

# *REACHING A DEADLOCK IN TURKISH STRAITS*

Relevance of the Montreux Convention of 1936 to the  
Modern International Relations of the Black Sea Region  
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## ABSTRACT

The Montreux Convention has been in force for more than 85 years. While it regulates the freedom of passage and transit of vessels from the Turkish Straits, it also protects Turkey from naval threats. The evolved perception of international relations and the technological advancements after the Second World War is creating dangerous situations in the Straits and instability in the Black Sea. The existing literature only defines and acknowledges these situations and lacks a comprehensive perspective. This dissertation aims to fill these gaps and analyzes the Montreux Convention's relevancy to the international relations of the Black Sea region. By using a historical approach and applying a neorealist perspective, this dissertation argues that although Montreux Convention is becoming an obsolete legal instrument that cannot comply with today's world, its removal from the international relations of the Black Sea will endanger the balance of power in the area. This can push states to find alternative ways to bypass the Convention without denouncing it.

## CHAPTER I: INTRODUCTION

The Montreux Convention regarding the regime of the Straits has recently been a subject of debate again. The evolving tension in the Black Sea between Ukraine and Russia and the proposed Istanbul Canal Project by the Turkish Government had raised concerns regarding the future of the Convention. The Convention regulates the transit of merchant and war vessels from the Dardanelles<sup>1</sup> and the Bosphorus<sup>2</sup>. The Dardanelles is located in the city of Çanakkale, in modern-day Turkey. It is 61 kilometers long and between 1.2- and 6-kilometers wide waterway that combines the Aegean Sea and the Sea of Marmara. The Bosphorus is located in the city of İstanbul. The Strait is 31 kilometers long and between 700-meters and 3.4-kilometers wide, uniting the Sea of Marmara and the Black Sea. The passage is considered one of the most crowded waterways in the world (Sezgin and Kadioğlu 2000, 1). As the Straits are the only entrance to the Black Sea, they are vital for Black Sea littoral states' trade. Although the Montreux Convention ensures the continuation of balance of power in the area, controlling the Straits Zone and procuring dominance over the Black Sea region had been a historical competition between the great powers.

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<sup>1</sup> Also referred to as "Strait of Gallipoli" or "Strait of Çanakkale"

<sup>2</sup> Also referred to as "Bosporus" or "Strait of İstanbul"



Image 1 - Straits of Dardanelles and Bosphorus (BBC News 2011)

Origins of the Montreux Convention date back to the Turkish Straits Question which emerged in late 18<sup>th</sup> century (Gerolymatos 2014, 59-60). The Ottoman dominance over the Straits since the conquest of Constantinople<sup>3</sup> in 1453 by Mehmed II had continued as an absolute power until 1774 (p. 61). From that date, the stagnation and declination of the Ottomans was forcing Ottomans to make compromises and concessions to Great Powers of Europe, on the passage of merchant and war ships (Rozakis and Stagos 1987, 81-87). With London Convention in 1841, the Straits Question became an international problem (Vali 1972, 171-172). After the First World War, following the Ottoman defeat, the Allied Powers had occupied the Straits, and the Turkish rule over the Dardanelles and the Bosphorus ceased to exist (Macfie 1983, 68-69; Rozakis and Stagos 1987, 89-90). The Straits were set to demilitarized, be given control to an international commission, and be opened up for freedom of transit for both merchant and war vessels (p. 91). However, the Turkish Nationalist Movement against the invasions of Allied Powers in Anatolia, came victorious and successfully established the new Turkish Republic (Dođru 2014, 147-148).

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<sup>3</sup> Historical naming of modern-day Istanbul

The growing tension around in late 1930s was starting to be a concern for the national security of the new Turkish Republic. In 1936, Turkey requested formulation of a new convention regarding the regime of the Straits (Gerolymatos 2014, 71). The conference at Montreux was finalized in June 1936, allowed Turkey to remilitarize the Straits, and restrict the passage of vessels in war time (Rozakis and Stagos 1987, 102-103). The new Convention did not only solve the Straits Question but was also a success to establish a balance of power in the Black Sea (Akgün 1994, 71-73). Although the Convention was set to be in place for 20 years, it is still in force despite several unsuccessful attempts by the Soviet Union to denounce it at the end of the Second World War (Rozakis and Stagos 1987, 125).

Even though the Montreux Convention is still in force today, many scholars argue that several problems arose over the years in the Turkish Straits, which directly impacts the international relations of the Black Sea. The technological developments led to a massive increase in maritime traffic and ship tonnages in the Straits Zone, which evolved into a point that the Bosphorus experiences number of accidents that impact the socio-economic and ecologic aspects of the region. Apart from these problems, the growing tension in the Black Sea region, namely the Russia-Georgia and Russia-Ukraine conflicts, increases the United States and NATO's involvement in the Black Sea and creates pressure on Turkey from both sides. Accusations of Russia that Turkey is breaching the Convention by allowing the over-limit US warships to use the passage of the Straits and the US's pressure on Turkey to loosen the restrictions of the Montreux Convention endangers the future of the Convention. The position of the non-signatory states, signatory states, and Turkey regarding their opinions on revising or denouncing the Montreux Convention differ due to their strategic interests. As the possessor of the Dardanelles and the Bosphorus, Turkey has been recently engaging in a canal project in Istanbul. This project is also

raising concerns regarding the Montreux Convention as the Black Sea littoral states interpret this proposed canal as a threat to the security of the Black Sea. Considering all the factors mentioned above, the Montreux Convention seems to be becoming an obsolete instrument in the international relations of the Black Sea.

The scholars have given attention to these problems separately and illustrated their potential impact on the Montreux Convention. For instance, Ünlü et al. (2018) explain that the technological and fundamental changes in the world since 1936 are the basis of the problem that the Montreux Convention is creating confusion in its application (p. 46). The growing tension between Ukraine and Russia poses a significant challenge for Turkey's implementation of the Convention since NATO, the alliance Turkey is a member of, supports Ukraine in the conflict (Binnendijk 2020, 59-60). Istanbul Canal project and the discussions made regarding its' possibility of circumventing the Montreux Convention is seen as another development that demonstrates the Convention as inadequate to comply with today's international relations in the Black Sea (Tüfekçi 2021, 535-536; Zenginkuzucu and Çintan 2019, 75-77). The sources throughout the text that will be briefly unveiled in the literature review are lacking to engage with the Montreux Convention by comprehensively considering these events altogether and drawing their implications on the Black Sea region. The emphasis given by the available literature gives the impression that they were slightly disregarding the realist paradigm in international relations regarding how difficult it can be to secure a Convention that keeps the balance of power for 85 years despite the issues it creates.

This dissertation addresses the aforementioned gaps, and therefore, shows the relevancy of the Montreux Convention to the international relations of the Black Sea region. The main question is: Is the Montreux Convention of 1936 still an adequate legal instrument regulating international

relations of the Black Sea region? This question will be sought an answer by engaging and finding an answer to the following sub-questions: Does Montreux Convention allow Turkey to preserve its national interests effectively? Should Montreux Convention be revised or annulled? Can the proposed Istanbul Canal project lead to the reemergence of the Straits Question? This dissertation will address these questions to provide a combined answer to the main question.

### **Research Methodology**

This dissertation is a qualitative study that engages the topic with a historical approach by analyzing primary and secondary sources. The goal of the historical approach is to show that emerging problems in the current international relations paradigm can be a result of historical developments. An incident in the past can reappear if the same conditions are provided or created. This approach contributes to the research to show how states define their interests and pursue them over time, what their interests account for, and where they came from. This dissertation's primary sources are the original texts of the Convention and statistics from the government that are relevant to the research. For proper interpretation of the issues that arise with the Montreux Convention, it was understood that the original context of the Convention and the official statistics regarding the passage of ships from the Straits are vital to be shown to the reader. The secondary sources include books, journal articles, policy memos, strategy papers, and newspaper articles. To better illustrate the historical international relations environment between the states, some of the sources from the "Cold War era" were specifically chosen for the research.

## Literature Review

Across available literature, analysis on Montreux Convention's limitations on the current international relations of the Black Sea region can be divided into several categories. The first category of sources examines the contemporary issues at Turkish Straits and links it with the Montreux Convention's obsolescence (Ünlü et al. 2018; Özersay 1999; Ece 2011; Ozbay 2014). The sources demonstrate that specific articles of the Convention lead to confusion and hazards in the Straits Zone and the Black Sea. According to Ünlü et al. (2018), the increased maritime traffic in the Straits, the advancing ship tonnages, and the sea and air pollution cannot be appropriately controlled due to the Montreux Convention's lack of restriction on the passage of merchant vessels (p. 45-46). Özersay (1999) mentions that the Convention's articles are pretty unconstrained, which prevents the Turkish Government from taking precautions firmly but only at a level of recommendation (p. 106-108). However, Ece (2011) argues that Turkey's rights are reserved on matters that are not covered in the Convention, such as the jurisdiction, prevention of sea pollution, and regulation of maritime traffic without hampering the freedom of passage (p. 41). Regional instabilities in the Black Sea region and their relations with the Montreux Convention are also covered in this category of literature: During the Russia-Georgia War in 2008, Turkey's strictness on the entry of warships that belongs to non-Black Sea Powers, and since the beginning of the Russia-Ukraine Conflict, claims that Turkey was violating the Montreux Convention were shown (Ozbay 2014). Apart from the disadvantages that the Montreux Convention poses, most scholars agree that the Convention gives Turkey a great political advantage while also ensuring the protection of the Black Sea littoral states with restrictions on the passage of warships. Binnendijk (2020) discusses that Turkey has a vital role in the international relations of the Black Sea due to its responsibility on regulating the passage from the Straits (p. 25-26). Ozbay (2014), on the other

hand, states that the treaty is a significant factor that keeps the balance of power in the region and prevents a potential conflict between the United States and Russia by preventing permanent involvement of non-Black Sea Powers' navy in the Black Sea (p. 119-121). Most of the literature contributes to this dissertation's aim to show how the contemporary developments occur in the Turkish Straits and the Black Sea and the Montreux Convention's inadequacy to find solutions for these problems. It is also shown how these problems are constantly creating debates on Montreux Convention and its future.

The second category of sources engage in the concept of scenarios on revising or denouncing the Montreux Convention and their implications in the international relations of the Black Sea area. Oğan (2006) and Ozbay (2014) discuss the United States' desire to have a say in the regulation of the Turkish Straits, which can only take place in the possibility of changing the Montreux Convention. As a non-signatory state and a superpower in today's international relations, the United States' position needs to be clearly understood by the reader as the Black Sea is the only sea in the World that the US has limited access to. The choice of sources for the Russian position could be deemed "tricky." To demonstrate Russia's perspective regarding the Montreux Convention as a superpower in the past, the literature that was written during the Cold War was specifically chosen: Vali (1972) and, Rozakis and Stagos (1987) explain that the Soviet Union attempted to assume an active role in controlling the regulation of the Straits since the Second World War. The existing literature proves that this perspective has changed since the dissolution of the USSR: According to Ozbay (2014) and Oğan (2006), Russia opposes a potential change in the Montreux Convention that might pose a danger to its dominance in the Black Sea. The remaining Black Sea littoral states follow closer relations with the US and NATO after the dissolution of the USSR (Oğan 2006, 2-3). Turkey's position as the possessor of the Straits was

also emphasized in the available literature: To preserve the country's existing balance of power and national sovereignty, Turkey's opposition to any change in Montreux Convention is demonstrated in Demir's (2018) article. This category of literature provides an overview of the perspectives on the Montreux Convention's future from states that have strategic interests in the Black Sea region. While these sources successfully imply the reasonings and dynamics of their strategic interests, a blended approach between the Montreux Convention's articles and the perspective of the non-signatory states, signatory states, and Turkey was missing in the existing literature. This dissertation combines what the states have to say on the Convention and unveils the advantages or disadvantages of revising or denouncing the Convention.

