

25 This will mean that the transits of the countries of the world are under the control of only one coastal country (Greece), which concerns not only Turkey but also all transiting states. Şule Kut, “Türk Dış Politikasında Ege Sorunu”, Faruk Sönmezoğlu (ed.), *Türk Dış Politikasının Analizi*, 3rd Edition, İstanbul, Der Publications, 2004, p. 516.

26 At this point it should be stated that from 2002 onwards exploratory talks have started between Turkey and Greece.

27 Şükrü S. Gürel, *Tarihsel Boyut İçinde Türk Yunan İlişkileri (1821-1993)*, Ankara, İmge Press, 1993; Yücel Acer, “Ege Kıta Sahaneliği Sorunu ve Uluslararası Yargı Kararları”, *Ege Kıta Sahaneliği ve İlişkili Sorunlar Sempozyumu Bildiriler Kitabı*, İstanbul, TÜDAV Publications, 2002.

28 For Turkish government, there is a sovereign Turkish Republic of Northern Cyprus (TRNC) in the north of the island. But in the south, there exists Greek Cypriot Administration of Southern Cyprus (GCASC).

and the establishment of a regional hegemony, the control of the island of Cyprus is of the utmost importance.²⁹ During the time of the Ottoman Empire, the Greek and Turkish Cypriots lived in harmony on the island. However, with the rise of the nationalism movements that also caused the collapse of the Ottoman Empire, a civil war would erupt in Cyprus.

The Cyprus problem should also be considered a maritime dispute. Recently, the delimitation of the maritime jurisdiction areas around the island has also turned into a problem, as the countries of the region could not agree on a joint solution. However, from the start, the Cyprus issue was indeed a maritime dispute, as any country that holds this island would have an advantage in becoming a regional hegemon in the Eastern Mediterranean. Cyprus is one of the most important strategic islands in the world, located in the heart of many conflict zones.³⁰ To the east, there is the Arab-Israeli conflict, to the north-west there are Greece-Turkey disputes in the Aegean and Eastern Mediterranean. Furthermore, the unsettled political climate of Syria and Iraq to the east increases the importance of the island of Cyprus. Also, the region around the island is rich with hydrocarbon resources (both on land and offshore), and the countries of the region are competing to control these hydrocarbon fields. These examples should suffice to show the geostrategic importance of the island. Therefore, Greeks and Turks have wanted to control this island for quite a long time, and the United Kingdom (UK) has also been included in the competition picture, since the transfer of the island's administration to Britain by the Ottomans. Today, there are three guarantor powers of the RoC and these are namely Greece, Turkey and the UK.³¹ However, since the Turkish military operation in 1974, and the proclamation of the TRNC in 1983, Cyprus has been a *de facto* divided island.

The existing division in the island prevents any country from making the most of the maritime-related resources of this important island. Arguably, this is what the great world powers (particularly the UK) want.³² The existing conflict on the island prevents any country from fully utilizing the resources that the island provides. Hence, the policy of 'Divide and Rule' may be at work in the Cyprus problem. Undoubtedly, this also prevents a rapprochement between Greece and Turkey, as it is the main obstacle between the two nations. As long as the Cyprus problem persists, a peaceful environment between Greece and Turkey, both in the Aegean and the Eastern Mediterranean, is very hard to accomplish. Also, the seas around the island are not utilized fully due to this conflict. The fight for control of this highly strategic island in the heart of the Mediterranean proves that the existence of the maritime disputes has been an unchanging problem for Turkish foreign policy. What's more, the delimitation problem of the maritime jurisdiction areas in the Eastern Mediterranean has also been added to this quagmire in the last two decades.

29 Joseph S. Roucek, "Cyprus in the Mediterranean Geopolitics", *II Politico*, Vol. 41, No 4, 1976, p. 732-746.

30 Eyüp Özveren, "Geostrategic Significance of Cyprus: Long Term Trends and Prospects", *Perceptions: Journal of International Affairs*, Center for Strategic Research - Republic of Turkey Ministry of Foreign Affairs, Vol. 7, December 2002-February 2003.

31 *Treaty of Guarantee between UK, Turkey, Greece and Cyprus*, signed at Nicosia, Cyprus on 16 August 1960.

