

THE INTERNATIONAL LEGAL STATUS OF THE BLACK SEA

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Abstract: The legal position of the Black Sea in international law is regulated by international customary law and multilateral treaties on law of the sea. The most important of them all is the United Nations Convention on Law of the Sea (UNCLOS) concluded in Montego Bay in 1982. However, some other conventions, like 1958 Geneva Conventions and 1936 Montreux Convention also apply. The latter primarily concerns passage through the Black Sea straits — the Bosphorus and the Dardanelles — but it also grants Turkey influence over access to the waters of the Black Sea. Under the provisions of the UNCLOS, the Black Sea is classified as a semi-enclosed sea, a status which imposes obligations on coastal states to cooperate, inter alia, in the management of living resources and the protection of the environment. Coastal states may also enjoy the rights accorded to geographically disadvantaged states. The authors analyse legal provisions defining the status of the area in question, highlighting Turkey's special rights as a state exercising influence over access to the Black Sea, disputes concerning the delimitation of maritime zones, and the need for international cooperation to address the region's challenges.

Keywords: Black Sea, law of the Sea, UNCLOS, Montreux Convention, continental shelf, semi-enclosed seas, geographically disadvantaged states.

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1. Introduction. This sea has a special status in the light of international law. It is a very interesting sea area from this point of view. The provisions of the Geneva Conventions of 1958 and the United Nations Convention on the Law of the Sea of 1982 obviously apply to it, as well as the relevant provisions of customary international law. It should also be remembered that the effects of the Crimean War of 1853–1856 included the conclusion of the Paris Declaration Respecting Maritime Law of 1856, which generally abolished privateering, that is, maritime mercenary activity, and provided far-reaching protection for neutral trade and property (CTS, 1856a)¹. Thus, the war fought in the Black Sea region had universal repercussions in this respect. This body of water also had international law regulations dedicated specifically to it, including those currently in force, i.e. the Montreux Convention of 1936 (LNTS, 1936). Therefore, in principle every

¹ Privateering, i.e. maritime mercenary activity, should be distinguished from piracy, i.e. maritime robbery, which has been prohibited since ancient times (Karska, 2013: 41–42).

international law textbook, in the chapter on the international law of the Sea, refers in a special way to the Black Sea. At the same time, it is a relatively small sea, which is why coastal states cannot extend all maritime zones to the maximum distance provided for in international law. The authors are going to present a view of the status of the Black Sea from the point of view of a scientist who does not live in any of the Black Sea countries. However, we are all interested in the status of this body of water. After all, ships of all flags sail on the Black Sea.

2. Sources of International Law of the Sea

Black Sea is an interesting body of water both from a historical and international legal point of view. The interests of many countries have intersected here for centuries. This makes the status of the Black Sea complicated, different in some respects from the status of other seas, and, as a result, analysed with interest by specialists in international law.

As a rule, the status of the Black Sea is determined by the general provisions of the international law of the Sea². These are mainly international customary law, the 1958 Geneva Conventions regulating the law of the sea, and the UN Convention of the Law of the Sea of 1982 (UNTS, 1982). International custom, which includes, among other things, the principle of freedom of navigation on the high seas for ships of all flags, applies to all states, including those that did not exist at the time of its creation (Bierzanek *et al.*, 2023: 135–140, 293, and 306–309; Góralczyk *et al.*, 2024: 109–118, 236–237, and 259–262; Karski, 2025: 26). As we have already pointed out, the Black Sea is a relatively small body of water where coastal states cannot extend their continental shelf and exclusive economic zone to the full extent permitted by international law. Therefore, there is no High Seas in the full conventional sense of the term. However, from the point of view of freedom of navigation, it will apply to areas outside the territorial seas and contiguous zones of coastal states. From the point of view of freedom of navigation, this is the High Seas, according to the terms of 1958 Geneva Conventions.

