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TRENDS IN THE OPERATIONAL REGIMES OF CONVENTIONAL STRAITS AS MARKERS OF REGIONAL SECURITY POLICY SHIFTS

This paper examines the geopolitical and legal dynamics of global maritime chokepoints, focusing on the “technical securitization” of conventional straits under UNCLOS Article 35(c). Prompted by the post-2022 Black Sea security crisis, the study provides a comparative analysis of the Turkish, Danish, Magellan, and Åland straits. The findings reveal a global megatrend: coastal states systematically operationalise domestic technical-safety rules, compulsory pilotage mandates, and digital tracking to incrementally consolidate sovereign administrative control. The analysis demonstrates that recent regional realignments have transformed routine safety mechanisms into active instruments for asymmetric border monitoring and situational awareness, progressively subordinating traditional freedom of navigation to coastal state oversight without overtly violating long-standing international conventions.

Keywords: *maritime policy security trends, regional security policy, UNCLOS Article 35(c), technical securitization, freedom of navigation, compulsory pilotage, conventional straits, Turkish Straits, Danish Straits, Strait of Magellan, Åland Strait, coastal state sovereignty.*

Since the first day of Russian Federation’s full-scale military invasion of Ukraine, it has been done everything by them to block Ukrainian ports on the Black Sea. Russia intensifies attacks on the port infrastructure, trade vessels and grain storage facilities, mine sea routes in order to reduce Ukraine’s export potential. As of May, more than 700 port infrastructure facilities and more than 150 civilian vessels have been either damaged or destroyed since 24 February 2022 (Barinov, 2026). This led to enormous negative consequences – first of all, in terms of food security in the world. Russia’s systemic efforts to destabilise global supply chains and weaponise food security by targeting Ukrainian grain exports highlight the critical link between maritime transport corridors and regional stability.

Ukraine is committed to guaranteeing security and ensuring freedom of navigation both in the Black Sea region and globally. From this perspective it is extremely important to ensure the security and stability of Ukraine’s maritime activity not only in Black Sea area but in global maritime routes in particular over major sea lanes and chokepoints, such as straits, passages and channels, as defined by international security interests. Proclaiming pursuing of national and regional security interests, there is currently a trend whereby certain regional players are attempting to circumvent the provisions of United Nations Convention on the Law of the Sea (UNCLOS) and customary law to establish unilateral control on globally vital maritime chokepoints. To achieve this, the precise analysis and forecasting of maritime security policy trends, as integral components of broader megatrends in international security, are crucial for ensuring Ukraine’s stability and development as a maritime state.

According to Article 35(c) of the UNCLOS, the provisions of its Part III “Strait used for international navigation” cannot affect among other things “the legal regime in straits in which passage is regulated in whole or in part by long-standing international conventions in force specifically relating to such straits”, and such an agreement already exists for the Turkish Straits, the Danish Straits, Magellan Strait and Åland Strait (Özbek, 2014, p. 1), an analysis of each of these is provided below.

Turkish Straits. Starting with the Turkish straits of the Bosphorus and the Dardanelles, which are of paramount importance to Ukrainian international shipping, it is worth noting that changes to the operating regime of these straits have been introduced in the direction of restrictions, beginning with the entry into force of the Marine Traffic Regulations for the Turkish Straits and the Marmara Region in 1994, which constituted the first challenge to the original regime established by the Montreux Convention of 1936. By shifting the focus from international legal regulation of the straits to national administrative regulation, the 1994 regulations introduced restrictions which de facto amended or narrowed the provisions of the Montreux Convention in the following key areas: halting traffic due to compulsory circumstances