32 Chares Demetriou, "Divide and rule Cyprus? Decolonisation as Process", *Commonwealth and Comparative Politics*, Vol. 57, No 4, 2019.

Claims to Maritime Jurisdiction Areas: Delimitation of the Continental Shelf and the EEZ in the Eastern Mediterranean

The importance of the region, which is the focus for maritime trade with the littoral states³³ of the Eastern Mediterranean and the European, Southeast Asian and African states, increased even more with the opening of the Suez Canal. So much so that this now encompasses Mesopotamia and Central Asia via Turkey and Syria, and reaches the Arabian Peninsula and the Persian Gulf via the Suez Canal.³⁴ The Eastern Mediterranean also connects the Indian Ocean to the Atlantic Ocean via the Suez Canal. This region also plays an important role in the transportation of Caspian oil and natural gas to world markets.³⁵ Main Atlantic, European and Far East container lines use this corridor.³⁶ The current problem in the Eastern Mediterranean basin is a maritime jurisdiction delimitation dispute, which must be resolved by agreement between the relevant littoral states, within the framework of the rules of Law of the Sea.

In the Eastern Mediterranean, the RoC signed EEZ agreements with Egypt on February 17, 2003, with Lebanon on January 17, 2007, and with Israel on December 17, 2010, and then started to work to extract hydrocarbon gas in this region. The RoC's declaration of an EEZ in the Eastern Mediterranean, making agreements with littoral states other than Turkey and the TRNC to redraw regional borders, and inviting international oil exploration companies to operate in the EEZs it has declared, constitutes a fundamental issue regarding delimitation disputes.³⁷ Upon these developments, Turkey and the TRNC signed an agreement on the Continental Shelf Delimitation in the Mediterranean on September 21, 2011 in New York.³⁸ This agreement is Turkey's first delimitation agreement in the Mediterranean Sea, excluding that regarding the island of Meis (Castellorizo).³⁹ With this agreement, it was registered

33 Turkey, Greece, RoC (Turkish and Greek Cypriots), Israel, Egypt, Libya, Lebanon, Syria, Palestine and the UK (due to their bases in Cyprus) have coastlines there.

34 Hüseyin Canyaş, Süha Kocakuşak and F. Orkunt Canyaş, "Doğu Akdeniz Güvenlik Mimarisi ve Küresel Güç İlişkileri Bakımından İsrail, Kıbrıs İlişkileri", *Amme İdaresi Dergisi*, Vol. 46, No. 2, p. 111-128.

35 Barış Kuleyin and A. Güldem Cerit, "Ham Petrolün Dünya Pazarlarına Ulaştırılmasında Ceyhan Terminalinin Rolü", *Dokuz Eylül Üniversitesi Denizcilik Fakültesi Dergisi*, Vol. 3, No 2, 2011.

36 Alparslan Ateş, Şengül Karadeniz and Soner Esmer, "Dünya Konteyner Taşımacılığı Pazarında Türkiye'nin Yeri", *Dokuz Eylül Üniversitesi Denizcilik Fakültesi Dergisi*, Vol. 2, No 2, 2010. 30% of the world's maritime traffic and 25% of oil transportation pass through here. The Eastern Mediterranean is also the western gateway to the Middle East, where most of the world's oil reserves (65.4%) are located. Dursun Yıldız, "Doğu Akdeniz Neden Önemli?", *Toprak-Su-Enerji*, 2011, <http://topraksuenerji.org/?p=1197> (Accessed 01.02.2022).

37 Sertaç H. Başeren, "Doğu Akdeniz Deniz Yetki Alanları Uyuşmazlığı", *SAREM Stratejik Araştırmalar Dergisi* Vol. 8, No 14, 2010, p. 146-150.

38 This agreement was signed by Turkey and the TRNC during the 66th General Assembly Meeting of the United Nations, when the two parties were present. Law number 6344 dated 29.06.2012 and published in the Official Gazette on 12.07.2012 with number 28351 and entered into force. Later, the text of the agreement was published in the Official Gazette dated 10.10.2012 and numbered 28437, in the annex of the Council of Ministers Decision dated 20.09.2012 and numbered 2012/3764.