The final category of the sources analyzes the Istanbul Canal Project, which the current Turkish Government proposed. The existing literature regarding the Canal is limited compared to the first two categories of the sources. However, it is still possible to see some articles and policy papers that examine the potential impact of the Canal on the Montreux Convention if it is ever built. Tütüncü (2017) and Demir (2018) strongly oppose building the Canal as it might endanger the Montreux Convention's future and, therefore, Turkey's security in the region. Both articles suggest Turkey to refrain from creating opportunities for the United States and NATO to seek for bypassing the Montreux Convention to ensure a strong presence in the Black Sea. Lund (2021) also agrees with Tütüncü (2017) and Tüfekçi (2021) that building the Canal would deteriorate Turkey's relations with Russia if the Canal is used to circumvent the Montreux Convention (Lund 2021, 4-6). Kalinov (2019) states that the proposed Canal will not impact and circumvent the Convention as it is only being built to Istanbul while the Convention includes the Dardanelles and Sea of Marmara as well in its definition of the "Straits" (p. 759). Tüfekçi (2021) disagrees with interpretations that Istanbul Canal cannot bypass the Montreux Convention: According to

Tüfekçi's point, if a vessel does not complete its passage by exiting through the Bosphorus, it cannot be subject to Montreux Convention's regulations (p. 542-543). The disagreements between the authors are also reflected in politics, as President Erdoğan had mentioned that the proposed Canal would not be subject to the Convention (Tastekin 2021). The available literature will be used in this dissertation to show how Turkey's relation with other actors in the region can be impacted and how the proposed Canal can lead to an emergence of a new Straits Question. The sources not only discuss the implications of the Canal if it is completed but also whether Turkey should move forward with building it or not. Zenginkuzucu and Çintan (2019) support the construction of the Canal as it will ease the maritime traffic in the Bosphorus and reduce accidents (p. 74-75). However, they also recommend that the Canal should not allow foreign warships to pass and operate in accordance with the Montreux Convention.

Sources in the "Historical Background" part are intended for informing the reader regarding the foundations of the Straits Question and developments that paved the way to the Montreux Convention over centuries. While some of those sources also appear in the continuing chapters, some were only included in the "Historical Background" section. The aforementioned categories of the existing literature have been utilized in the relevant chapters of this dissertation. The main gap in the existing literature is the lack of combining the factors of ecologic and socio-economic concerns, discussions of Montreux Convention's revision or denunciation, and Istanbul Canal's potential implications in the Black Sea region with regards to its impact on the Convention. The goal of this dissertation is to analyze and harmonize this complexity to draw a conclusion on the Montreux Convention's situation and future in the international relations of the Black Sea region. Apart from the peer-reviewed articles and books, policy memos, strategy papers, official statistics, and the original texts of the Convention and Montreux Convention were also used in the

study. Turkish sources from Turkish authors were also approached to promote diversity of opinions. It is important to note that these sources are also peer-reviewed articles in respective journals.

### **Theoretical Framework**

This dissertation takes the realist paradigm in the international relations theory in analyzing the relevance of the Montreux Convention in modern international relations of the Black Sea. The theory engages international relations as a concept that cannot be separated from conflict and competition between states that solely care about their self-interest (Pribadi 2013, 27). The structure of the international system is considered as anarchy where the states cannot be sure of other states' intentions and strategic goals (Freire 2019, 61-62). The Straits Question, the Montreux Convention, and the international relations in the Black Sea region are the concepts that traces of neorealism can be seen throughout. The emergence of the Straits Question was based on Great Powers' disagreement between each other on which state would take possession of the Dardanelles and the Bosphorus once the Ottoman Empire was dissipated. The most potent two states, Great Britain and Russia, completely distrust each other and wanted to impose their influence in the region (Rozakis and Stagos 1987, 86). For them, controlling the Straits was a competition. The perspectives of Great Powers towards the Straits Question can be associated with Mearsheimer's offensive realism where the goal of the states is to eventually dominate the area that they have strategic interests, once they have an opportunity (Jervis 1999, 50). When looking at the post-World War I world, it is possible to observe how the concepts of collaboration that liberalism promotes had failed with the Lausanne Straits Convention of 1923, where an international

commission controlled the Straits for only 13 years before the Convention was vitiated. Turkey's acquisition of the Straits with the Montreux Convention can be explicated with both offensive and defensive realism. While Turkey took the opportunity to acquire control of the Straits by exploiting the increasing tension in the world in the 1930s, one can also agree that Turkey did this action only to maintain its security (Jervis 1999, 48-49). The neorealist theory also dominates the current international relations in the Black Sea region as the tension and conflicts are increasing due to the different self-interests of the states. The US and NATO's goal to influence the area, Russia's aim to preserve its power in the Black Sea, and Turkey's objective on maintaining the balance of power by protecting the Montreux Convention show the theory's relevance. This dissertation will provide how the neorealist theory applies to this topic.

## CHAPTER II: HISTORICAL BACKGROUND

To understand the significance of the Montreux Convention of 1936, it is vital to know the dynamics and foundations of the subject that it had solved when the Convention was signed: The Straits Question. Therefore, this chapter will provide background information regarding the Turkish Straits, the aforementioned “Question” that involved the interests of great powers, and the international treaties and developments that paved the way to the Montreux Convention.

### Until 1774

The Straits of Çanakkale and İstanbul had been the focal point of wars between many different civilizations and empires throughout history. Since as early as the Trojan War, controlling these two Straits that have an eminent geopolitical importance was significantly impactful on dominating the economic and political power in the region (Gerolymatos 2014, 59). With the rise of the Eastern Roman Empire (later Byzantine Empire), Constantinople started to become a center of trade in the World which connected the continents of Asia and Europe. According to Altuğ (1992), İstanbul’s geographical importance has only a few similar examples around the globe (p. 169). While the possession of the Dardanelles by the Byzantines was not contested until the 14th century, Constantinople and, therefore, the Bosphorus Strait had witnessed many battles and sieges. The city was attempted to be captured by the Templars, Umayyads, Abbasids, Ottomans, and many more nations in a total of 34 times. However, in 1453, the Ottoman Sultan Mehmed II had successfully sieged and captured Constantinople and ended about a thousand-year reign of the Eastern Roman Empire (Gerolymatos 2014, 59-61). The Ottoman acquisition of Constantinople had started the period of complete Turkish control over the Straits. In that era, the Ottoman

Government was the sole decider on the passage of trade ships or warships (Rozakis and Stagos 1987, 81-82). With certain exceptions given to the trade ships of some countries through capitulations, the Straits led Ottomans to benefit from the trade economically and assume control of them during the peak of the Empire. As the Ottomans entered into periods of stagnation and regression, the control of the Straits had started to be challenged by European powers, as well as the rising power of Russia. After the Ottoman Empire was defeated in the Russo-Turkish War of 1768-1774, a new era had started for the fate of the Turkish Straits.

### 1774 - 1809

After the Ottomans lost the Battle of Kozluca<sup>4</sup>, the Treaty of Küçük Kaynarca<sup>5</sup> was signed with the Russians in 1774. For the first time since the Ottomans acquired complete control of the Straits in 1453, the Ottoman domination was challenged by another country (Gerolymatos 2014, 62). The Black Sea became a shared area rather than a “Turkish lake.” According to the treaty, Crimea was ceded to Russia, which led Russia to be recognized as a Black Sea state along with the Ottomans, as well as being able to secure the freedom of passage for trade ships. Although the rights that Russians achieved did not include the warships at the time, most scholars consider the Treaty of Küçük Kaynarca as the beginning of the Straits Question (Rozakis and Stagos 1987, 81; Vali 1972, 18-19; Yıldız 2019, 42; Altuğ 1992, 172; Gerolymatos 2014, 62-63). The outbreak of the Napoleonic Wars pushed the Ottomans to sign transient alliances and collaborations with Great Britain and Russia that temporarily allowed warships to pass through the Straits (Vali 1972, 20-

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<sup>4</sup> Also referred to as “Battle of Kozludzha”

<sup>5</sup> Also referred to as “Treaty of Kuchuk-Kainarji”

21). Especially after the “Napoleon threat” was over for the Ottomans, these privileges were attempted to be retrieved. With the Treaty of the Dardanelles in 1809, Britain recognized the “ancient rule of the Ottoman Empire” on the passage of foreign warships in peacetime and ensured other nations respected the treaty (Yıldız 2019, 43). In other words, before the 1809 treaty, the Sultan was the sole decision-maker on opening or closing the Straits to warships in times of peace or war. With the Dardanelles Treaty, the Ottomans were obliged to close the Straits to warships in peacetime. The Treaty of the Dardanelles can be counted as the first treaty limiting the Ottoman power on the Straits regarding the passage of the warships. From 1809, the decisions regarding the Straits would be taken not only by the Ottoman Empire, which initiated the interference of European powers. However, the treaty was going to be challenged by subsequent treaties between the Ottomans and Russians in the upcoming years.