There are four 1958 Geneva Conventions on the law of the sea. The first of these is the Convention on the Territorial Sea and the Contiguous Zone (UNTS, 1958a). The second of these international agreements is the Convention on the High Seas (UNTS, 1958b). The fourth is the Convention on the Continental Shelf (UNTS, 1958c). Among the Black Sea littoral states, only Georgia and Turkey have not acceded to these conventions. None of the Black Sea states have acceded to the third Geneva Convention of 1958, namely the Convention on Fishing and Conservation of the Living Resources of the High Seas (UNTS, 1958d). These conventions codify existing international custom to a certain extent and introduce many new solutions.

The entire subject matter covered by these four conventions is the UNCLOS. This Convention is often described as the modern constitution of the seas and oceans and currently has 171 parties (United Nations, 2026). Accession to the Convention is open not only to states but also to international organisations. The European Union constitutes one such organisation that has availed itself of this possibility.

Turkey is the only Black Sea state that is not a party to the UNCLOS. However, Turkey also adopts many of the solutions referred to in this convention, recognising them as customary law. According to the above-mentioned regulations of the law of the sea, the Black Sea coastal states establish their internal waters, territorial seas, contiguous zones, continental shelves, and exclusive economic zones. They agree among themselves—more or less efficiently—on the delimitation of these zones. They exercise their powers in these zones in accordance with the provisions of international law of the Sea.

² It should be remembered that the international law of the Sea is an integral part of public international law, and their formal sources are the same (Dupuy, 1974; Karska, 2009; Karska & Karski, 2019; Kaczorowska-Ireland, 2023; Evans & Lewis, 2024).

3. Disputes Considering i.a. the Delimitation of Maritime Zones in the Black Sea

The Black Sea is a body of water located between Europe and Asia. It is connected to the Mediterranean Sea through the Black Sea straits. It is not a large sea. The coastal states, which are currently Bulgaria, Romania, Ukraine, Russia, Georgia, and Turkey, are unable to extend their exclusive economic zones and continental shelves to the maximum distance provided for by international law of the Sea. The overlapping territorial claims of these states have in recent times given rise to disputes over the delimitation of maritime areas. In this context, it is sufficient to refer to the Black Sea case between Romania and Ukraine concerning the delimitation of the continental shelf around Serpents' Island³. In 2009, the International Court of Justice (ICJ) ruled out that Ukraine's Serpents' Island is the reference point for determining territorial waters with a radius of 12 nautical miles but cannot serve as a reference point for determining the width of Ukraine's exclusive economic zone. Ukraine received one-fifth of the disputed area on the shelf, and Romania received the rest (ICJ, 2009; Stan, 2024: 182). This Judgment is also especially important for the development of international law of the Sea as it was for the first time where ICJ in its jurisprudence, clearly formulated and adopted the so-called three-stage approach to maritime delimitations under the UNCLOS Articles 74 and 83 (ICJ, 2009: 97–98, 101–103). According to the Court view the first stage was to establish the provisional delimitation line (being in the principle an equidistance line), while the following stages were to examine whether there are any relevant circumstances calling for the adjustment of that provisional equidistance line in order to achieve an equitable result. At the last stage the Court was supposed to apply so-called disproportionality test to check whether the application of the delimitation line did not lead to an inequitable result (Tanaka, 2023: 268).

It should also be mentioned that certain differences in the actual, but not legal, status of the Black Sea result from the conflicts taking place there. Separatist Abkhazia, being *de jure* part of Georgia, is recognised only by Russia and a few of its closest allies. The international community does not recognise Abkhazia's independence. However, this gives rise to certain practical problems concerning the use of maritime areas which *de jure* belong to Georgia but *de facto* remain under separatist control.

The Russian-Ukrainian war also has certain implications for the enforceability of international law of the Sea in the Black Sea. By annexing, that is, illegally incorporating, Crimea and the Kherson Oblast, as well as part of the Mykolaiv Oblast, Russia considers the adjacent sea areas to be its own. From the point of view of international law, this is still part of Ukraine. However, Russia is effectively introducing its own regulations there, including restrictions on maritime navigation.