39 Turkey's only delimitation agreement in the Eastern Mediterranean region in the past covers the area between Meis Island and the Anatolian coast. This treaty was made between Turkey and Italy on January 4, 1932, when Meis and Mentеше Islands were taken from Italy and given to Greece under the Paris Peace Treaty. Greece, as the successor of Italy, became a party to this treaty automatically. For detailed information see: Mustafa Koç, *Uluslararası Hukukta Deniz Alanlarını Sınırlandırılması Gelişmeleri ve Türkiye'nin Deniz Alanlarının Sınırlandırılması*, PhD Dissertation, Ankara, Ankara University, Institute of Social Sciences, Department of International Relations, 2006.

that the EEZ of Cyprus – which the Greek Cypriot administration declared unilaterally and illegitimately – and the activities in that zone are not recognized.⁴⁰ Turkey has also declared that it will not allow activities such as hydrocarbon exploration in the areas where it has rights.⁴¹

Turkey took another important step, in the face of the efforts of the RoC with Egypt and Israel to expand their maritime jurisdiction areas in the Eastern Mediterranean, in violation of international law, and signed an agreement with Libya on the delimitation of maritime jurisdiction areas on 27 November, 2019. With this agreement, Turkey and Libya determined their mutual continental shelf and EEZs, and subsequently made the necessary notification to the UN. This agreement, which was an important achievement for Turkey, both legally and politically, has greatly strengthened Turkey's legal position in the Eastern Mediterranean. With this treaty, Turkey has become a state that not only objects to the existing agreements on the basis of law, but also creates legal grounds for their objections. In addition, Turkey seems to have accepted and implemented its views on how, and on the basis of which principles, the delimitation of maritime jurisdiction areas in the Eastern Mediterranean should be agreed with the other littoral states.⁴² Undoubtedly, the most equitable solution is to define the borders with an agreement in which all the littoral states participate. With such international backing, the adoption of a law regulating maritime jurisdiction areas compatible with international law will strengthen Turkey's hand the most.

In addition to being confined to land in the Aegean by the steps taken by Greece over the islands, Turkey, which sees the risk of being forced on shore in the Eastern Mediterranean as well, has become more aware of the importance of the sea, and maritime areas within it in recent years. However, just like in the Aegean Sea, a solution to the maritime jurisdiction dispute in the Eastern Mediterranean still seems far away.

The Black Sea: A Regional System?

The Black Sea is situated in an important location for both Asian and European countries. For the Black Sea littoral states, acting on a common footing is both easy and difficult in terms of long-term activities such as competition. The related difficulty stems from the economic value of the Black Sea itself, international security issues, and the fact that it is a transit route for energy lines.⁴³ The potential energy resources of the Black Sea endow both the sea and the countries of the region with a strategic position.⁴⁴

40 Sami Doğru, "Doğu Akdeniz'de Hidrokarbon Kaynakları ve Uluslararası Hukuka Göre Bölgedeki Kıta Sahaneliği ve Münhasır Ekonomik Bölge Alanlarının Sınırlandırılması", *Türkiye Barolar Birliği Dergisi*, No 119, 2015, p. 518.

41 Şafak B. Yıldırım, "Yunanistan'ın Doğu Akdeniz Politikası ve Münhasır Ekonomik Bölge Paylaşımı", *Bilge Adamlar Stratejik Araştırmalar Merkezi (BİLGESAM)*, Analiz/Avrupa, 2016.

42 Yücel Acer, "Doğu Akdeniz'de Deniz Yetki Alanları ve Türkiye-Libya Mutabakatı", *SETA Analysis*, No 301, 2019, p. 15.

43 İlyas Kamalov (Kemaloğlu), "Karadeniz Bölgesindeki Bazı Güncel Sorunlar", *Karadeniz Araştırmaları*, Vol. 6, No 21, 2009, p. 14.

44 Panagiota Manoli, *Regional Cooperation in the Black Sea, Building an Inclusive, Innovative, and Integrated Region*, Commissioned Paper for the Black Sea Trade and Development Bank, Greece, 2014, p. 5.