### **1809 - 1833**

With the growing internal conflicts in Ottoman lands, the Empire had started to face nationalist rebellions by the turn of the 19th century. The Greek Revolution that began in 1821 showed how the Ottoman Empire could not solve its domestic turbulences (Gerolymatos 2014, 64). The intervention of European powers and the outbreak of the Russo-Turkish War in 1828 compelled the sultan, Mahmud II, to sign the Treaty of Adrianople in 1829. The treaty led to the establishment of a Greek state and opened Dardanelles and Bosphorus to merchant ships from all nations that were in peace with the Ottoman Empire (Altuğ 1992, 173-174; Rozakis and Stagos 1987, 83). As the weakness of the Ottomans led to the emergence of the Eastern Question, it is possible to see how the Ottomans were gradually losing control of the Straits as the Empire

weakened over time. Only two years after the Treaty of Adrianople was signed, another internal conflict had erupted: Muhammed Ali Pasha of Egypt had revolted against the Ottoman Empire after he was not given the governorship of Syria. The revolt turned into a war which resulted in a devastating defeat for the Ottomans (Gerolymatos 2014, 64-65). Consecutive losses of the Ottoman Army posed a threat to Mahmud II's absolute power and made Ottomans seek military aid from the European powers (Yıldız 2019, 43). After most of the European states had declined to help the Ottomans, the sultan had to ask for Russia's aid. As a hereditary enemy to the Ottomans (given that two states were at war a few years before), Tsar Nicholas I saw the instability of the Ottomans as an opportunity for the future and accepted to help the former enemy by sending the Russian Navy to Bosphorus. The Russian Army had landed in the northern part of İstanbul (Vali 1972, 22). The help from the former foe was strengthened with an alliance between the Ottoman Empire and Russia in the Treaty of Hünkâr İskelesi<sup>6</sup> of 1833. Along with the alliance and mutual defense promises by both parties, the treaty was agreed to be in place for at least eight years (Vali 1972, 169-170). The treaty had received large protests from Britain, France, and Austria due to the separate and secret article, which bans all the foreign warships from entering the Dardanelles but allows Russian warships to pass freely from the Straits (p. 170-171). It is possible to draw two conclusions from the impact that the Treaty of Hünkâr İskelesi made: the firstly, given that Ottoman inability to suppress revolts and even losing a war against its own vali, had led Great Powers to realize that the weakness of the Ottomans will eventually cause the dissolution of the Empire. The Eastern Question became an evident problem between the Great Powers, especially among Great Britain and Russia. The second conclusion was that Britain and France had realized that Russia's dominance over the Ottomans posed a threat to the control of the Straits and

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<sup>6</sup> Also referred to as "Treaty of Unkiar Skelessi"

Mediterranean, and a strategy to preserve the survival of the Ottoman Empire was needed to be followed. As mentioned before, the Treaty of Hünkâr İskelesi put the Russians in a favorable position since the Black Sea's safety was ensured and the Russian navy's usage of the Straits without any conditions (Gerolymatos 2014, 65-66).

### **1833 - 1878**

After the Treaty of Hünkâr İskelesi was signed, the Western Great Powers, namely Britain and France, wanted to damage the favorable situation of the Russians regarding the Straits. The opportunity emerged with the Second Turkish-Egyptian War of 1839 where France, Britain, and Austria were compelled to join the war on the Ottoman side given that either sole Russian military aid would lead to further concessions to Russia from Ottomans or, in case Muhammad Ali of Egypt emerges victorious from the war, the collapse of the Ottoman Empire would be evident (Gerolymatos 2014, 66-67; Rozakis and Stagos 1987, 84-85). Both possibilities would have a disastrous outcome for the Western European powers as it would mean the possession of the Straits to be seized by the Russians. After the coalition won the war against Egypt, Britain had called for negotiations for an international treaty regarding the regime of the Straits. The London Straits Convention of 1841 had brought back the "ancient rule" of the sultan as a basis, and all the signatories of the treaty (Austria, France, Great Britain, Prussia, Russia, and the Ottoman Empire) were expected to respect the non-admittance of foreign warships to pass through the Dardanelles and Bosphorus (Vali 1972, 171-172). The London Convention was the first multilateral treaty regarding the regime of the Turkish Straits, which shows that the Straits Question was apparent and internationalized from now on. The Great Powers of Europe started to share the responsibility

of the regime of Straits as the Ottoman Empire declined. The treaty is also considered as a fundamental piece for the European “balance of power” given that Russia’s emergence as a Great Power and the advantageous situation regarding the passage from the Straits since the Treaty of Hünkâr İskelesi had started to possess threat for the Mediterranean and Europe (Gerolymatos 2014, 67). The concept of “balance of power” made Great Powers abide by Convention until the outbreak of the First World War except for Russia: In 1853, only eight years after the London Convention, Russia had ambitions to make Ottomans give concessions that favor Russian passage through the Straits. For that purpose, Russia declared war on the Ottomans and invaded Moldavia and Wallachia to persuade the sultan for privileged terms for Russia in Straits (Vali 1972, 23; Rozakis and Stagos 1987, 85). As the situation was seen as a potential catastrophe for the Ottomans, Britain, and French agreed to send their army and navy through the Dardanelles and Bosphorus to enter the Black Sea and land Crimea. The Russian defeat against the coalition in 1856 had resulted in the demilitarization of Turkish and Russian coasts, as well as the neutralization of the Black Sea. The Treaty of Paris that had an Annexed Straits Convention was mostly reemphasizing the Ottoman responsibility to ensure no warships would be allowed to use the Straits (Vali 1972, 174-175). The Russian setback lasted until the balance of power in Europe broke down after the establishment of Germany. The changing dynamics in the continent turned the tide in favor of Russia in 1871 as France and former Prussia, Germany, withdrew from the Paris Treaty of 1856, which allowed Russia to reestablish its navy in the Black Sea (Gerolymatos 2014, 69; Yıldız 2019, 46). Russia’s growing aim to regain access to the Straits resulted in the outbreak of the Russo-Turkish War of 1877. The war resulted in a devastating defeat for the Ottoman Empire, and the Treaty of San Stefano, which had quite severe conditions for the Ottomans, was signed. Not only

had the Ottomans lost most of their Balkan territories, but the Russian dominance on the Black Sea and the Straits was also consolidated (Rozakis and Stagos 1987, 86).

### 1878 – 1918

Especially after the Russo-Turkish War, the Great Powers of Europe came to the realization that the Ottoman disintegration was inevitable. The only thing that stands between the collapse of the Empire is that the Great Powers were not able to agree on sharing the Ottoman territories among themselves. The Treaty of San Stefano's destructive effects on the Ottoman Empire could mean a potential Russian hegemony on the Straits, Balkans, and the Middle East. The Western states led by Britain, France, and Germany, started to put pressure on the treaty Russia imposed on the Ottomans (Rozakis and Stagos 1987, 86-87). According to Gerolymatos (2014), the Russian aim in the Treaty of San Stefano was to replace the restrictions set by the London Convention of 1841 (p. 69). The diplomatic pressure and threats of invasion had convinced Russia to return to the table to negotiate a less severe treaty with the Ottoman Empire. For the sake of the "balance of power" approach, the Treaty of Berlin was a success for the Western European powers over Russia (Rozakis and Stagos 1987, 86). The "ancient rule" was brought back and abolished Russian privileges and domination over the Ottoman lands as well as the Black Sea and the Straits. However, the Ottoman dissolution had continuously worsened in the late 19th century and early 20th century. The territories of the Empire in the Balkans and Africa were lost one by one to the Western Powers until the First World War. The events that were going to take place in the Great War would rearticulate the strategic importance of the Straits (Vali 1972, 26).

Following the foundation of the new states, Germany and Italy, the balance of power in Europe started to be at stake. One thing to note is that the British strategy over the Ottoman possession of the Straits had changed at the beginning of the 20th century. The Imperial Defence Committee's meeting in 1903 had concluded that a potential Russian takeover of the Straits would not significantly impact the British strategic position in the Mediterranean (Yıldız 2019, 56-57). On the other hand, the formation of the Triple Entente in 1882 and the Triple Alliance in 1907 made it evident that an upcoming war was to change the dynamics in Europe. Prior to the war, the Ottomans had only the Eastern Thrace, Anatolia, Mesopotamia, and Hejaz left in their hands. After the war outbreak, the Ottomans had initially declared their neutrality, although a secret cooperation agreement with Germany was already signed on August 2, 1914, one day after the Germans declared war on Russia (Vali 1972, 26). During the period of Ottoman "neutrality," the sultan applied the "ancient rule" on the Straits regime and banned all foreign warships from using the Dardanelles and Bosphorus. Merchant ships' passage, on the other hand, was limited to daytime (Rozakis and Stagos 1987, 89). However, when the German warships, Goeben and Breslau, entered the Straits to escape from the Allied navy, Britain interpreted it as a breach of Ottoman neutrality (Macfie 1983, 46-50). Since the Ottomans stated that the ships were bought, Goeben and Breslau's subsequent bombings on Russian coastal cities officially put the Empire into the war on the side of Central Powers (p. 90). From now on, the eventual goal of the Allied Powers was to capitulate the Ottoman Empire and take control of the Straits.

When the Straits were closed to enemy ships after the Ottomans entered the war, the Russian Empire was cut from sending and receiving supplies through the Mediterranean (p. 90-91). The severity of the issue for the Russians can be understood from the pre-war statistics on Russian grain supply: In 1911, Russians exported more than 20 million tons of grain where 90%

of them were sent through the Turkish Straits (Gerolymatos 2014, 69-70). The commodities and the weaponry and ammunition that Russians increasingly needed as time passed by could not be sent to Russia due to the Turkish blockade of Straits and the German blockade in the Baltic Sea (Vali 1972, 27). Under these circumstances, the Allies decided to start a military campaign on the Dardanelles to open Straits to send supplies to Russians and invade Constantinople to ensure the Ottoman surrender. The Gallipoli Campaign, where the British and French powers engaged in naval and ground battles against the Ottomans, failed due to the solid Turkish defense (Macfie 1983, 59-60). The campaign had two outcomes that impacted the short-term dynamics and conditions in the region: Firstly, the failure of Allied Powers to open up the Straits to send supplies to Russia had caused the situation to worsen. The Bolshevik Revolution outbreak in 1917, and a catastrophic civil war had started in Russia, leading to Russian withdrawal from the Great War (Macfie 1983, 67; Vali 1972, 28-29). Secondly, some of the Ottoman military officers that were successful in the Gallipoli Campaign became famous all around the Empire and played a significant part in the post-war environment in Anatolia (Yıldız 2019, 58; Vali 1972, 29). After the Bolshevik Revolution succeeded, Russia had signed the Treaty of Brest-Litovsk in 1918 and left the war. Although the Tsarist Russian Empire's fall had temporarily turned the course of the war in favor of the Central Powers, the collapse of the Western Front and the Middle Eastern Theatre made Central Powers surrender to the Allies one by one. Respectively, Bulgaria, the Ottoman Empire, the Austro-Hungarian Empire, and the German Empire were capitulated (Macfie 1983, 68-69). The Ottomans had signed the Armistice of Mudros on October 30, 1918, which led to the Allied invasion of Constantinople, and opened the Straits and the Black Sea to the Allied Powers, ending the "ancient rule" of the sultan entirely for the first time in the history (Rozakis and Stagos 1987, 90).