(Article 24), conditions of anchorage for vessels in transit (Article 14), time of in advance notification of strait's Administration (Articles 7 and 8), establishing compulsory pilotage (Article 31). The new regulations introduced restrictions that directly challenged the free passage guarantees of the Montreux Convention. Russia led the opposition, and despite widespread international backlash, the rules took effect in July 1994. Ultimately, continuous diplomatic pressure led to negotiations that produced the 1998 Maritime Traffic Regulations for the Turkish Straits (Köse, 2023). Within this framework, Ankara omitted the most politically sensitive language while firmly maintaining its administrative authority over the Turkish Straits. This technical securitisation was implemented by substituting political terms with operational definitions (Article 2(f)), aligning standards with International Maritime Organisation criteria (Articles 2(d) and 3), and broadening the scope of vessels subject to mandatory pre-entry reporting. Most importantly, it introduced a significant legal novelty by adding public security considerations and similar occasions to the grounds for temporary traffic suspension (Article 20). Furthermore, the omission of Article 50 from the 1998 Regulations is highly significant and illustrative. In its initial draft, this Article introduced key terminological distinctions regarding the legal regimes governing different types of transit. Specifically, it stipulated that vessels undertaking a non-stop passage were entitled to the right of "free passage" as guaranteed by the Montreux Convention, whereas "innocent passage" was prescribed for all other categories of vessels (Arat, n.d., p. 1). The subsequent repeal of this Article underscores the coastal state's shift away from broad political-legal declarations, favouring instead the primacy of its own domestic technical and safety frameworks.

In the current 2019 Maritime Traffic Regulations for the Turkish Straits, Türkiye has tightened controls on vessels, particularly military ones. For instance, in the description of anchorages (Annex 2), Türkiye has clearly designated specific zones for "nuclear-powered military vessels" and ships carrying dangerous cargo. In other words, even foreign nuclear-powered military vessels are now clearly assigned specific locations on the map by Turkish port authorities. The exemptions provided under Article 50, according to which the passage of foreign warships is exempted from the regulations of several other Articles – specifically exempting them from certain technical condition and reporting requirements (Article 6), speed limits, and overtaking prohibitions under specified conditions (Articles 13, 14, and 16) – illustrate attempts to strike a balance with respect to the special status of naval forces, as excessive interference with their navigation during transit through the straits could cause significant friction in Türkiye's international relations with global security actors. At the same time, the conditions for the passage of civilian vessels are subject to increasing regulation, which, if further restrictions are introduced, will primarily have a negative impact on nations whose economies heavily rely on maritime exports. In our view, the trends observed through changes in the regulation of vessel passage through the Turkish Straits indicate an expanding national toolkit of political and technical tools of control over the waterways, particularly amid unfolding foreign and / or domestic political crises, as well as for reasons of domestic interest.

Danish Straits. Denmark is pursuing a similar approach to sovereignty through "soft power" and technical regulation. It does not abolish free transit rules, but creates a dense network comprising mandatory digital reports (Mandatory Ship Reporting System in the Belt Traffic [BELTREP] and The Sound [SOUNDREP]), IMO pilotage recommendations and strict environmental requirements.

Unlike the Turkish Straits, which are governed by the Montreux Convention and over which Turkey exercises recognised sovereignty, the Danish Straits, for their part, are subject to stricter international legal regulation due to The Copenhagen Convention, which came into force in 1857 and abolished the historic "Sound Dues" and topsail salutes previously demanded by Denmark, establishing the right of unimpeded and free navigation through the Sound and Belts. Signed by leading maritime powers, the agreement prohibited the detention or taxing of any transit ships, made pilotage optional, and mandated that Denmark maintain the straits' lighting and buoy systems to ensure safe, continuous global trade (Central Intelligence Agency, 1975, p. 2).

Historically, during the Laws of the Sea III negotiations, Denmark emerged as a formidable opponent to the strategic ambitions of both the United States and the Soviet Union. While the global superpowers sought to secure a universal right of unimpeded free transit, including submerged submarine passage and military overflight, through international straits, Copenhagen firmly defended the traditional regime of innocent passage for waterways narrower than six miles, viewing any shift toward high-seas corridors as a direct threat to its territorial integrity. Crucially, Denmark's diplomatic strategy relied on securing an exemption by defining the Danish Straits as a "regime strait" governed by long-standing international treaties and customs. The Danish stance posited that a right of passage comparable to high-seas freedom of navigation had never existed in these waters (CIA, 1975, pp. 1-3); instead, a highly specialised, historically grounded legal framework had successfully served both coastal sovereignty and international shipping interests for centuries, ultimately justifying the inclusion of the Article 35(c) safety clause in the final UNCLOS text.