The Black Sea is not only a sea that opens out to the oceans through the Turkish Straits, but is also a strategic body of water that can shape world politics. The quality that makes an internal body of water such as the Black Sea valuable is that Turkey and Russia, which are important players in world politics, have coasts on it. A state that wants to reach these two countries and gain the upper hand in the event of a war has to sail up the Black Sea. However, the efforts of global powers to exert influence in the Black Sea, including Turkey's response with its economic and security strategies, the USA's desire to create a port in the Black Sea for NATO, and the energy lines of non-littoral states trying to make their presence felt indirectly on the route passing through the Black Sea are all due to the political, military and economic values of the Black Sea itself. If we make an evaluation from a new perspective in this direction, every power that wants to exist alongside this body of water will try to dominate the Black Sea, in order to get to know what energy resources and mining opportunities are at the bottom of the Black Sea. This requires being a strong player in the global politics game.⁴⁵

In the period when Law No. 476 on the Territorial Sea, 1964 was in force, it was stated that the Turkish territorial sea breadth in the Black Sea was 12 nm, in accordance with article 1 of the Annex of the Decree by the Council of Ministers on the Territorial Sea, dated 18.03.1981 and numbered 8/2624, regarding the prohibition and tracking of smuggling. However, it has been argued that this practice is against Law No. 476, since the breadth of the territorial sea is determined to be 6 nm and the territorial seas must be determined on the basis of reciprocity against states with wider territorial seas.⁴⁶ When the Decree by the Council of Ministers on the Territorial Sea - dated 29.05.1982 and numbered 8/4742 – was enacted based on the authority given by Article 1(3) of the Law of the Territorial Seas, the width of the territorial sea was determined before the entry into force of this Law, taking into account the equitable principles, on the basis of the characteristics of the seas surrounding Turkey. It was decided to maintain the current situation in the Black Sea (and also the Mediterranean) with regards to this issue. Before Decree No. 8/4742, there was no Council of Ministers decision stating that the breadth of the territorial sea was 12 nm. However, owing to the reciprocity principle, the breadth of the territorial sea was assumed to be 12 nm for both the Black Sea and the Mediterranean Sea.⁴⁷

Turkey also declared a 200-mile EEZ in the Black Sea with the Decree by the Council of Ministers on the Territorial Sea, dated 5 December 1986 and numbered 86/11264.⁴⁸ The issues of the continental shelf and EEZ limitations in the Black Sea were resolved peacefully within the framework of agreements concluded with the littoral states. Therefore, Turkey does not have any maritime jurisdiction disputes in the Black Sea in the context of its continental shelf and EEZ boundaries.⁴⁹ This is because it has signed delimitation treaties with the other littoral states. Although there is no maritime dispute in the Black Sea, the efforts of the great

45 Konur Alp Demir, "Karadeniz'in Türkiye için Kıyasal Jeopolitik Açından Önemi", *Güvenlik Stratejileri Dergisi*, Vol. 15, No 32, 2019, p. 598-599.

46 Özman, *Deniz Hukuku I*, p. 339.

47 Hüseyin Pazarcı, *Uluslararası Hukuk*, 5th Edition, Ankara, Turhan Press, 2007, p. 385; Toluner, *Milletlerarası Hukuk Dersleri*, p. 108.

48 The Official Gazette dated 17.12.1986 and numbered 19314, <https://www.resmigazete.gov.tr/arsiv/19314.pdf> (Accessed 12.11.2022).

49 Yusuf Aksar, *Teoride ve Uygulamada Uluslararası Hukuk II*, 6th Edition, Ankara, Seçkin Press, 2021, p. 75.

powers to dominate the Black Sea constantly keep this sea on the agenda. In addition, the Montreux Convention, and the order in which the littoral states of the Black Sea are favored in the context of its use gives it a special status. Political instability, security vulnerabilities or international disputes that may occur in the Black Sea region may affect both Europe and Asia, as well as Turkey and every state using it as a transit route.⁵⁰

As can be seen, the problems related to the Black Sea, although there are no maritime disputes, are a good example of maritime issues as a continuous ongoing element in Turkish foreign policy, due to its important geopolitical situation. At this point, it is necessary to open a separate discussion on the issue of the Turkish Straits, which provide the passage into the Black Sea.