## 1918 – 1936

With the beginning of the Allied invasions in Ottoman territories, the negotiations for a peace treaty between the Allies and the Ottomans also began. At the same time, Turkish reaction against the invasions had strengthened over time and became a nationalist movement under the leadership of Mustafa Kemal Pasha, an Ottoman military officer known for his successes in the Gallipoli Campaign (Vali 1972, 29-30). Allied occupation of Constantinople after the armistice was signed had ended the Ottoman rule in Turkish Straits since 1453. In contrast to the regulations of the previous conventions, the new planned convention would remove the restrictions and allow any ship to use the straits in both peace and war times (Rozakis and Stagos 1987, 91). Instead of the Ottoman control, a Straits Commission was formed whose duty was to ensure the regulation of passage from the Straits. This Commission would be linked up with the League of Nations, a new international organization settled at the Treaty of Versailles (Vali 1972, 30-31). One of the most problematic parts of this Commission was that Turkey would not be allowed to have a representative unless it joined the League of Nations (Doğru 2014, 142-143). Apart from the new regulation regarding the passage from Straits that jeopardized the security of the Ottoman Empire, the demilitarization of the Straits Zone had also endangered the safety of the Empire, especially the capital, Constantinople. In 1920, the Treaty of Sevres, which was seen as a solution to the longstanding Eastern Question, was imposed on the Ottoman Government. However, the treaty was never ratified due to the military and diplomatic successes of the new nationalist Ankara Government (Gerolymatos 2014, 70). From 1920, the Turkish victories in battles against Greece culminated with an eventual Greek withdrawal from Anatolia on September 11, 1922. The unexpected defeat of the Greeks compelled the Allied Powers to come back to the negotiations with Mustafa Kemal's Government. A new conference to end the hostilities was gathered in

Lausanne. During the conference, most of the matters set to be solved in the Treaty of Sevres were revisited (Macfie 1979, 211-212). However, this time, both sides were much more persistent regarding the issues. In the case of the Turkish Straits, most of the terms that the parties discussed in Sevres stayed the same. The most significant difference was that the power of the Straits Commission was reduced, and the presence of a Turkish representative was allowed and given a permanent presidency over the Commission (Vali 1972, 193; Doğru 2014, 147-148; Gerolymatos 2014, 70-71). What Turkey failed to achieve during the Lausanne Conference was abolishing freedom of passage of both merchant and warships. Also, the demilitarization of the Straits was not abandoned from the treaty as well. According to the Turkish position, the demilitarization would be a great danger to the country's sovereignty. On the other hand, Soviet Russia was quite unsatisfied with the proposed treaty too. According to Vali (1972), the Soviet disturbance was based on a war scenario where Turkey remained neutral. In that case, the Lausanne Convention would allow foreign warships to pass through the Straits towards the Black Sea. This specific example had raised voices from the Russian side as it would create insecurity in the Black Sea area (p. 33). As the Interwar years passed, Turkey started raising the question of the Straits to the League of Nations again. Primarily due to German vitiation of the Treaty of Versailles, Italians' new aggressive policies over the Mediterranean region, and Bulgarian rearmament, Turkey tried to persuade the signatories of the Lausanne Convention to allow for a modification (Rozakis and Stagos 1987, 101). The increasing tension in Europe and the Mediterranean had also led Britain to change its strategy on the Turkish Straits: The Foreign Office's perspective was convinced that establishing closer ties with Turkey is far more important than insisting on the continuance of demilitarization in Dardanelles and Bosphorus (Gerolymatos 2014, 71). The instability that the Lausanne Convention caused for Turkey was based on the problematic relationship between the

signatories of the Convention and the League of Nations. For instance, Japan, one of the signatories in the Lausanne Convention, had left the League of Nations in 1933. Another signatory, Italy, was imposed sanctions in 1935 following its invasion of Ethiopia (Vali 1972, 35). Under these indications of an upcoming war, Turkey eventually decided to send a diplomatic note to all signatories of the Lausanne Convention in 1936.

### **1936 Onwards**

On April 10, 1936, Turkey sent a diplomatic note to the signatories of the Lausanne Straits Convention and stated that the post-war environment in Europe had drastically changed. Even though the Lausanne Convention had specified the regulations separately for peacetime and wartime, as well as regulations depending on Turkey's belligerency, it did not have an article in case of a general war threat and to what extent Turkey can defend itself (Rozakis and Stagos 1987, 101-102). Before the oncoming Second World War, the signatories accepted a conference in Montreux, Switzerland, starting from June 22, 1936 (Vali 1972, 35-36). The positions countries were taking were mostly different: Turkish goal was to immediately remilitarize the Straits Zone and achieve the full sovereignty of the Straits, which would mean the abolishment of the Straits Commission. There would also be limitations on ship tonnages, passages, and types of ships, which were expected to be regulated in a detailed explanatory (Akgün 1994, 69). While Russians mostly supported the Turkish propositions accept the limitations on the passage of warships of the Black Sea littoral states. Britain had more of a liberal approach by expecting the preservation of the Straits Commission and seeking allowance of belligerent foreign warships to pass through the Straits in case of war (Rozakis and Stagos 1987, 102-103). Despite the disagreements, the parties,

especially Turkey, Great Britain, and Russia, were aware of the increased international tension in Europe and wanted to reach an agreement as soon as possible for their strategic interests (Akgün 1994, 71-73). The convention was signed on July 20, 1936, between Bulgaria, France, Great Britain, Australia, Greece, Japan, Romania, the Soviet Union, Turkey, and Yugoslavia.

According to the Montreux Convention regarding the regime of the Straits, the merchant ships are allowed to use the Turkish Straits freely without any restrictions in both peace and wartime. The only condition is that they do not aid the enemy in a war where Turkey is belligerent (Article 2-5). If Turkey considers itself to be threatened with a potential outbreak of war, the merchant ships are only allowed to enter the Straits in the daytime (Article 6). During peacetime, warships are allowed to freely pass from the Straits Zone, but they are subject to specific conditions regarding tonnages (Article 10-18). In addition, Article 18 of the Convention limits the maximum time any non-Black Sea warship can stay in the Black Sea to twenty-one days. In a time of war where Turkey is not belligerent, freedom of using the Straits is preserved along with the same restrictions mentioned between Articles 10 and 18. However, the belligerent warships are not allowed to use the Straits with exceptions to be aiding a state that Turkey has a mutual assistance treaty with. The ships of belligerent powers can also use the Straits with the purpose of returning to their bases (Article 19). The Convention gives Turkey the sole discretion regarding the passage of warships in case the country is a belligerent of war (Article 20). In case Turkey considers itself to be in any imminent danger of war or threat, the regulation of passage from the Straits will be at the Turkish Government's discretion (Article 21). While these articles are considered as the major conditions of the Convention, other articles touch on specific matters such as the aircraft, provisions, legality, duration of the Convention, taxes, and charges, and categorization of the ships (League of Nations Treaty Series 1936, 215-241).

## **Conclusion**

The Montreux Convention came into force on November 9, 1936, and it was supposed to be in force for twenty years. After twenty years, the signatory states would be allowed to ask for the denunciation of the Convention without any condition (League of Nations Treaty Series 1936, 228-231). Although there were several attempts to change or denounce the Convention over time, interestingly enough, the Convention is still in force today. It should not be forgotten that the Convention was signed in 1936's conditions on which the designations of ship tonnages and types were based. Based on the problems and concerns raised in the following years, Montreux Convention will be able to demonstrate the significant difference between the interwar years and the contemporary world with regards to the international relations of the Black Sea.

### CHAPTER III: CONTEMPORARY ISSUES IN TURKISH STRAITS

The Montreux Convention regarding the regime of the Straits had reinstated Turkish sovereignty over the Straits Zone and removed certain restrictions that were part of the Lausanne Convention of 1923 (Oral and Öztürk 2006, 18-19). Turkey took responsibility for implementing the regulations of the Convention and had been successful in maintaining the balance of power between the Western states and the Soviet Union (and later, Russia) (Oral 2021, 485-486). However, the sections between Article 2 and 7 of the Convention allow merchant vessels of any country, with any type of goods, freedom of passage with very limited possibilities (League of Nations Treaty Series 1936, 218-221). Although there are tonnage restrictions for warships of all countries in the Convention, the same rule does not apply for merchant ships (p. 222-223). Over 86 years since the Convention came into force, the number of merchant ships and warships that used the Straits as a passage had increased, and the tonnages of merchant levels had enormous growth over time. The increase of the traffic in the Straits over time is linked with lack of limitations on Montreux Convention with regards to the passage of merchant ships (Ünlü et al. 2018, 39; Oral and Öztürk 2006, 70-72). Turkey is entitled to implement directives on matters not touched on in the Montreux Convention, such as jurisdiction, preventing pollution, regulating the traffic flow without restraining the freedom of passage (Ece 2011, 41; Ünlü et al. 2018, 39). On the other hand, the limitations on passage of warships and violation of these limitations by other states are creating regional instability, as well as causing Turkey to face accusations of breaching the Convention (Özbay 2014, 119-120; Hodges 2021, 7; Sutton 2020). This chapter engages in finding an answer to the question, “Does Montreux Convention allow Turkey to preserve its national interests effectively?” To answer this question, issues that arose or currently arise from the passage of ships from the Straits Zone will be analyzed in three aspects: socio-economic

concerns, ecologic concerns, and security concerns. Those concerns will be supported with statistics and specific events. The policies and measures taken by Turkey to tackle these concerns will also be explained.

### **Socio-Economic and Ecologic Concerns**

The maritime traffic and tonnages of the ships had increased significantly since the Montreux Convention was signed in 1936. Although the Convention regulated the passage of merchant and warships, the rapid improvements in maritime trade and technology raised concerns regarding the security of passage (Özersay 1999, 114-115). Currently, the Bosphorus Strait is the second most used waterway in the world, coming only after the Strait of Malacca (Ece 2011, 41). For comparison: By looking at the statistics on ships that passed through the Straits Zone, it is possible to see that about 19,800 ships had passed from the Straits from 1936 to 1940. On the other hand, the Turkish authorities had recorded that 268,085 ships had used the freedom of passage from the Straits between 2006 and 2010 (Akten et al. 2011, 17; Ministry of Transport and Infrastructure 2021). The difference between the time periods is even more profound when the ship tonnages are compared: In 1938, the total net tonnage of the ships that passed through Bosphorus Strait was 500,000 tons. In 2020, this number was 619,758,776 tons (Özersay 1999, 105-106; Ministry of Transport and Infrastructure 2021). This shows that while the number of ships using the Straits Zone had increased roughly ten times in 85 years, the tonnages of those vessels had grown more than 1,000 times.