Having secured its rights regarding the regulation of the strait, Denmark continued to defend them through active participation in the IMO's work on traffic control, particularly for environmental reasons. For example, Resolution MSC.314(88) of the Maritime Safety Committee (adopted on 29 November 2010) established a New Mandatory Ship

Reporting System “In the Sound Between Denmark and Sweden” (SOUNDREP). Crucially, the framework exempts warships, naval auxiliaries, and other ships owned or operated by a Contracting Government and used only on government non-commercial service, which are nevertheless encouraged to participate (IMO, 2010, p. 2). In our view, this approach mirrors the regulatory philosophy of Article 50 of the current 2019 Maritime Traffic Regulations for the Turkish Straits, which similarly insulates foreign naval forces from intensive domestic administrative oversight to prevent interstate friction. The document also introduced a mandatory reporting requirement for all ships with a gross tonnage of 300 tonnes or more (Paragraph 1.1). At the same time, captains are required to disclose technical details that were previously considered internal matters of the vessel, such as the quantity and IMO class of dangerous goods, the quantity and type of bunker fuel for ships of 1,000 tonnes or more, and any defects or limitations on the ship’s manoeuvrability. Furthermore, the system establishes a unique cross-sectoral security nexus by enforcing specific voice reporting lines for vessels with an air draught exceeding 35 meters to safeguard adjacent air traffic control zones (Paragraph 6.6). This demonstrates that while the legal modalities of the Danish and Turkish straits differ, both regional regimes increasingly rely on non-verbal monitoring technologies (such as Automatic Identification System integration) and environmental-technical mandates to consolidate sovereign administrative control over globally vital maritime chokepoints.

The evolution of the Danish Straits regime after 2010 was marked by the updates to the BELTREP area under IMO Resolution MSC.332(90), the launch of the Fehmarn Belt VTS, and the total digitalization of E-navigation frameworks. It demonstrates that technical securitisation is a continuous, escalating process. Moreover, the recent geopolitically driven shifts within the 2023 – 2026 timeframe, aimed at countering the risks of un-vetted “shadow fleet” tankers, prove that coastal states increasingly operationalise environmental mandates and mandatory compliance tools to tighten their sovereign grip.

Strait of Magellan. The global dimension of this technical securitisation trend is further validated by the operational regime of the Strait of Magellan – another major conventional waterway protected under UNCLOS Article 35(c). According to the Boletín del Derecho del Mar published by the United Nations (1997) governed fundamentally by the 1881 Treaty of Limits, a regime reiterated in the 1984 Treaty of Peace and Friendship. In the latter Treaty, in Article 10, Chile and Argentina agree on a delimitation line at the eastern end of the Strait of Magellan and agree that this delimitation in no way alters the provisions of the 1881 Treaty of Limits, in accordance with which, and as Chile had unilaterally declared in 1873, the said Strait is neutralised in perpetuity and free navigation is guaranteed for the flags of all nations, under the terms set out in Article V. For its part, the Argentine Republic undertakes to maintain, at all times and under all circumstances, the right of vessels of all flags to navigate expeditiously and without hindrance through its territorial waters to and from the Strait of Magellan (Naciones Unidas, 1997, pp. 9, 109). However, the coastal state, Chile (through its maritime authority, DIRECTEMAR), has successfully restricted the practical execution of free transit by instituting an exceptionally rigid regime of compulsory pilotage and comprehensive vessel traffic monitoring (VTS) at strategic chokepoints like the First Narrows. Pursuant to Article 1 of the Chilean Regulations on Pilotage and Navigation, all foreign commercial vessels are legally prohibited from transiting the strait without a Chilean pilot on board, transforming a sovereign safety measure into an absolute tool of administrative oversight (Armada de Chile [DIRECTEMAR], 2017, p. 7). Unlike the Turkish or Danish frameworks, where military vessels enjoy sweeping automatic immunities from administrative reporting, the Chilean regime asserts a much tighter sovereign grip. According to Article 2 and subsequent sections of the Regulations, exemptions from mandatory pilotage are strictly confined to domestic vessels under 150 gross tonnage or specific captains holding localised expertise certificates, while foreign warships remain subject to discretionary administrative authorizations by the Chilean naval command. Moreover, recent diplomatic friction regarding unilateral administrative decrees in adjacent waters underscores that the Strait of Magellan, much like the Turkish and Danish straits, remains a critical marker of regional security dynamics, where technical governance serves as the primary instrument for safeguarding national geopolitical interests (Vidal, 2023, p. 4).