The Turkish Straits: Equilibrium Regime?

Because of their geographic location, physical structure and *sui generis* characteristics, the Turkish Straits, in their use for maritime transportation⁵¹, will always be critical, as they give direction to a country's policies or even to its fate.⁵² Throughout history, other states have been closely interested in the Straits that geographically separate the two continents, but at the same time politically and economically integrate the corresponding two continents and the seas between them.⁵³ The geopolitical, geostrategic and geoeconomic importance of the Straits stems from the fact that they provide the connection between Asia and Europe, between the Black Sea and the Mediterranean, and between the oceans outside.⁵⁴

Considering the fact that 85% of the trade commodities in the world are carried by maritime transportation, the Turkish Straits that connect the seas gain even more importance. With the increasing use of maritime transportation, this continues to be a key region for the states that are trying to reach both the Black Sea and their coastal states.⁵⁵ Even though this often stated characteristic of the Straits provides many advantages to Turkey, it also brings with it critical responsibilities that should always be considered.⁵⁶

50 Alaaddin Yalçınkaya, "Kuruluşundan Günümüze Karadeniz Ekonomik İşbirliği Örgütü", *Marmara Üniversitesi Siyasal Bilimler Dergisi*, Vol. 5, 2007, p. 10.

51 Ali Kurumahmut, *Montrö Sözleşmesi, Türk Boğazları ve Karadeniz*, TÜDAV Publications, İstanbul, 2006, p. 13-14. It is a term used to express the joint transit regime through the Turkish Straits. This term was first included in the Preamble of the 1923 Lausanne Straits Convention, and was later repeated in the Preamble of the 1936 Montreux Convention. Pazarıcı, *Uluslararası Hukuk*, p. 271.

52 Kazım Ökten, *Montreux Boğazlar Sözleşmesi*, Master's Thesis, Edirne, Trakya University, Institute of Social Sciences, 2008, p. 6.

53 Sami Doğru, "Türk Boğazları'nın Hukuki Statüsü: Sevr ve Lozan'dan Montrö'ye Geçiş", *Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi*, Vol. 15, No 2, 2013, p. 123.

54 Hüseyin Pazarıcı, "Boğazlar Rejimine İlişkin Türk Dış Politikası ve Karşılaşılan Kimi Sorunlar", *Prof. Dr. Ernst Hirsch'in Hatırasına Armağan (1902-1985)*, Ankara University, The Research Institute of Banking and Commercial Law, 1986, p. 850-851.

55 Doğru, "Türk Boğazları'nın Hukuki Statüsü", p. 135-136.

56 Selman Öğüt, "Kanal İstanbul Projesi'nin Uluslararası Hukuk Açısından Değerlendirilmesi", *Uluslararası Hukuk ve Politika*, Vol. 10, No 38, 2014, p. 140.

The Turkish Straits, which connect the Black Sea and the Aegean Sea, have always been considered as a whole in terms of passage.⁵⁷ Even though they manifest the characteristics of a national straits in terms of borders, the Straits have a special status because, in addition to them being the subject of an international agreement, they are the only way for the littoral states of the Black Sea – a semi-closed sea – to reach the high seas.⁵⁸ Because of this characteristic of the Straits, passage through them is subject to international, not national regulations. However, today, the common administration of the Straits is regulated by the 1936 Montreux Straits Convention. The Montreux Convention was made to partially replace the Lausanne Straits Convention, signed in 1923.⁵⁹

The balanced system provided by the Montreux Convention is based on the freedom of passage and navigation through the Turkish Straits on the one hand, and the security of the littoral states of the Black Sea on the other. Turkey regularly states that the passage through the Turkish Straits should be called “non-stop over passage”. The main purpose of the Montreux Convention is to ensure the security of the Black Sea littoral states. While this Convention increases Turkey’s sovereign rights over the Straits, it is the longest-living treaty regulating transportation through straits, being extant since 1936.⁶⁰ These characteristics of the treaty agreed on by the Convention can be stated to be an *ad hoc* regime.⁶¹ Turkey also has the authority to take necessary measures in the Straits, which are under its sovereignty in accordance with international law. For this purpose, with the Turkish Straits Maritime Traffic Regulations of 1998, Turkey has set rules for safe transportation and protection of the environment, without abolishing the right of non-stop over passage.⁶²