Table 1 - Statistics Summary of Vessels Passed from the Dardanelles (Ministry of Transportation and Infrastructure of the Republic of Turkey 2021)

İSTANBUL BOĞAZI GEMİ GEÇİŞ İSTATİSTİK ÖZETİ											The Statistics Summary Of
Vessels Passed Istanbul Strait											
YILLAR / Years	Gemi Adedi / Number Of Vessels	Toplam Gros Ton / Total Gross Tonnage	Kılavuz Alan / With Pilot	Sp1 Veren / Sp1 Given	Uğraksız Gemi / Non Call In Vessels	Boyu 200 M'den Büyük / LOA Longer Than 200 M	500 GT'den Küçük / Lower Than 500 GT	Toplam Tankerler / Total Tankers			Yedekli Geçiş / Towaged
								TTA	LPG/LNG	TCH	
2006	54.880	475.796.880	26.589	53.324	31.880	3.653	2.176	7.659	814	1.680	111
2007	56.606	484.867.696	26.685	55.132	31.826	3.653	2.138	7.204	800	2.050	105
2008	54.396	515.639.614	27.001	53.232	31.762	3.911	1.800	6.564	764	1.975	119
2009	51.422	514.656.446	24.977	50.712	32.297	3.871	1.128	6.557	866	1.876	122
2010	50.871	505.615.881	26.035	50.020	28.668	3.623	1.377	6.464	1.099	1.711	115
2011	49.798	523.543.509	26.011	49.179	27.938	3.800	1.046	6.216	1.227	1.660	93
2012	48.329	550.526.579	24.812	47.638	27.345	3.866	1.064	5.913	1.336	1.779	98
2013	46.532	551.771.780	24.023	45.616	26.577	3.801	1.192	5.685	1.741	1.580	87
2014	45.529	582.468.334	24.508	44.928	26.212	4.295	928	5.587	1.540	1.618	90
2015	43.544	565.216.784	23.349	43.039	25.243	3.930	879	5.825	1.232	1.576	71
2016	42.553	565.282.287	22.356	42.132	26.050	3.873	522	6.033	989	1.681	73
2017	42.978	599.324.748	24.059	42.700	26.111	4.005	436	6.212	742	1.878	88
2018	41.103	613.088.166	23.565	40.844	25.884	4.106	508	6.014	623	1.950	116
2019	41.112	638.892.062	26.632	40.870	26.138	4.400	333	5.934	561	2.462	89
2020	38.404	619.758.776	24.754	38.175	24.623	4.952	374	5.252	530	2.653	67

Table 2 - Statistics Summary of Vessels Passed from the Bosphorus (Ministry of Transportation and Infrastructure of the Republic of Turkey 2021)

ÇANAKKALE BOĞAZI GEMİ GEÇİŞ İSTATİSTİK ÖZETİ											The Statistics Summary Of Vessels
Passed Çanakkale Strait											
YILLAR / Years	Gemi Adedi / Number Of Vessels	Toplam Gros Ton / Total Gross Tonnage	Kılavuz Alan / With Pilot	Sp1 Veren / Sp1 Given	Uğraksız Gemi / Non Call In Vessels	Boyu 200 M'den Büyük / LOA Longer Than 200 M	500 GT'den Küçük / Lower Than 500 GT	Toplam Tankerler / Total Tankers			Yedekli Geçiş / Towaged
								TTA	LPG/LNG	TCH	
2006	48.915	595.826.240	16.871	48.264	32.061	4.845	1.404	7.204	798	1.565	131
2007	49.913	611.885.819	16.885	48.802	31.981	4.945	1.873	6.527	754	1.990	138
2008	48.978	657.396.892	18.334	48.565	31.981	5.223	844	5.990	777	1.991	162
2009	49.453	667.412.661	18.588	49.210	32.559	5.176	615	6.293	842	2.432	146
2010	46.686	672.843.533	18.678	46.469	28.768	5.098	598	6.017	902	2.333	138
2011	45.379	705.412.518	18.920	45.196	27.983	5.494	572	5.661	974	2.183	159
2012	44.613	735.728.537	18.775	44.416	27.418	5.919	519	5.656	1.038	2.304	134
2013	43.889	745.567.671	18.924	43.579	26.534	5.824	448	5.822	1.380	2.097	123
2014	43.582	761.631.756	19.107	43.238	26.257	5.902	512	5.875	1.206	2.169	116
2015	43.230	777.989.382	18.843	42.755	25.220	5.842	581	6.009	1.036	2.479	122
2016	44.035	772.922.682	19.007	43.543	26.071	5.665	661	6.041	881	2.559	139
2017	44.615	823.460.636	19.925	43.888	26.087	6.197	755	6.145	734	2.599	149
2018	43.999	849.140.218	19.958	43.513	25.835	6.612	732	6.181	698	2.368	156
2019	43.759	872.312.222	21.616	43.321	26.184	7.010	714	6.178	669	2.996	138
2020	42.036	858.844.972	21.175	41.581	24.639	7.430	779	5.644	671	3.057	126

The increased traffic had become a significant issue in the Bosphorus, and the Dardanelles started to cause maritime accidents in the area, primarily due to the geographical characteristic of the Straits with regards to their narrowness (Ulusçu et al. 2009, 1455; Ece 2019, 2). Besides, high levels of ship tonnages increase the severity of those accidents that lead to casualties, economic loss, and ecologic harm in the region (Uğurlu et al. 2016, 356; Ünlü et al. 2018, 3; Istikbal 2006, 74-75). Most scholars see the increase of maritime accidents in Turkish Straits as directly proportionate to the increased number of ships in the passage (Akten et al. 2011, 21; Essiz and Dagkiran 2017, 2; Özersay 1999, 114-115; Ünlü et al. 2018, 49). Statistically, the number of accidents recorded in Bosphorus is two times more than in the Dardanelles (Essiz and Dagkiran 2017, 6). Even though more ships pass through Dardanelles, the Bosphorus is relatively narrow where wideness between Aşiyan and Kandilli is only 698 meters (Sezgin and Kadioğlu 2000, 1; Oral and Öztürk 2006, 56). To pass through the whole Strait, a vessel needs to alter its course at least 12 times due to Bosphorus' sharp turns throughout the passage (Ulusçu et al. 2009, 1454). Environmental factors such as fog, storms, and water flow are also seen as the influencing factors that increase the hazardous conditions in the sea and, therefore, cause accidents. Between 2001 and 2010, there were 850 accidents in the Turkish Straits Zone (Uğurlu et al. 2016, 360-361). While some of these accidents cost human lives, there were cases of environmental pollution, animal casualties, and damages to properties. As the largest city in Turkey with 15 million inhabitants, Istanbul also accommodates a variety of plants and animals that live in the Sea of Marmara or onshore (Ece 2011, 40; Özersay 1999, 116-117).

Regardless of the pilotage use, the enormous amount of passage from the Straits has terrifying impacts on the environment regarding air and sea pollution (Özersay 1999, 116). Concerning air pollution, releasing carbon monoxide and carbon dioxide affects the air quality and

sometimes reaches a dangerous level for living creatures around the Straits zone Kesgin and Vardar 2000, 1863; Viana et al. 2015, 3306-3309). The sea pollution mainly arose from the release of non-organic materials such as plastic and oil, while the ships were passaging through the Straits Zone (Kaptan et al. 2020, 507-508; Uğurlu et al. 2016, 361-362; Ünlü et al. 2018, 122-126). According to Kaptan et al. (2020), the amount of plastic waste generated by the ships passing through the Straits Zone was estimated as 27,740 m<sup>3</sup> (p. 3-4). Oil spills are even a more significant issue than plastic in the Turkish Straits. When looked at the most severe accidents in the Straits, out of hundreds, the incidents of *Independenta* (1979) and *Nassia* (1994) can be seen as the most impactful ones: When the tanker ship, *Independenta*, was entering into the Bosphorus, it collided with the Greek flagged cargo vessel, *Evriali*. The collision caused a massive explosion and led to the spill of approximately 94,000 tons of oil into water (Ünlü et al. 2018, 103-104). While 30,000 tons of oil had burned allegedly for 27 days, 64,000 tons of oil had spread into the Marmara Sea surface, shores, and bottom (BBC News 2019). The explosions had caused material damages to the nearby properties, and 96% of the species in the sea bottom had died (Oral and Öztürk 2006, 120; BBC News 2019). Forty-three people had died, and the amount of poisonous gas released from the shipwreck caused the level of particles in the air to increase 1000mg/m<sup>3</sup>, which is four times greater than the amount the World Health Organization had defined (Ünlü et al. 2018, 104; Oral and Öztürk 2006, 120). The second most significant accident in the Straits Zone occurred in 1994, when the tanker ship, *Nassia*, had collided with a cargo boat, *Shipbroker*. With the impact of the collision, 20,000 tons of oil spilled to Bosphorus and the Marmara Sea, which covered the surface with thick oil that damaged the ecosystem in the area (Özersay 1999, 115-117; Ünlü et al. 2018, 104-105).

When looking at the seriousness of Straits' accidents and their socio-economic and ecologic hazards, one can think, "How is this related to the Montreux Convention?" Although the increase in the number of ships using the Straits and excessive augmentation of their tonnages is solely based on the technological improvements on maritime, it can be concluded that Montreux Convention's Article 2 is responsible for most of the accidents (Istikbal 2006, 71; Özersay 1999, 106-107). According to Article 2 of the Montreux Convention, merchant ships can use the Turkish Straits completely free regardless of their flag, the time of their passage, and the goods they are carrying. The pilotage, which is a service for guidance to use the passage of the Straits, is optional (League of Nations Treaty Series 1936, 218-219). While the "complete freedom of transit and navigation" through the Straits had increased maritime traffic and caused merchant ships with enormous levels of tonnage to enter the Straits Zone without restrictions, the lack of jurisdiction that makes using pilotage obligatory is seen as one of the biggest reasons that marine casualties happen in Turkish Straits (Akten et al. 2011, 19; Oral and Öztürk 2006, 73-74; Essiz and Dagkiran 2017, 8). Due to the optionality of the pilotage service, only a limited number of the ships that use the Straits seek a pilot while passing through. According to Ece (2015) and Istikbal (2006), 90.6% of the marine accidents in Bosphorus between 1982 and 1993 did not request a pilotage service from Turkish authorities while passing through (Ece 2015, 10; Istikbal 2006, 77). In order to reduce the number of accidents and their impacts, the Turkish Government had introduced various measures of the regulation in the Straits Zone, including the adoption of right-side passage in 1982, the mandatory pilotage service for ships that are visiting a Turkish port in 1994 (Oral and Öztürk 2006, 71-72; Ünlü et al. 2018, 28). Even though Turkey is entitled to take measures to ensure the security of passage through the Straits, any restriction limiting the freedom of passage in any way would mean contradicting the Montreux Convention and therefore cannot be imposed (Özersay

1999, 118). This is why regarding the pilotage use at the Straits, Turkey cannot go beyond “strongly recommending” pilotage to the ships transiting through the Straits. Even though the Convention contributes to Turkey’s preservation of its sovereignty, it is possible to understand that the advanced technology, which led to the increase of ship numbers and tonnages, shows how Montreux Convention comes with its advantages and disadvantages. Turkey’s inability to change the terms of the Convention regarding the freedom of passage seems to be posing a threat to the Straits Zone if an action is not taken.

### **Concerns due to Regional Conflicts**

By its geographical position, Turkey is located in an area with a lot of different conflicts taking place. To name a few, the Ukrainian-Russian Conflict in North, Azerbaijan-Armenia War in Northern East, the Persian Gulf Crisis in Southern East, the Cyprus Dispute, the everlasting armed insurgency of the terrorist organization, PKK, and the Syrian Civil War, and Israel-Palestine Conflict in South, and the recent Greece-Turkey tensions in West are among the issues that occurred around the Turkish territories. Out of these regional conflicts, the Russian-Georgian War of 2008, the Syrian Civil War since 2011, and the ongoing Russia-Ukraine dispute are among the conflicts that the Turkish Straits Zone had played a role in. Before analyzing the relationship between the conflicts mentioned above and the challenges they possess regarding the Montreux Convention, it is vital to understand their basis. From the 1990s until the late 2000s, the tensions between Russia and Georgia were at high levels due to the separatist movements in South Ossetia and Abkhazia (Filippov 2009, 1829-1832). The war, which is considered the most severe crisis between Western countries and Russia, began after Georgian forces started a military campaign in

the region on August 8, 2008 (Antonenko 2009, 259-260; Pallin and Westerlund 2009, 408). Russian response had turned the conflict into a war between two neighboring countries which lasted for five days and resulted in Georgian defeat and withdrawal from South Ossetia (Filippov 2009, 1842). The Syrian Civil War began in 2011 after the peaceful protests met with a violent response from the Syrian Government (İpek and Güler 2021, 78). The involvement of other states and terrorist organizations had turned the area into a multi-sided conflict (p. 78-80). Since the beginning, Russian support to Assad's Government and NATO's support to the Free Syrian Army had prolonged the war and caused great instability in the region (İpek and Güler 2021, 80). The Russia-Ukraine conflict had started in 2014 and led to the annexation of Crimea along with a military intervention in Eastern Ukraine (Binnendijk 2020, 14-15). Russia's involvement and influence over Ukraine is increasing expeditiously and moving towards a full-scale war, especially after Russia had mobilized 100,000 troops near the Ukrainian border (Blake 2022).

