



GEORGIAN FOUNDATION FOR
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THE MONTREUX CONVENTION AND ITS IMPORTANCE FOR GEORGIA

ZURAB BATIASHVILI

160

EXPERT OPINION





საქართველოს სტრატეგიისა და საერთაშორისო ურთიერთობათა კვლევის ფონდი
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The Montreux Convention signed on July 20, 1936 strictly regulates the presence of naval warships of non-Black Sea nations (including the United States) in the Black Sea, limiting their aggregate tonnage (thereby limiting their number), their maximum period of stay within the Black Sea and so on.

Such a regime creates a problem of access by Western powers to the Black Sea which negatively influences Georgia's security environment.

However, much has changed in the Black Sea after the Convention was signed – the Second World War took place, the Cold War was concluded, the Soviet Union collapsed and new states arose in its place – Russia, Ukraine and Georgia while Romania and Bulgaria became member states of NATO, Russia annexed Crimea, Turkey distanced itself from the West and so forth.

In such conditions, a document signed in the 1930s remains a military-political anachronism, unable to address new requirements and realities.

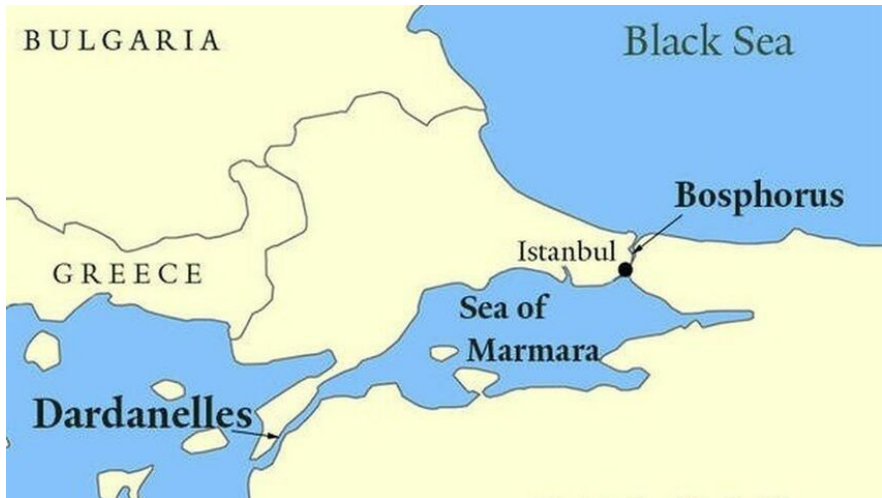
That said, the issue of reviewing it remains problematic as it depends on numerous factors.

What is the Montreux Convention?

The Montreux Convention Regarding the Regime of the Straits is the main international agreement which, on the one hand, confirms Ankara's sovereignty over the Bosphorus and Dardanelles straits¹ (with the topic being very sensitive for Turkey as those same straits were often disputed throughout history) and, on the other hand, regulates the movement of naval warships there.

As for the transit of civilian ships, the Convention fully guarantees their free movement during peacetime.²

The Convention was signed by nine countries – Turkey, the USSR, Bulgaria, France, Greece, Japan, Romania, Yugoslavia and Great Britain.³



Bosphorus and Dardanelles Straits

Basic information about the Montreux Convention:

1. The Montreux Convention consists of 29 articles, four annexes and one protocol;
2. Articles II-VII cover the transit of trade ships. The movement of trade ships is free during peacetime;
3. Articles VIII-XXII cover the transit of naval warships;
4. During war or the threat of aggression, Turkey has a right to close the straits. Ankara can also refuse transit to commercial ships of those countries with which Turkey is at war;
5. Non-Black Sea nations that want to send their ships to the Black Sea must inform the Turkish side eight days in advance. In addition, the tonnage of each ship must not exceed 10,000 tons;⁴
6. The overall aggregate tonnage of the ships belonging to non-Black Sea nations must not exceed 30,000 tons (in special cases 45,000 tons);
7. Naval warships belonging to non-Black Sea nations can stay for no more than 21 days in the Black Sea;

8. Only Black Sea nations can pass capital warships through the straits, escorted by no more than two destroyers;
9. Black Sea nations also have a right to pass their submarines through the straits in the case of prior notification;^{5 6}
10. The transit of civilian planes between the Mediterranean and Black Seas is allowed only through the routes determined by the Government of Turkey.⁷

Does the Montreux Convention Reflect Current Realities?

It is clear that the Montreux Convention substantially limits the access to the Black Sea for the military forces of non-Black Sea states. It contains significant concessions to the Soviet Union, which is natural: the Convention was signed in the 1930s and it reflects the real geopolitical situation in the region before the Second World War and the interests of the parties.

That said, much has changed after the Convention was signed and that includes the situation on the Black Sea as well - the Second World War took place, the Cold War was concluded, the Soviet Union and Yugoslavia as signatory parties to the Convention collapsed, new states arose – Russia, Ukraine and Georgia while Romania and Bulgaria became member states of NATO, Russia annexed Crimea and occupied Abkhazia, Turkey distanced itself from the West and so forth.