The issue of the Turkish Straits is one of the most important examples which show that maritime issues have been at the center of Turkish foreign policy since the founding of the Republic. The littoral states of the Black Sea are able to trade with the world by sea, through the use of the Straits, under the sovereignty of Turkey as a passage route.⁶³ The Montreux Convention, being applied meticulously by Turkey, created a trustworthy and safe area for Turkey not just in the 20th but also in the 21st century.⁶⁴ As can be seen, maritime issues, in

57 Toluner, *Milletlerarası Hukuk Dersleri*, p. 156.

58 Bülent Şener, “Türk Boğazları’nın Geçiş Rejiminin Tarihi Gelişimi ve Hukuki Statüsü”, *Tarih Okulu Dergisi*, Year 7, No XVII, 2014, p. 469.

59 Aslan Gündüz, *Milletlerarası Hukuk, Temel Belgeler, Örnek Kararlar*, 5th Edition, İstanbul, Beta Press, 2009, p. 471; Eyüp Zengin, “Türk Boğazları’nda Geçiş Rejimi ve Türkiye’nin Boğazlardan Geçişini Düzenleme Yetkisi”, *Çankırı Karatekin Üniversitesi Uluslararası Avrasya Strateji Dergisi*, Cilt. 2, No 2, 2013, p. 41; Ökten, *Montreux Boğazlar Sözleşmesi*, p. 55, 97.

60 Hakan Arıdemir, “Karadeniz’e Kıyıdaş Devletler Açısından Montrö Sözleşmesi’nin Sağladığı Denge Rejimi”, *Dumlupınar Üniversitesi Sosyal Bilimler Dergisi*, 2016, p. 245.

61 Pazarcı, *Uluslararası Hukuk*, 2006, p. 273-274. Turkey’s rights are reserved in matters that are not covered by the contract, such as the police and the exercise of jurisdiction. Toluner, *Milletlerarası Hukuk Dersleri*, p. 165; Yüksel İnan, *Türk Boğazlarının Siyasal ve Hukuksal Rejimi*, Ankara, Turhan Press, 1986, p. 52.

62 B.M. Potshveriya, “Rusya-Türkiye İlişkilerinde Boğazlar Sorunu”, Gülten Kazgan, Natalya Ulçenko (eds.), *Dünden Bugüne Türkiye ve Rusya Politik, Ekonomik ve Kültürel İlişkiler*, İstanbul, İstanbul Bilgi University Press, 2003, p. 95.

63 Hamza Akengin, “Türkiye’nin Jeopolitiği”, Meryem Hayır Kanat (ed.), *Türkiye Coğrafyası ve Jeopolitiği*, Ankara, Nobel Press, 2016, p. 2.

64 Bülent Şener, “Tarihsel Boyutlarıyla Boğazlar’ın Jeopolitik ve Jeostratejik Önemi”, *The Journal of Academic*

particular with regard to the Turkish Straits, were at the center of Turkish foreign policy during the establishment of the Republic and in the following period, and this has continued to be at the center of Turkish foreign policy in the following century.

Maritime Disputes as an Unchanging Agenda Item in Turkish Foreign Policy

Turkey is located in a very important geographical area, in between important searoutes of the world. To its north there is the Black Sea, in the west there is the Aegean, in the south there is the Mediterranean, to the east there is the Caspian Sea, and to the southeast, there is the Red Sea. Furthermore, Turkey controls the Turkish Straits, which is an important passageway from the Black Sea to the Aegean/Mediterranean. Also, Turkey is located to the north of the Suez Canal, which is an important passageway of global shipping, and in relatively close vicinity to it. Moreover, Lake Van, located in the east of Turkey (the locals call it a sea) is a massive body of water. Therefore, strategically, seas have been very important to Turkey and Turkish foreign policy. The Ottoman Empire, Turkey's predecessor, was also a very important sea power, and commanded a big navy and merchant fleet.⁶⁵ Modern Turkey inherited from the Ottoman Empire this legacy of being a sea power and made investments in the navy and merchant fleet after the proclamation of the Turkish Republic in 1923.