The relevancy of the Montreux Convention to these conflicts is based on the articles regarding the passage of warships. While Article 14 limits the maximum tonnage of all foreign ships that can pass through the Straits to 15,000 tons, Article 18 limits the maximum tonnage that non-Black Sea littoral states can possess in the Black Sea 45,000 tons (League of Nations Treaty Series 1936, 222-223). The article also states that the ships of non-Black Sea powers can remain in the Black Sea for a maximum of twenty-one days (p. 224-225). During the Russian-Georgian War of 2008, Turkey had implemented the terms of the Montreux Convention firmly against the non-Black Sea Powers (Ozbay 2014, 119). This led warships of the US being unable to stay in the Black Sea for more than twenty-one days, which caused reactions and pressures to Turkey to be more liberal on the implementation of the Convention (Kirişçi and Güvenç 2021). According to Tastekin (2022), the Turkish rejection of allowing the US warships, including two hospital ships

with a total tonnage of 140,000 tons, due to the Montreux Convention's restrictions, is one of the reasons that Georgia was left alone during the war in 2008 (Reynolds 2018, 12; Yurtsever 2022). Especially during the early stages of the Syrian Civil War, Russia sent numerous submarines to support the Syrian Government in Mediterranean Binnendijk 2020, 7-9). The reason Russia was able to use these submarines to support Bashar Assad is based on the Russian bypass of Article 12 of the Montreux Convention: The article only allows Black Sea Powers' submarines that were built or constructed outside of the Black Sea to be able to pass through the Straits under the condition of rejoining their base. In addition, the submarines located in the Black Sea can pass the Straits to receive maintenance in a dock outside of the Black Sea (League of Nations Treaty Series 1936, 220-221). Russian path to get around these restrictions was simple: They would either send new submarines that were built outside of the Black Sea to Syria to engage in combat before passing through Straits Zone to rejoin their base or claim that the submarines in the Black Sea require maintenance at a dockyard located in the Mediterranean and later conduct naval warfare with those "maintenance requiring" ships (Yurtsever 2022; Yaylılı 2019). These bypasses have raised concerns about breaching the Montreux Convention by the signatory states, which questions Turkey's ability to enforce it (Hodges 2021, 6-7; Sutton 2020. However, in the case of the Russia-Ukraine Conflict, the tables were turned: Since 2014, the US and NATO have been trying to increase their activity in the Black Sea to support Ukraine against Russian threats (Ozbay 2014, 118-119; Tastekin 2021; Jones 2021). In 2014, a warship named *USS Taylor* stayed in the Black Sea for thirty-two days, eleven days over the twenty-one-day restriction for non-Black Sea Powers (Oral 2021, 484; Ozbay 2014, 119-122). As the Conflict in Ukraine escalated, the expectation of the US and NATO from Turkey is to make an exception as an ally despite the potential Russian reaction. Turkey was blamed for not implementing the Convention properly for both cases (alleged

Russian and American violations of Montreux Convention during Syrian Civil War and Russia-Ukraine Conflict, respectively). These accusations are also leading to revisiting the fate of the Montreux Convention with regards to either its revision or annulment (Ozbay 2014, 120-121; Oğan 2006, 2-3; Yaylalı 2019). When we look at these examples, it is possible to see that the most significant challenge the Montreux Convention poses for Turkey is the possibility of initiating discussions regarding the revision or annulment of the Convention itself. In other words, the regional conflicts can induce that the Montreux Convention is dysfunctional in preventing instability in the region, and therefore, can be opened up for discussions that would impact the future of the Convention.

### **Conclusion**

This chapter had discussed that the Montreux Convention has undoubtedly given Turkey tremendous political power over the regulation of the Straits. Turkey's right to close the Straits with an imminent threat of war and being able to assume complete control of the Straits during wartime procures the protection of the country in the Straits Zone. However, the political power that Turkey had achieved from the Montreux Convention does not mean that it has no disadvantages for Turkey. As mentioned in the chapter, the vagueness and obsolescence of some articles of the Convention are seen as the primary reason for the ecologic and socio-economic problems to arise in the last decades. While Turkey tried to tackle the ecologic and socio-economic issues by introducing several maritime regulations, they cannot restrain the freedom of passage and transit in any way, and therefore, the number and tonnages of the ships cannot be limited as per the Convention. On the other hand, the growing conflicts in the region create instability in the

Black Sea region which naturally disturb all Black Sea littoral states. Especially the Russia-Georgia and Russia-Ukraine conflicts caused NATO and Russia to come across and led both sides to accuse Turkey of different reasons. The chapter has shown that these accusations and perceptions from the non-signatory and signatory states, most importantly, Russia and the United States, are raising the discussions on the future of the Montreux Convention. The sub-question of the chapter was: Does Montreux Convention allow Turkey to preserve its national interests effectively? And it has been analyzed that the Convention poses challenges for Turkey to a great extent in today's international relations. While it creates safety issues due to the congestion and accidents in the Straits, the increasing tension in the Black Sea and Turkey's implementation of the Convention may also lead Turkey to be caught in the middle to choose between its NATO responsibilities and its strategic partnership with Russia. Also, in case Black Sea littoral states that are close with NATO begin to open up the debate about the future of the Convention, that can be seen as the most significant challenge that the Convention poses to Turkey. However, the political power that the Montreux Convention gives to Turkey should not be disregarded. As long as Turkey prioritizes the political advantage that the Convention provides, Turkey will ignore the socio-economic, ecologic, and regional stability concerns that arise from the obsolescence of the Convention.

## CHAPTER IV: FATE OF THE MONTREUX CONVENTION

Questioning the future of the Turkish Straits is not a new situation. According to Rozakis and Stagos (1987), the Soviet desire to change the regime of the Straits, and therefore, goals for revising or annulling the Montreux Convention had begun as early as 1941 (p. 125). Since then, there have been thoughts and attempts to revise or annul the Convention to change the current regulation regarding the passage of ships in the Dardanelles and the Bosphorus. The most widely accepted reasoning for revisiting the Montreux Convention is based on the claims that the Convention is considerably outdated (Vali 1972, 61-62). Most scholars link those claims to the dynamics of international relations, which changed significantly from the pre-World War II era (Altuğ 1992, 189; Gerolymatos 2014, 77-78; Pıçak 2011, 177-179). As seen in Chapter III, the challenges that the Montreux Convention cause to Turkey, specifically with regards to ecologic, socio-economic, and regional safety concerns, are significantly linked with the nature of the articles of the Convention. The increased number of tonnages and the environmental concerns they create, the growing tensions and instability in the Ukraine-Russia line, which lead other states to pressure Turkey on loosening or tightening (depending on the country) the implementation of the Convention can show the ineffectiveness of Montreux Convention. However, would Turkey, or any Black Sea littoral Power, or the signatories of the Montreux Convention, accept to come back to the table on designating the future of the Convention? Starting from this point of view, the purpose of this chapter is to address the question: “Should Montreux Convention of 1936 be revised or annulled?” To answer the question, the historical discussions of the states regarding the future of the Montreux Convention will be blended with the developments during the 21<sup>st</sup> century and will explain the potential outcomes in case of a change regarding the regime of the Turkish Straits.

## Overview Since the Second World War

Following the end of the Second World War, most Great Powers were already displeased with Turkey's violations during the war. Especially during the Conference of Yalta, the Soviet Union opened up the topic of the Straits regarding Turkey's applicability of the Montreux Convention (Rozakis and Stagos 1987, 125-126). The most significant Soviet justification was based on Turkey's approval of German and Italian warships to pass through the Straits Zone (Özersay 1999, 87-88). In Potsdam Conference, the Soviet Union had explained these concerns and requested for revision of the Convention. Even the Turkish Government showed positive signs of opening the Convention up for a revision due to the technological advances since 1936 (Demir 2018, 338-339). The US, the UK, and the Soviets agreed to revise the Convention in Potsdam and discuss it with Turkey (Özersay 1999, 89). The only reason these three Great Powers had agreed on opening up the discussion for Convention that ended the Straits Question was based on the view that the Convention cannot meet the demands of today anymore (Vali 1972, 71; Rozakis and Stagos 1987, 129-131). After the agreement in Potsdam, a period known as the "war of diplomatic notes" had begun between the US, the UK, the Soviet Union, and Turkey. The notes were mainly reminding the responsibilities of the Montreux Convention and the need to hold a new conference regarding the regime of the Straits (Özersay 1999, 89-95). Nevertheless, the proposed conference was never held, and the parties dispersed without agreement. Although the Soviet pressure to make changes on the Montreux Convention had remained until the death of Stalin, the Convention was never revised or annulled. However, it has been found that the practicality of the Montreux Convention has three major setbacks:

- A) The new conjunctures of international relations in the post-World War II environment which includes the annulment of the League of Nations, and indistinction of the terms "time

of peace” and “time of war” in the new world order that helps Turkey to interpret the articles arbitrarily by the country’s strategic interests

B) Technological and military advances that led to the emergence of new equipment and weapons in warships, as well as new warship classes (types) that did not exist in 1936 and therefore, were not addressed in Montreux Convention

C) The lack of reference for the prevention of hazardous situations in Turkish Straits such as accidents and environmental concerns, and that the Convention’s articles are simultaneously lacking regulations on reparations or responsibility in case of a hazardous situation in the Straits

The issues mentioned above constitute the main reasonings that open the Montreux Convention for discussions to change the active regime of the Straits. The Montreux Convention is not a permanent agreement. According to Article 28, the Convention was set to remain in force for twenty years, and any signatory state would be able to renounce the Convention after twenty years come to an end (League of Nations Treaty Series 1936, 228-231). If the Convention gets annulled, the signatories are also needed to commit to holding a conference for negotiating a new one. On the other hand, if any signatory state wishes to make a partial change on the Convention, such as amending articles or adding new terms, the required party has to get the support of at least two other signatory states for their proposal (at least one for any requests regarding Article 14 and 18) (League of Nations Treaty Series 1936, 230-231). If the parties cannot agree with the proposals, a conference that all signatories would attend will be held. The unanimous vote takes the decisions except for the revisions for Articles 14 and 18; in that case, a majority of three-quarters of the signatories that include all Black Sea Powers and Turkey is needed (p. 230-231). Although all signatories are free to request a revision or renouncement of the Montreux Convention, no request

for amendment or renunciation was made by parties. The countries' positions regarding the possibility of revising or annulling the Montreux Convention can be divided between three categories: Positions of "non-signatory states," "signatory states," and "Turkey."

