



# Economic and Social Council

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## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on Rail Transport

##### Sixty-sixth session

Geneva, 7–8 November 2012

Item 6 of the provisional agenda

##### Trans-European Railway (TER) project

## Activities implemented in the reporting period 2011–2012

### Note by the Project Manager

#### Corrigendum\*

#### Paragraph 15

*Add* the following footnote at the end of the first sentence

During the sixty-sixth session of the Working Party, the representative of the Russian Federation stated that the term "Istanbul Strait" did not appear in any international legal instrument and was thus unknown in international practice. The Russian Federation, therefore, considered that the term "Bosporus Strait" should be utilized, as this term was used in the Montreux Convention Regarding the Régime of the Straits of 1936 and was widely recognized by international law.

In response, the representative of Turkey stated that the use of the term "Turkish Straits" or "Straits of Istanbul and Çanakkale" has historical, political and legal justification, such as respect for past and present general practice, due regard to Turkey's sovereign rights over this particular issue and to its jurisdiction according to the established principles of international law. There is also a considerable accumulation of agreements and principles developed by the United Nations concerning the standardization of geographical names which states inter alia that when a geographical feature is completely within sovereignty of a country then official name given by the authorized national organization should be used in international documents. Concerning the terminology in the 1936 Montreux Convention, it is useful to remind that Montreux was enacted only with the purpose of regulating navigation through the Straits. Turkey has been strictly implementing this Convention for

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75 years and intends to do so in the future. Beyond this purpose, however, Montreux does not purport to establish names for localities or States Parties for that matter. Otherwise, we would have been forced to refer to some signatory countries with names such as the Kingdom of Bulgarians, the King of the Hellenes, the Emperor of India or the Central Executive Committee of the Union of Soviet Socialist Republics without paying attention to the fact that only States themselves are authorized to determine how they are called and governed. In fact, the term "Turkish Straits" or "Straits of Istanbul and Çanakkale" have been continuously used in many international documents, including IMO and NATO resolutions and documents. A case in point is the Turkish Straits Regulations registered within IMO in 1994 and again in 1998.

As had been agreed earlier in the Group of Experts towards Unified Railway Law (ECE/TRANS/SC.2/GEURL/2011/9, paras. 11 and 12), the decision on the term to use with respect to this strait was outside the scope and mandate of the TER project and of the Working Party. Therefore, the positions of the Russian Federation and Turkey have been noted and are reflected in this Corrigendum.

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