4. 1936 Montreux Convention and Access to the Black Sea

Access to the Black Sea by sea is possible through the Bosphorus and Dardanelles Straits which, together with the Sea of Marmara separating them and constituting Turkey's internal waters, form a 164-nautical-mile waterway collectively referred to as the Black Sea Straits or the Turkish Straits. The issue of passage through the Black Sea Straits depended on Turkey, whose territory surrounded the Black Sea basin in the eighteenth century. This situation began to change towards the end of that century with Russia's annexation of Crimea in 1784, and with the gradual weakening of Turkey it led to the introduction of international legal regulations concerning access to the Black Sea. Provisions on this matter were included in the 1841 London Straits Convention (CTS, 1841; Rozakis & Stagos, 1987: 24–25; Yücel, 2023: 29–31), the 1856 Paris Peace Treaty and

³ For the background and basis of the dispute between Romania and Ukraine, as well as that between the Russian Federation and Ukraine concerning the delimitation of the waters of the Sea of Azov and navigation in the Kerch Strait, see for example the works of L. Łukaszuk (2009: 122–127), K. Karski (2015: 230–231), and G.-I. Stan (2024: 177–184).

the Paris Straits Convention (CTS, 1856b; CTS, 1856c; Temperley, 1932: 387–414; Yücel, 2023: 32–33), the 1871 London Treaty (CTS, 1871; Bederman: 16–17; Yücel, 2023: 33–36), the 1878 Berlin Treaty (CTS, 1878; Yücel, 2023: 36), the 1918 Mudros Armistice Convention (CTS, 1918; Dyer, 1972: 169; Yücel: 37–39), and the 1923 Lausanne Straits Convention (LNTS, 1923a)⁴. Nowadays, the issue is governed by the Montreux Convention, signed in 1936 by: Australia, Bulgaria, France, Greece, Japan, Romania, Great Britain, the Soviet Union, Yugoslavia, and Turkey. Today, after the dissolution of the Soviet Union, the Russian Federation (as the continuing state), as well as Ukraine and Georgia (as successors), are parties to this international agreement in place of the USSR⁵. This convention regulates the rules for the passage of non-Turkish ships and vessels through the Black Sea straits.

It should be noted that the UNCLOS allows for the separate regulation of the international legal status of straits used for international navigation. Article 35(c) of the UNCLOS explicitly provides that the provisions of the part of the Convention relating to straits used for international navigation do not affect: the legal regime of straits in respect of which long-standing international agreements have been concluded, which remain in force and which have regulated, in whole or in part, the question of passage through those straits. This regulation is regarded as reflecting customary international law (Jia, 2017: 283), which is significant given that Turkey, having voted against the adoption of the UNCLOS text, has consistently refused to become a party to the Convention to this day. The UNCLOS thus confirms the existing customary legal framework recognising the legal status of selected international straits and does not seek to alter solutions established in international practice. Nevertheless, G. Plant rightly notes the possibility of applying customary law norms governing the movement of merchant ships, which define the principles of innocent passage, in areas not covered by the 1936 Montreux Convention (Plant, 2012: 1031).

The Montreux Convention guarantees, as a general rule, freedom of passage through the straits for merchant ships of all countries, both in times of peace and war, but only when Turkey is not among the belligerent States. Freedom of passage is to be exercised according to specific criteria, which are considerably stricter in the case of warships. While the passage of merchant vessels requires only prior notification before entering the straits, warships must provide notice 8 or 15 days in advance, depending on whether they fly the flag of a Black Sea state or not. In addition, the composition of the force must be communicated prior to entry, and further conditions regarding displacement, class, and number of warships must be met. Moreover, warships are permitted to exercise their right of passage only during daylight hours (Bugajski, 2021: 245). The convention limited the total tonnage of non-Black Sea states' warships in the Black Sea during peacetime to 30,000 tonnes (maximum 45,000 tonnes in the event of reinforcement of the Black Sea states' fleets). Further entries of ships into the Black Sea could take place within the above tonnage limits. The total tonnage of ships transiting the straits shall not exceed 15,000 tonnes (Symonides, 1984: 318), and the time of stay of non-Black Sea states' war vessel in the Black Sea is limited to 21 days (Plant, 2012: 1029). In this context, J. Symonides notes that the Black Sea is the only semi-enclosed sea where international law imposes restrictions on the freedom of navigation of warships (Symonides, 1984: 318). He emphasises, however, that these restrictions stem less from the special status of the Black Sea than from the regulations governing passage through the Black Sea straits⁶. Turkey's role in potentially restricting access to the Black Sea becomes significantly

⁴ This Convention was signed together with the Treaty of Peace with Turkey, with Related Documents, Lausanne, 24 July 1923 (LNTS, 1923b). See also, articles by Ph. M. Brown (1924: 113) and E. Turlington (1924: 702–704).