### **Position of Non-Signatory States**

The non-signatory states of the Montreux Convention are the ones that did not have a signature on the Lausanne Straits Convention of 1923, and therefore, were not invited Montreux Convention as a "High Contracting Party." Although these states are expected to abide by the regulations while enjoying the freedom of passage, they do not have legal rights to request denouncing or revising the Montreux Convention as per Articles 28 and 29. For this category, the most significant actor is the United States. The US is not a signatory of the Montreux Convention despite the country's rise from the Second World War as a superpower. The Convention's articles limit the maximum tonnage allowed in the Black Sea to 30,000 tons and the maximum day of stay to twenty-one days for non-Black Sea Power warships (League of Nations Treaty Series 1936, 222-225). These limits posed an issue during the contemporary developments in the area, such as the Russia-Georgia War of 2008 and the Russia-Ukraine Conflict since 2014 (Ozbay 2014, 118-119; Tastekin 2022). The US sees Montreux Convention as one of the main impediments for maintaining more of an active existence in the Black Sea (Oğan 2006, 2). Especially after Bulgaria and Romania's accession into NATO, it is possible to say that the US aims to pressure one of these states to invoke their right to denounce the Convention (p. 2-3). Even though the freedom of passage for merchant ships is evident in the Montreux Convention, the limitations on warships for non-Black Sea littoral states cause those states, most importantly, the United States, to either seek

Turkey to relax the restriction on passage or pressure to the signatories of the Convention to invoke Articles 28 or 29 (Jones 2021). By looking at the current tensions in the Black Sea, states which are not signatories of the Montreux Convention but have strategic interests in the region would ultimately make every effort to make signatory states to open up the Montreux Convention for discussion (Vali 1972, 140-141; Oral 2021, 485-486).

### **Position of Signatory States**

Given that any signatory of the Convention is allowed to annul or call for its revision, it has been observed that the signatories should be aware of the fact that annulling the Montreux Convention would significantly deteriorate the aforementioned state's bilateral relationship with both Russia and Turkey (Oğan 2006, 3-4; Ozbay 2014, 118). During Cold War, most of the Black Sea was entirely under Soviet influence, except for the Turkish coastline (Oğan 2006, 4; Vali 1972, 139-141). After the dissolution of the USSR, NATO enlargement in Eastern Europe was initiated, which resulted in Bulgaria and Romania's accession as members. On the other hand, the current NATO partners, Ukraine and Georgia, earned the signatory state position for the Montreux Convention, which means an increase in Black Sea actors that are aligned with the US and NATO (Saribeyoğlu-Skalar and Cecanpınar 2021, 78-79; Demir 2018, 340-341). Although Russia was strongly supporting the revision or denunciation of the Montreux Convention between the 1940s and 1950s, NATO's growing influence and the United States' pressure in the region seem to make Russia aware that the Montreux Convention keeps the balance in the region and opening it up for a discussion may result in a disaster for Russian strategic interests (Tastekin 2021; Ozbay 2014, 118-121). Even though the Convention limits Russian submarines' passage through the Straits,

Russia would be likely to strive to preserve the Montreux Convention as long as it can. Visiting the idea of revising or annulling the Convention for signatory states, specifically the Black Sea littoral ones, could mean the removal of the exclusive rights that they have with the Convention and risks the instability in the Black Sea to grow, in case the restriction for the warships gets abolished with a new Convention.

### **Position of Turkey**

As mentioned in Chapter III, Turkey suffers heavily from the Montreux Convention's lack of regulations on potentially hazardous situations in the Straits Zone and that the increased tension in the region cause Turkey to face off either with Russia or NATO Allies regarding the implementation of the Convention (Ozbay 2014, 122). However, Turkey is vehemently opposed to the revision or denunciation of the Montreux Convention as it believes the current Convention is in accord with Turkey's sovereignty rights (Ozbay 2014, 121; Tastekin 2021; Saribeyoğlu-Skalar and Cecanpınar 2021, 81-82). Also, it is worrisome for Turkey that a new convention would potentially lessen Turkey's control over the Straits regarding the passage of warships. By looking at Turkey's protective attitude on Montreux Convention, one can assume that if a signatory state takes a stance to denounce the Convention, they can expect their bilateral relations with Turkey to be collapsed immediately. However, it is also uncertain how much Turkey can resist the pressure if it loses Russia's support over preserving the Montreux Convention. Russia is currently considered the biggest supporter of the current Convention along with Turkey (Saribeyoğlu-Skalar and Cecanpınar 2021, 82). Therefore, Turkey can be expected to strive to maintain its good relationship with Russia. If the current conflict between Ukraine and Russia turns into a war,

Turkey's loyalty to NATO and Ukraine or Russia will be tested by implementing the Convention to the belligerents. The regional conflicts apart, Turkey aims to tackle the ecologic and socio-economic issues arising from the accidents in the Straits by creating another waterway alternative to the Bosphorus (Kalinov 2019, 756-757). Even though the project can still be counted as planning, the media and some scholars consider that Turkey's gamble can lead more voices to be raised against the Montreux Convention.

### **Conclusion**

Although the future of the Montreux Convention began to be discussed soon after it was ratified, it is still in force today. However, the changing international relations perception in the Black Sea region and advancing technologies gradually put the Montreux Convention's future in question over time. The dissolution of the Soviet Union, NATO's purpose of increasing its influence over the Black Sea, and Turkey's complex relation with Russia and NATO are all creating instability for the Convention. Since non-signatory states have no authority to change the Convention, they would heavily rely on the signatory states to open up discussions about it. Therefore, the United States is in close contact with its NATO allies (except Turkey) that are also the signatories of the Montreux Convention, such as Romania and Bulgaria, to invoke Article 28 to denounce the Convention. Since most signatory states have friendly relations with the US compared to Russia, the risk for annulment of the Convention is at a level not to be underestimated. However, Turkey and Russia's embracing attitude towards the Convention prevents other signatory states from engaging in such action. For both Turkey and Russia, preserving the Montreux Convention is a matter of national security. In light of the states' perspectives, this

chapter analyzed the sub-question: Should Montreux Convention be revised or annulled? It has been concluded that although most of the signatory states would be likely to denounce the Convention in accordance with the United States' pressure, all the states, including the United States, are aware of the fact that denouncing the treaty would endanger the balance of power and can lead to catastrophic consequences in the Black Sea, and therefore, would avoid striving excessively to denounce the Convention. That is why the United States is keeping its pressure low, and Turkey seeks alternatives to ease the hazardous issues in the Straits without endangering the future of the Convention. However, it is doubtful whether the proposed Istanbul Canal would bring greater concern in consideration of the Montreux Convention.

## CHAPTER V: ISTANBUL CANAL PROJECT

As explained in the previous chapters, the Turkish Straits are in a strategic location that is a passage for merchant ships of many countries (Zenginkuzucu and Çintan 2019, 74-75). Also, with the articles of the Montreux Convention, the passage of warships is regulated through the Straits. Due to the increase in the vessel traffic and tonnage levels, especially in the Bosphorus, Turkey introduced various safety measures and regulations to prevent hazardous events in the Straits (Plant 2000, 195-196; Ulusçu et al. 2009, 1455). Although these new regulations had proven effective in the prevention of accidents in Dardanelles and Bosphorus, the Montreux Convention's lack of limitations on ship types and tonnages still poses a danger for the safety of the Straits Zone, as well as the inhabitants of Çanakkale and İstanbul (Akten 2004, 353-354; Akten et al. 2011, 14). Since Turkey would avoid opening the Montreux Convention up for discussion regarding a revision or complete annulment, the AKP (Justice and Development Party) Government under President Erdoğan had initiated a project in İstanbul to reduce the maritime traffic in Bosphorus.

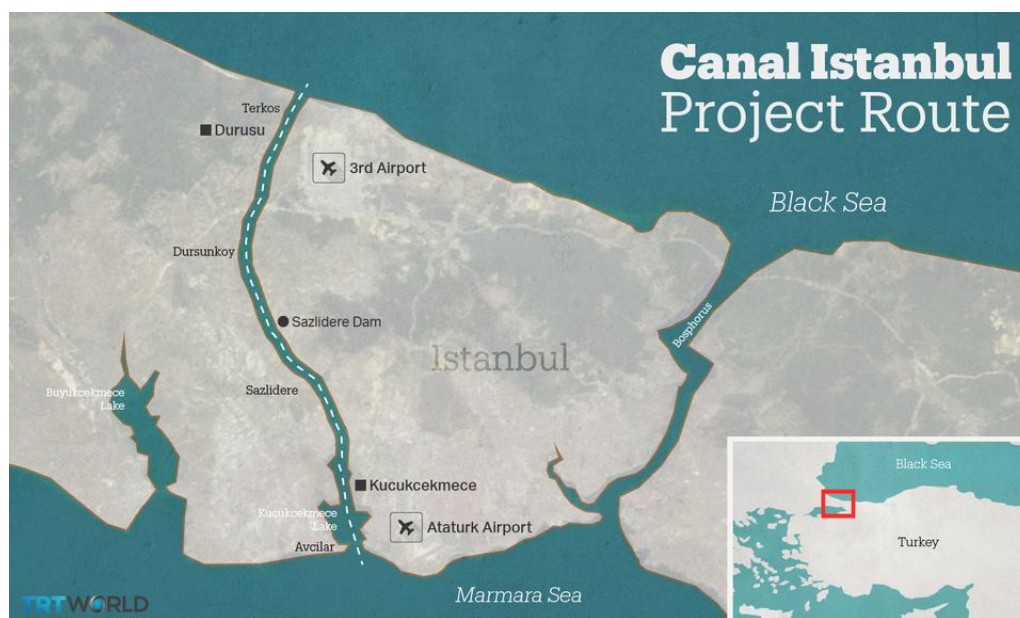


Image 2 - Planned Route of the Istanbul Canal (Al-Jazeera 2021)

As shown in Figure 2, the project would introduce a new canal that starts from the Southern European side of İstanbul to the Northern European part. Although some scholars accept that the Istanbul Canal Project can reduce vessel traffic in Bosphorus, concerns have arisen for the proposed project regarding whether the Montreux Convention is binding for it (Zenginkuzucu and Çintan 2019, 74-76). Therefore, the purpose of this chapter is to find an answer to the question: “Can the proposed Istanbul Canal project lead to the emergence of a new Straits Question?” To answer the question, an analysis on how Turkey can use the canal when completed will be made, and the canal’s liability to Montreux Convention will be discussed.