Åland Strait. Finally, the Åland Strait completes this comparative matrix of conventional straits protected under UNCLOS Article 35(c). The legal regime governing this waterway is rooted in the 1921 Åland Convention, which established the permanent demilitarisation and neutralisation of the Åland Islands, a status later reinforced by bilateral agreements and Finland’s international obligations (Great Britain Foreign Office, 1922, p. 5). While freedom of navigation is legally preserved, the coastal state, Finland, increasingly operationalises advanced technical tracking and strict administrative frameworks to monitor transit. As codified in the recent Finnish Transport and Communications Agency Regulation updated in January 2024, the state enforces a comprehensive regime of compulsory pilotage limits and highly formalised electronic advance notification systems (Traficom, 2024). Pursuant to Sections 4 and 6 of the Regulation, exemptions from mandatory pilotage are strictly confined to sovereign domestic state vessels, minor crafts under size limits, or civilian captains holding individual Pilotage Exemption Certificates (PEC). In the context of recent Baltic Sea geopolitical realignments, Finland’s implementation of these technical mandates and rigorous digital tracking has transformed, in our opinion, a routine maritime safety mechanism into an active tool of asymmetric border monitoring

and situational awareness, consolidating sovereign administrative control without overtly violating long-standing international conventions.

These findings demonstrate that while the legal modalities of conventional straits vary globally, coastal states systematically operationalise domestic safety protocols and pilotage regulations to incrementally assert sovereign administrative control over vital maritime chokepoints. This trend reinforces our primary thesis: changes in these international waterways serve as a key marker of regional security dynamics, where traditional freedom of navigation becomes progressively subordinate to the technical, ecological, and administrative instruments of the coastal state.

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**ТЕНДЕНЦІЇ В РЕЖИМАХ ФУНКЦІОНУВАННЯ КОНВЕНЦІЙНИХ МОРСЬКИХ ПРОТОК ЯК
ІНДИКАТОРИ ЗМІН У РЕГІОНАЛЬНІЙ ПОЛІТИЦІ БЕЗПЕКИ**

Ці тези розглядають геополітичну та правову динаміку глобальних морських вузьких місць, при цьому основна увага приділяється «технічній сек'юритизації» звичайних проток відповідно до статті 35(с) Конвенції ООН з морського права (UNCLOS). З огляду на кризи безпеки в Чорному морі після 2022 року, в дослідженні наводиться порівняльний аналіз Турецької, Данської, Магелланової та Аландської проток. Результати дослідження виявляють глобальний мегатренд: прибережні держави систематично впроваджують внутрішні правила технічної безпеки, обов'язкові вимоги щодо лоцманського супроводу та цифрове відстеження з метою поступового зміцнення суверенного адміністративного контролю. Аналіз демонструє, що нещодавні регіональні перегрупування перетворили рутинні механізми безпеки на активні інструменти асиметричного моніторингу кордонів та ситуаційної обізнаності, поступово підпорядковуючи традиційну свободу судноплавства нагляду прибережних держав без явного порушення давно існуючих міжнародних конвенцій.

Ключові слова: тренди політики морської безпеки, регіональна політика безпеки, стаття 35(с) Конвенції ООН з морського права (UNCLOS), технічна сек'юритизація, свобода судноплавства, обов'язкове лоцманське супроводження, традиційні протоки, Турецькі протоки, Данські протоки, Магелланова протока, Аландська протока, суверенітет прибережної держави.

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