⁵ For the rules on continuation and succession of international agreements to which the USSR was a party, see the considerations by K. Karski (2015: 213–230).

⁶ The author further notes that the issue of the special status of enclosed and semi-enclosed seas was addressed at the 1958 Geneva Conference, but the proposed provisions allowing for the establishment of a special regime for such waters—either for historical

greater when it is a party to a conflict or it will consider itself threatened with imminent danger of war. This primarily affects warships, whose passage through the straits is then subject to Turkey's consent. The restrictions also apply, to a lesser extent, to merchant ships, which, as in peacetime, must notify their passage before entering the straits, may only transit during daylight hours, and are required to use pilotage free of charge (Bugajski, 2021: 261).

It is therefore difficult to disagree with D. R. Bugajski, who observes that the right of innocent passage in force until 1936, which regulated passage through Turkish territorial waters as well as the Black Sea straits, was significantly less restrictive than the arrangements established by the Montreux Convention. In addition to restrictions on the navigation rights of warships, the Convention also imposes more extensive limitations on merchant ships, granting Turkey, alongside the aforementioned requirement of prior notification, the right to collect taxes and carry out sanitary inspections (Bugajski, 2021: 244).

It is also important to highlight the provisions of Article 21 of the Montreux Convention, which stipulate that Turkey may exercise its discretion to permit foreign warships to pass through the straits not only when it is a party to an armed conflict, but also when, as already noted, it considers itself threatened with imminent danger of war. Notably, the Convention allows Turkey, in justified cases, to withhold permission for warships to return to their bases, irrespective of their flag. However, refusal of passage for the purpose of returning to base is applicable only to vessels of war belonging to the State whose attitude has given rise to the application of that Article. This issue is highly contentious. For instance, I. Kozak-Belaniuk contends that even if Turkey were to impose restrictions or a ban on the passage of Russian warships, under the Montreux Convention this should not extend to a prohibition on their return to bases located in the Black Sea, particularly as the Convention does not define the term 'base' and therefore it is not necessarily the 'mother base' of the vessel in question (Kozak-Belaniuk, 2025: 271).

Following Russia's aggression against Ukraine, Turkey refused to allow Russian warships to enter the Black Sea if their home ports were not Russian bases on the Black Sea. With regard to warships of non-Black Sea states that are not parties to the war, general time and tonnage restrictions apply. The United States, among others, is not a party to the Montreux Convention. However, it recognises the provisions of this international agreement as a special territorial regime and respects the restrictions arising from it. Based on these regulations, NATO warships, including US warships, have been present in the Black Sea. This was the case both in peacetime and during the 2008 Russian-Georgian war and the ongoing Russian-Ukrainian war. For example, as part of the NATO SNMG2 task force, the Polish missile frigate ORP 'General Tadeusz Kościuszko' was also present in the Black Sea in 2016. Its sister ship, ORP 'General Kazimierz Pułaski', also took part in manoeuvres in the Black Sea (Tymiński, 2019; Zalesiński, 2019).