### **Turkish Ambitions**

Then-Turkish Prime Minister Recep Tayyip Erdoğan first coined the Istanbul Canal Project in 2011 (Tüfekçi 2021, 535). The media had called the project “the crazy project” for its high expenditure, which is expected to be between 12 and 25 billion dollars (Lund 2021, 5). The proposed Canal is expected to be 45 kilometers long, 25 meters deep, and about 150 meters wide. Although at the time, Prime Minister Erdoğan had put 2023, the centennial of the republic, as the expected date to complete the Canal, the initial process began in March 2020 (Kalinov 2019, 756; Bhattacharyya 2021). The justification for the Canal was that it would reduce the extensive amount of maritime traffic in Bosphorus and lessen the environmental and safety concerns in Istanbul (Tütüncü 2017, 114-115). According to Ünlü et al. (2018), the environmental danger that the anchored vessels possess in the entrance of Bosphorus can be reduced with the alternative waterway by diminishing the pollution that those vessels cause (p. 72-73). Protecting the city’s cultural and historical texture is also one of the aspects that the current Turkish Government

reasons constructing the Canal (Zenginkuzucu and Çintan 2019, 74-75). Economically, the Canal is expected to bring significant revenue: According to the Turkish Minister of Transportation Cahit Turhan, the Istanbul Canal will collect \$1 billion per year from the passage of vessels (Ergocun and Bicer 2020). It is also claimed that while a maximum of 125 ships can pass from the Bosphorus daily, the Canal will allow 185 ships per day (Ergocun and Bicer 2020). Apart from solving the socio-economic and environmental concerns of overwhelming traffic at Bosphorus, it is claimed that the Istanbul Canal can also serve as a political tool, benefitting the Turkish Government regarding the passage of warships (Kalinov 2019, 757). Such ambitions can result in Montreux Convention being opened up for discussion and, even worse, cause the disruption of the balance of power in the Black Sea (Tütüncü 2017, 120; Kalinov 2019, 764-765).

### **Circumvention of Montreux Convention?**

Even though there is an ongoing debate on the potential impacts of the Istanbul Canal on the Montreux Convention, the Convention does not have any restriction that would prevent the construction of the Canal (Zenginkuzucu and Çintan 2019, 75). It is also evident in the Convention that Turkey cannot restrict the freedom of passage of both merchant and trade ships through the Straits Zone in peacetime. The debates gather around whether Turkey might attempt to circumvent the Convention by forcing vessels to use the Canal instead of the Bosphorus (Tüfekçi 2021, 539-541). This idea arose from the definition of “Straits” in the Convention: The beginning of the Montreux Convention defines the Dardanelles, the Sea of Marmara, and Bosphorus, under the term “Straits” (League of Nations Treaty Series 1936, 214-215). The meaning of this phrase is that the Convention regulates transit and navigation of this “Straits” zone, and therefore, if a ship starts its’

transit via Çanakkale Strait, go through the Sea of Marmara, and exit from the Straits Zone from the Istanbul Strait, it should be subject to the regulations of the Montreux Convention (Lund 2021, 6-7; Kalinov 2019, 759; Zenginkuzucu and Çintan 2019, 72). Counter-arguments regarding the matter is considered as the foundation of the problem that the proposed Istanbul Canal can endanger the Montreux Convention: Firstly, according to Article 17 of the Convention, the warships that are paying a courtesy visit to the Turkish ports for a limited time, are not subject to the restrictions of tonnage and vessel category (League of Nations Treaty Series 1936, 222-223). In other words, it is claimed that if a vessel does not use the Straits zone to complete transit from the Aegean Sea to the Black Sea, or vice versa, the vessel would not be bound to the rules established by the Montreux Convention. With regards to this perspective, Tüfekçi (2021) explains there is a possibility that if a warship enters the Dardanelles to pay a courtesy visit to a Turkish port within the Sea of Marmara, the same ship may use the Istanbul Canal after the courtesy visit to bypass all the regulations put by the Convention, including tonnage, type, and time limit to be present in the Black Sea in case the ship belongs to a non-Black Sea Power (p. 542-543). Considering the current tension between Ukraine and Russia, if the Istanbul Canal would be open right now, the US and NATO would take the chance to use the Canal to enter the Black Sea, which would have a catastrophic outcome for regional security. The second counter-argument would be applicable for Black Sea littoral states. For instance, if a Russian vessel, which is over the tonnage limit for using the passage through the Straits Zone, uses the Istanbul Canal first, it is asserted that since the Bosphorus was not used by the vessel to begin the passage through the Straits Zone, it cannot be subject to the regulations of Montreux Convention (Tüfekçi 2021, 541-542; Tütüncü 2017, 118-120). Even though scholars widely decline these counter-arguments, the unclarity that Montreux Convention possesses can be seen as the cause of different interpretations. Turkish

President Erdoğan's statements also demonstrate the concerns of uncertainty that the Istanbul Canal can provoke: When he was asked if Canal Istanbul is excluded from the Montreux Convention's regulations, he replied, "Do not worry about Montreux, it is binding for the Bosphorus only. Canal Istanbul is out of its scope." (Tastekin 2021). Considering the friendly relations with Ukraine, Russia and responsibilities against NATO, Turkey's actions, if the Istanbul Canal is completed, will be based on its perception of the Montreux Convention, which will be very likely to upset some Black Sea Powers. Likely, the allowance of the US and NATO's warships to the Black Sea via the Istanbul Canal without restrictions would greatly deteriorate Russian-Turkish relations in a level that can lead to regional warfare, which would possibly involve NATO as well (Lund 2021, 6-7). If Turkey interprets that the Istanbul Canal is not subject to Montreux Convention and allows warship passage without restrictions, not only might it cause the annihilation of the balance of power in the Black Sea, but it can also lead to the denunciation of the Montreux Convention. Russia opposes the construction of the Istanbul Canal as it is seen as a potential threat to the Black Sea's security (Tütüncü 2017, 115-116; Jones 2021). In case Turkey moves forward with the claims that the Canal is not subject to Montreux terms and allows NATO to use the Canal in the future, this might lead Russia to accuse Turkey of jeopardizing the security of the Black Sea. If Turkey keeps implementing the Montreux Convention's regulations strictly, it will upset NATO allies as well as the US, which may increase its pressure on Montreux signatories to impose denunciation procedure. In both scenarios, the Montreux Convention, which consolidates Turkish sovereignty over the Straits and ensures the safety of the Black Sea, appears to be at stake with strategic purposes attributed to it.

## Conclusion

Turkey's plan to build a Canal to Istanbul to reduce the maritime congestion and accidents in Bosphorus had drawn significant attention in the Black Sea as expected. While Turkey claims that the Canal is being built for the sole reason of relieving the maritime traffic in the Bosphorus and reducing the accidents and environmental damage, the Black Sea littoral states, specifically Russia, are concerned whether this Canal would be used to bypass the Montreux Convention's regulations on the passage of warships. Since the proposed Canal is quite far from complete, the debates regarding the future of the Convention can be expected to increase over time gradually. In consideration of Turkey's commitment to the Montreux Convention, Turkey needs to pay attention to its ambitions and meaning attribution on Istanbul Canal. This chapter had analyzed and sought an answer to whether the Istanbul Canal project can lead to the reemergence of the Straits Question. It has been found out that if Turkey uses the Canal solely for the passage of merchant vessels, the project may not raise concerns for the Black Sea region. However, if the Canal is considered as a way to circumvent the Montreux Convention and used as a tool for the passage of warships that belong to non-Black Sea Powers, it might pose a threat to the security of the Black Sea and aggravate the tension in the region. Since Montreux Convention is expected to be immediately denounced in such a case, a new Straits Question can reemerge and lead to a power struggle between the states that have strategic interests in the Black Sea. To comprehend the potential consequences of the Montreux Convention's annulment, it is advisable for Turkey to revisit the foundations of the Straits Question when it emerged in the 18th century.

## CHAPTER VI: CONCLUSION

In conclusion, this dissertation has shown that although the Montreux Convention has several setbacks for Turkish strategic interests, its political advantage outweighs those setbacks. Secondly, even though most of the signatories of the Montreux Convention would be willing to revise or denounce the Convention, the states share the common understanding that removing Montreux Convention from the international relations of the Black Sea would significantly impact the balance of power in the region and create regional conflicts. Thirdly, Turkey's usage of the Istanbul Canal, once it is built, will raise concerns for the Montreux Convention in cases where the Canal would be used to circumvent the Convention, specifically for the passage of warships belonging to non-Black Sea Powers. These findings from Chapter 4, 5, and 6 contribute to answering the overarching research question. The question was as follows: Is the Montreux Convention of 1936 still an adequate legal instrument regulating international relations of the Black Sea region? The finding of the dissertation is that Montreux Convention has become obsolete in engaging and regulating the international relations of the Black Sea, but since the signatory states and the states that have a strategic interest in the area recognize opening the Convention up for discussion would pose a danger for the regional stability, they would instead aim to find ways to circumvent the Convention such as the Istanbul Canal project which might destroy the balance of power in the region and lead to a new Straits Question.

The research had engaged in different aspects of the Montreux Convention's contemporary setbacks: First, increased maritime traffic in the Turkish Straits and how the Convention prevents Turkey from taking measures to reduce the congestion effectively were demonstrated. Then, the growing tension in the Black Sea was analyzed, and the Convention's limitations in satisfying all parties with a strategic interest in the region were revealed. These contemporary issues were taken

as a basis. The perspective of non-signatory states, signatory states, and Turkey on whether the Convention should be revised or annulled was explained in detail. It was concluded that the Convention is sustaining the balance of power in the region, which none of the states desire to blow in the near future. Lastly, Turkey's canal project in Istanbul was evaluated on its potential implications to the Montreux Convention. The analysis showed that if Turkey collaborates with non-Black Sea Powers to circumvent the regulations of the Convention on warships passage, not only would the Convention be denounced, but it can also create a regional instability in the Black Sea and lead to the reemergence of the Straits Question.

By combining the neoliberal international theory and the historical approach, this dissertation aimed to show how the competition and conflict between the states can solve their pursuit of self-interest in international relations. As seen in Chapter V, although Russia and Turkey are the two states that strongly oppose the denunciation of the Montreux Convention, Russia is threatened by the proposed Istanbul Canal project and reiterate its statements that the Canal cannot be used to bypass the Convention (Tütüncü 2017, 115-116). On the other hand, the US is Turkey's ally from NATO. However, to have more influence in the Black Sea, they are pressurizing Romania and Bulgaria to invoke Article 28 (Oğan 2006, 2-3). Turkey, as much as the scholars and media openly interpret the Istanbul Canal as an issue that might bring an end to the Montreux Convention, is still committed to initiating the project. These examples show that states prioritize their national interests over other states' interests.

Instead of stating the events and issues that take place in the Turkish Straits and the Black Sea and their implications, this research comprehensively questions whether the obsolete aspects of the Montreux Convention can still not pose an obstacle to the Convention on preserving the balance of power and regulate the international relations of the Black Sea region. To better

understand the foundations of Russia and the United States' rivalry in the Black Sea, future studies can address the issues of international relations in the Black Sea region during Cold War. Alternatively, further research can engage in a comparative approach and make a comparison between the Montreux Convention and the United Nations Convention on the Law of the Sea to analyze which Convention would be a better fit in the Turkish Straits and the Black Sea in the twenty-first-century international relations.



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