Immediately after the proclamation of the Republic, the young Turkish state had to face several maritime disputes in its foreign policy. Indeed, during the Lausanne Conference, the sovereignty of the Aegean islands and Cyprus were some of the problems discussed, and Turkey tried to protect its rights in the seas around mainland Anatolia. Also, although the young republic gained independence in 1923 with the Treaty of Lausanne, the Turkish Straits would not be under Turkey's control for more than a decade. The Straits problem could only be resolved in 1936 with the Montreux Convention, with which Turkey finally established sovereignty over the Turkish straits. Hence, from the start, the Turkish Republic faced important maritime disputes as a vital issue in its foreign policy. Similarly, various Aegean islands remained under the sovereignty of Italy for decades following the founding of the Turkish Republic (so-called Dodacanese/twelve islands), and the young Turkey had to deal with this issue during those years.⁶⁶ Subsequently, another maritime dispute would erupt over the island of Cyprus in the mid 1950s. On this highly strategic island in the southern seas of Turkey, an inter-communal violence would erupt between Greek and Turkish Cypriots. Turkey and Greece would compete to gain the sovereignty of this island, and it would become a hot topic of Turkish foreign policy.

The Cyprus problem and the Aegean maritime disputes, which were on the foreign policy agenda of Turkey that did not change during the Cold War era, gained new elements with the intensification of the interactions in the area between the Balkans and the Middle East during the post-Cold War period in the Eastern Mediterranean. In this period, the regions separated from each other by the bipolar static structure started to enter a newly articulated

Social Science Studies, No 35, p. 346.

65 İdris Bostan, *Osmanlılar ve Deniz*, İstanbul, Küre Press, 2017.

66 Hazal Pabuççular, *Türkiye ve Oniki Ada (1912-1947)*, İstanbul, İş Bank Cultural Publications, 2019.

process in terms of the newly interacting areas. The most striking examples of interregional interaction areas and strategic articulation were seen between the Balkans, the Middle East and the Caucasus, which constitute Turkey's nearest neighbours. This strategic articulation added new geopolitical meanings to the seas and waterways located in the interaction areas of these regions. The strategic dependence of the seas and waterways on nearby lands, and the degree to which they are connected, reveal new strategic area definitions beyond the conventional region classifications.⁶⁷

The absence of a law that specifically regulates the principles and procedures of the rights and authorities to be exercised in Turkey's maritime jurisdiction areas creates a disadvantage to a certain extent in the process of researching, operating and protecting the resources in the maritime areas. On the other hand, an independent law in line with the basic principles of international law on the delimitation of maritime areas would contribute – to a certain extent – to the solution of the existing disagreements between Turkey and other littoral states, and strengthen Turkey's legal position. It is possible to grant exploration and operational licenses in the desired scope in maritime areas, based only on customary law. However, such a situation may not be sufficient for the exploration, operation and protection of marine space resources as actually desired. Since Turkey is not a party to the UNCLOS, regarding the continental shelf or EEZs etc., it has to refer to customary law, not to the Convention, in order to relate to such concepts. However, the fact that the concepts specified in the Convention are regulated by an independent law will eliminate such an obligation. It is more advantageous to rely on a codified provision rather than an unwritten rule.⁶⁸

In the current situation, Turkey, as a littoral state, has the right to declare a territorial sea, contiguous zone, or EEZ in accordance with the general principles of the Law of the Sea. However, since there is no clear regulation in Turkish domestic law, it determines specified maritime jurisdiction areas based on the rules of customary law.⁶⁹ In fact, Turkey has also become a party to many conventions which are mainly related to the seas (such as the International Convention for the Safety of Life at Sea, SOLAS and the International Convention for the Prevention of Pollution from Ships, MARPOL) In addition, there are many laws, regulations and lower-level regulatory acts in force. However, a framework law regulating the principles of maritime law has not been accepted into Turkish law yet. Except for Act No. 2674 on Territorial Sea, there is no law regulating the delimitation of other maritime jurisdiction areas, or the rights and authorities to be exercised in these areas either. Although there are some legal provisions regulating the rights and authorities to be used in maritime jurisdiction areas only within the scope of their own application, these are both insufficient and incompatible with each other. Law No. 476 on Territorial Sea only regulates the method and basis of the determination of Turkish territorial seas. The fact that well-known concepts in the Law of the Sea such as the contiguous zone, the continental shelf and the EEZ are not regulated in domestic law is a significant shortcoming. The fact that Turkey is not a party to this Convention shows this deficiency in terms of unravelling