5. The Black Sea as a Semi-enclosed Sea

The definition of the term 'enclosed or semi-enclosed sea' is included in Article 122 of the UNCLOS, and means 'a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States'. This is one of two articles forming one of the shortest parts of the UNCLOS. The second article addresses the issue of cooperation among States bordering enclosed or semi-enclosed seas. It should be noted that the concept of enclosed and semi-enclosed seas had not previously been the subject of international legal regulation and was known only within the doctrine of international law. In his commentary

reasons or on the basis of relevant international agreements—were ultimately not included in the text of the conventions on the law of the sea adopted there (Symonides, 1984: 318).

on the UNCLOS, I. Winkelmann emphasises that the provisions of Part IX of the UNCLOS did not represent customary international law when they were incorporated into the text of the convention (Winkelmann, 2017: 882). At the outset of the Third United Nations Conference on the Law of the Sea, Iran submitted a proposal to include separate definitions specifying the status of each of these seas. Ultimately, however, the proposal presented during the third session of the conference by G. Pohl, Chairman of the Second Committee, which departed from separate definitions for enclosed and semi-enclosed seas, prevailed. This proposal, contained in the Informal Single Negotiating Text (ISNT), has not been amended (Winkelmann, 2017: 883).

It should also be noted that during the 1975 conference, a proposal was made to add a third article to the section addressing this issue, emphasising that its provisions would not affect the rights and obligations of coastal or other States under the convention, and that they would be applied in a manner consistent with the provisions of the UNCLOS. However, although Article 135 of the draft, which contained this proposal, was not criticised, it was not included in the revised version of the single negotiating text (RISNT) drafted by A. Aguilar and, consequently, despite some countries revisiting this matter, it did not appear in the draft convention. J. Symonides observes that, although the reasons for abandoning this provision were not presented, it appears that probably it was considered too obvious and, as such, unnecessary (Symonides, 1984: 322).

At that time, proposals to narrow the scope of these concepts also appeared in the doctrine. For instance, L. M. Alexander suggested that semi-enclosed seas should meet the following criteria: they should have an area of not less than 50,000 nm², at least half of their perimeter should consist of land, and the width of the connection to the ocean should not exceed 20% of the total perimeter of the water body. The author further proposed that the shores of such a body of water should belong to at least two States. He also compiled a list of semi-enclosed seas, which included 23 marine areas. The largest of these was the Mediterranean Sea (865,000 nm²), while the smallest was the Gulf of Aden, with an area of 58,000 nm² (Symonides, 1984: 325).

The solution adopted in Article 122 of the UNCLOS is based on two elements. Such seas shall either be sea areas connected to another sea or the ocean by a narrow outlet, or sea areas consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States. The second of these criteria applies to enclosed or semi-enclosed seas with a relatively small surface area, such as the Caspian Sea, the Black Sea, or the Baltic Sea. The first criterion, by contrast, allows the Mediterranean Sea to be classified as a semi-enclosed sea. It is therefore difficult to regard the definition adopted in the UNCLOS as precise. However, it should be remembered that each convention can contain only what the parties are able to negotiate. The UNCLOS was concluded in the context of widespread claims by coastal States in the second half of the 20th century to maritime areas, a phenomenon referred to in doctrine as the 'creeping jurisdiction of coastal states' (Kamiński, 2025: 51–52, 56–59). The expansion of permissible width coastal zones—from the territorial sea and the contiguous zone to the introduction of the new concept of the Exclusive Economic Zone—was intended to accommodate the ambitions of States and to stabilise the legal situation. It was therefore a period of 'gifts' being granted to coastal States, and the lack of precision in the adopted regulation continues to be a source of numerous international disputes.

The issue of enclosed seas is also addressed in the UNCLOS in connection with the status of a geographically disadvantaged State. This matter is regulated in Article 70 of the Convention, which allows such status to be granted to States located on a closed or semi-enclosed sea. In particular, small bodies of water appear to exemplify the vaguely formulated criteria of this provision. Article 70(2) of the UNCLOS provides that, for the purposes of this part of the Convention, geographically disadvantaged States are defined as: 'coastal States, including States bordering enclosed or semi-enclosed seas, whose geographical situation makes them dependent upon the exploitation of the living resources of the exclusive economic zones of other

States in the subregion or region for adequate supplies of fish for the nutritional purposes of their populations or parts thereof, and coastal States which can claim no exclusive economic zones of their own’.