67 Ahmet Davutoğlu, *Stratejik Derinlik: Türkiye'nin Uluslararası Konumu*, 42nd Edition, İstanbul, Küre Press, 2010, p. 158.

68 Demir, "Türk Deniz Yetki Alanlarının Belirlenmesinin Hukuki Dayanakları", p. 45.

69 Sertaç H. Başeren, *Doğu Akdeniz'de Hukuk ve Siyaset*, Ankara, Ankara Üniversitesi Siyasal Bilgiler Fakültesi Publications, 2013, p. 285.

the contents of these concepts. Nevertheless, there is compatibility between Turkish law and the basic concepts of the law of the sea.⁷⁰

Conclusions

This detailed analysis of several maritime-related issues shows that governance of the seas has been an unchanging issue of Turkish foreign policy during the 100 years of the Republic of Turkey. The Aegean Sea, the Eastern Mediterranean and the Cyprus disputes, the Black Sea and the Turkish Straits-related foreign policy issues have been constantly on the agenda of the Turkish foreign policymakers during the last century. As a continuous subject, maritime issues have dominated Turkish foreign policy. What's more, the seas surrounding Turkey are still unsettled, and several wars and disputes are ongoing today. This shows that the seas are certain to be on the agenda of Turkish foreign policy in the following decades. Hence, the sovereignty and shared disputes occurring in maritime jurisdiction areas are not only a legal matter. This issue also has political, economic and security dimensions. Therefore, the most effective way to solve these issues is through independent legislation regulating maritime disputes, or the adoption of a law covering maritime jurisdiction areas, and then determining an integrated maritime policy.

Undoubtedly, Turkey has to develop a maritime strategy, improve its legal framework concerning the seas and seafaring, and establish a ministry of maritime affairs, so as to be successful in its foreign policy aims, which are beset with maritime issues. Furthermore, the Turkish youth and particularly the bureaucrats should be educated with a maritime vision. It may seem a cliché, but as stated by Hayreddin Barbarossa five centuries ago, “*Whoever dominates the seas dominates the world!*”. The continuous presence of maritime-related issues in Turkish foreign policy proves the importance of the seas. In this context, the founder of the Republic of Turkey, Mustafa Kemal Atatürk stated that “*We must think of the maritime as the great national ideal of the Turk and achieve it in a short time!*”.⁷¹ These visionary perspectives of the important historical figures may act as a guiding light for the Turkish foreign policymakers in the future.

Maritime issues occupy a substantial place in Turkish foreign policy. At this point, we find it beneficial to state that a significant reason behind Turkey's current maritime disputes lies in the fact that Turkey is not a party to the UNCLOS. Indeed, without considering the provisions of the Convention on maritime jurisdiction areas, it seems impossible to determine the methods and principles to resolve the existing unresolved maritime issues of Turkey. The Convention is an agreement considered to be a maritime constitution and it has wide acceptance on a global scale. Due to the absence of a clear and comprehensive regulation in domestic law, Turkey determines maritime areas on the basis of customary law. Consequently, the fact that there are seas on three sides of Turkey keeps maritime issues relevant at all times. The continuity of maritime disputes in Turkish foreign policy proves that Turkey's destiny in its region is closely related with the maritime issues in its geography. If Turkey can increase its maritime supremacy, it will surely be successful in its foreign policy aims. Therefore, the

70 Demir, “Türk Deniz Yetki Alanlarının Belirlenmesinin Hukuki Dayanakları”, p. 43, 47.

71 Mustafa Kemal Atatürk, Opening Speech at the Fifth Session of TGNA, 1 November 1937.

maritime perspective should be further developed in Turkey and both the society and officials of the Republic should be educated with a maritime mindset.

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