A geographically disadvantaged State may therefore be a State with access to the sea but limited access to marine resources. This category includes States whose economic situation has been constrained by the introduction of the Exclusive Economic Zone (EEZ) and those unable to establish their own EEZ (e.g., land-locked States) (Pełowska-Dąbrowska, 2014: 340). A specific entitlement for geographically disadvantaged States, provided for in Article 70(1) of the UNCLOS, is the right to participate in the exploitation of an appropriate share of the surplus catch in the exclusive economic zones of coastal States within the same subregion or region. However, this approach is not entirely precise, as the Convention does not define the terms ‘region’ or ‘subregion’, and questions remain regarding the practical utilisation of the fishing opportunities envisaged by the Convention (Kamiński, 2021: 242–243). Returning, however, to the definition of a geographically disadvantaged State, while the first criterion would need to be substantiated with reference to prior practice, such as fishing in areas that, before the establishment of EEZs by neighbouring States, were considered high seas subject to the freedom of fishing, the second criterion is formulated so generally that it gives rise to various interpretations. Does it imply that it is impossible to establish an EEZ at all—a situation that, apart from land-locked States, would be extremely rare in practice—or, conversely, that it is impossible to establish an EEZ with the full width of 200 nautical miles? It is therefore hardly surprising that state practice appears to favour the latter interpretation. Instead of providing evidence based on historical fishing in areas that were formerly part of the high seas, where fishing was freely allowed before neighbouring states established EEZs, it is sufficient to make a self-determination by submitting an appropriate declaration under Article 310 of the UNCLOS. J. Harrison notes that some Black Sea States, such as Romania, Ukraine and Moldova, have followed this approach. Their declarations have not been opposed by other states (Harrison, 2017: 550–551), which seems to indicate widespread acceptance of this solution in state practice.

6. Cooperation Between Black Sea States

Cooperation between states bordering enclosed or semi-enclosed seas is regulated by Article 123 of the UNCLOS⁷, which provides that such cooperation should take place either directly or through a competent regional organisation. In defining the scope of this cooperation, the Convention prioritises the coordination of activities related to the management of living marine resources, which, as noted, concerns the status of geographically disadvantaged states and their right to participate in the surplus catch of other states in the region. Further provisions of this article address the requirement to coordinate activities in the fields of marine environmental protection and scientific research. The article also encourages extending this cooperation beyond the basin of a given enclosed or semi-enclosed sea by involving both interested states and other international organisations. It should be noted that cooperation among the Black Sea states is largely institutionalised and encompasses each of these elements. In fact, it was already in place prior to the adoption of the UNCLOS. For instance, the Varna Convention on Fishing in the Black Sea, concluded in 1959 between Bulgaria, Romania, and the USSR, established the Joint Commission on Fisheries in the Black Sea, which

⁷ Article 123 of the UNCLOS: ‘States bordering an enclosed or semi-enclosed sea should cooperate with each other in the exercise of their rights and in the performance of their duties under this Convention. To this end they shall endeavour, directly or through an appropriate regional organization: (a) to coordinate the management, conservation, exploration and exploitation of the living resources of the sea; (b) to coordinate the implementation of their rights and duties with respect to the protection and preservation of the marine environment; (c) to coordinate their scientific research policies and undertake where appropriate joint programmes of scientific research in the area; (d) to invite, as appropriate, other interested States or international organizations to cooperate with them in furtherance of the provisions of this article’ (UNTS, 1982).

was responsible, among other tasks, for agreeing on fishing rules in the area and coordinating scientific and research programmes (UNTS, 1959; Symonides, 1984: 331; Tiroch, 2013: 953; Oanta, 2017: 111–117). Bulgaria, Romania, Turkey, and the European Union are also members of the General Fisheries Commission for the Mediterranean (GFCM), a regional fisheries management organisation established in 1949 under Article XIV of the Constitution of the Food and Agriculture Organisation of the United Nations (FAO) (FAO, 1945). The GFCM addresses fisheries issues not only in the Mediterranean Sea but also in the Black Sea (Tiroch, 2013: 953). The need for international cooperation in the maritime economy and for reducing environmental pollution arises, in part, from the specific characteristics of the Black Sea. The sea is largely naturally anoxic (depleted of oxygen) due to the limited exchange of water with other marine areas, making it particularly vulnerable to pollution from land-based sources carried by rivers, including the Danube and the Dnieper (König, 2012: 1032), as well as from tanker traffic transporting crude oil and the transfer of gas via submarine pipelines (Beefeater Fella Reports, 2025). In 1997, R. Adams emphasised that ‘...continuous pollution over the years has led to an almost total collapse of the Black Sea and the life that once thrived there (Adams, 1997: 209). This environmental degradation began to cause a fishing crisis and also affected tourism. Consequently, cooperation between coastal states in protecting and restoring the environment has become an especially urgent issue. This collaboration is founded on the Convention on the Protection of the Black Sea Against Pollution (1992), to which all Black Sea coastal states are parties (UNTS, 1992a). This Convention is supplemented by four protocols: (1) Protocol on the Protection of the Black Sea Marine Environment Against Pollution from Land Based Sources (LBS Protocol) (UNTS, 1992b), (2) Protocol on Cooperation in Combating Pollution of the Black Sea Marine Environment by Oil and Other Harmful Substances in Emergency Situations (UNTS, 1992c), (3) Protocol on the Protection of the Black Sea Marine Environment Against Pollution by Dumping (UNTS, 1992d), (4) The Black Sea Biodiversity and Landscape Conservation Protocol (CBD Protocol) (Commission on the Protection of the Black Sea Against Pollution, 2002; Kirk & Saeneewong Na Ayudhaya, 2017: 127–132; Oanta, 2017: 118–124; Oral, 2012). Based on the Convention, the Commission on the Protection of the Black Sea Against Pollution was established, supported by a Secretariat located in Istanbul, and a number of protocols and strategic action plans for regional development were adopted (Ciechanowicz-McLean, 2015: 99–101). These include the Strategic Action Plan for the Rehabilitation and Protection of the Black Sea, adopted in 1996 and amended in 2009, which concerns the protection of the region’s natural environment against pollution and devastation (Makarenko, 2024; Oral, 2013: 803).

It is worth noting that in a 2013 article, N. Oral proposed that coastal states which are members of the International Maritime Organisation should seek for the Black Sea, or parts of it, to be granted the status of Particularly Sensitive Sea Areas (PSSAs) in order to strengthen efforts to improve its environmental condition. As an example of such measures taken by countries bordering a sea experiencing significant water degradation, he cited the initiative of eight Baltic States—all coastal states except the Russian Federation—which submitted a joint application concerning the Baltic Sea⁸.

7. Conclusion

The Black Sea is a semi-enclosed sea, and its status is derived from the provisions of the UNCLOS and other international agreements, including those concerning cooperation between Black Sea states in maritime economy and environmental protection, as well as from norms of customary international law. States bordering this body of water may also be granted the status of geographically disadvantaged states under the UNCLOS, which allows them to benefit from any surplus catches in the exclusive economic zones

⁸ To date, this status has been granted to 19 marine areas, with the Baltic Sea recognised as a PSSA in 2005 (IMO, n.d.).

of other countries in the region. Although Turkey, one of the Black Sea coastal states, is not a party to the UNCLOS, in practice it applies many of the provisions contained therein, including those reflecting established customary international law. The status of the Black Sea is also shaped by specific arrangements, incidentally recognised by the UNCLOS, such as the 1936 Montreux Convention, which is primarily concerned with passage through the Black Sea straits but also regulates the number of foreign warships present in the Black Sea. It should be emphasised that the status of this body of water is not solely an internal matter for the Black Sea states. Under Article 58 of the UNCLOS, within the Exclusive Economic Zones of coastal states, all states enjoy not only the freedoms of navigation and overflight and of the laying of submarine cables and pipelines, but also other internationally lawful uses of the sea related to these freedoms, like those associated with the operation of ships, aircraft and submarine cables and pipelines. Thus, the provisions of the UNCLOS and customary international law are decisive in determining the legal regime of the Black Sea. The sole exceptions concern passage through the Black Sea straits, which is specifically governed by the Montreux Convention of 1936.

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