The military industry has also changed from the ground up. Countries have started to build naval warships of bigger sizes and tonnage.⁸ Therefore, the Montreux Convention is obsolete in this regard as well.

Hence, many today fairly point out that the Montreux Convention was created considering the realities present in the 1930s which of course does not fit the current situation and requires revision.

However, due to the fact that the signatories of the Convention and their legal successors have differing interests on the Black Sea, a substantial discussion on reforming it has so far been impossible to start.⁹

Is it Possible to Revise the Conditions of the Convention?

As we saw above as well, the Montreux Convention is, in all regards, obsolete. Therefore, in normal circumstances, the parties would sit down and start negotiations taking into account new realities in order to revise it.¹⁰

However, that has not been possible to date. For a long time, Ankara considered that the wish to revise the conditions of the Convention would be similar to opening Pandora's Box with nobody knowing what the outcomes could be. Other signatory parties of the Convention also had similar approaches, fearing many possible complications, including the possible introduction of financial expenditures.¹¹

According to the convention itself, the agreement is drawn up for 20 years. If the signatory parties are no longer satisfied with the conditions of the Convention, they can denounce them (otherwise, the term of the Convention is automatically extended).¹²

Two years after a statement is made about denunciation, the Montreux Convention loses its power. Therefore, the parties must start negotiations in order to draw up a new agreement. That said, this must also uphold the freedom of transit and navigation enshrined in Article 1 of the Montreux Convention.¹³

Due to the fact that the Convention has many signatory parties and their interests are radically different from one another, making even the tiniest change to the regime of movement through the straits is very difficult. For example, the November 1994 UN Convention on the Law of the Sea (UNCLOS) generated requirements for the revision of the Montreux Convention in line with the new realities. However, Turkey did not join the aforementioned UN Convention which means that the conditions of the Montreux Convention remain in power without any alteration.¹⁴

That said, Turkey's approaches have changed markedly during recent years when Ankara started exercising a more active and independent foreign policy.

These changes concern many directions of Turkey's foreign policy (Syria, Libya, Iraq, Karabakh and so on), including the Black Sea where Ankara



Kanal Istanbul project

The former Prime Minister of Turkey, Binali Yıldırım, stated in January 2018 that Kanal Istanbul would not be subject to the Montreux Convention regime.¹⁷

Later, a similar statement was made by the President of Turkey, Recep Tayyip Erdoğan. However, the President also pointed out that they will “resolve this matter” without giving any further details.¹⁸

Of course, these statements caused a sharply negative reaction from Russia¹⁹ as the Montreux Convention significantly limits the military presence of other countries on the Black Sea and this is especially important for Russia after its annexation of Crimea²⁰ and the occupation of Georgia’s regions.

The most recent case when the possible revision of the Montreux Convention by Turkey was on the agenda was in April 2021 during the peak of the Russian-Ukrainian confrontation and the decision by Ankara to support Kyiv in this conflict, something which irritated Moscow.

It was no coincidence that Turkey indicated it might revise the conditions of the Montreux Convention during the zenith of the Russia-Ukraine crisis as the Convention limits the presence of naval warships from non-Black Sea states (first of all, the United States) in the Black Sea.²¹

On April 4, 2021, 104 former Turkish admirals spoke out against the initiative, 14 of which (leaders) were soon arrested by the Government of Turkey.²²

It is interesting that these admirals are the so-called Eurasianists who see Turkey's role in being allies with Russia and China, and not with the West.²³

The President of Turkey, Recep Tayyip Erdoğan, also expressed his position about this issue on April 5. Namely, he pointed out: "Currently, we are not working on exiting nor do we wish to exit the Montreux Convention. However, we will not hesitate in revising any agreement if this would ensure better conditions for our country, should such a requirement arise in the future."²⁴

President Erdoğan also added that Kanal Istanbul will avoid the Montreux Convention which means that "Turkey will get an alternative which will be fully under its sovereignty and beyond the Montreux Convention."²⁵

Taking into account the tensions between Russia and Ukraine, as well as the probable recognition of the Genocide of Armenians and the need for Ankara to normalize its relations with the West, the talk that started about the possible revision of the Montreux Convention was a sort of a message sent by Turkey to the United States that it is ready to cooperate with the West even around sensitive issues like the Montreux Convention.

This Turkish message remained unanswered by the West as the Biden administration has approaches towards Ankara that differ from the Trump administration.

On the other hand, these messages were not missed by the Kremlin. Soon after the beginning of these discussions, the President of Russia, Vladimir Putin, called his Turkish counterpart on April 9 and the first thing he asked about was the future fate of the Montreux Convention.²⁶

It is clear that the Russian side is concerned with the possible revision of the Convention as this could increase the military presence of the West in the Black Sea.²⁷

There are many other ambiguities in this issue. For example, the Montreux Convention covers both the Bosphorus as well as the Dardanelles straits; however, if the new artificial Kanal Istanbul is built, it will only replace the

Bosporus. In this case, it is not clear what the situation will be with regard to the Dardanelles.

Montreux Convention and Georgia

The Montreux Convention has a direct connection with Georgia's security. Given the fact that this document substantially limits the military presence of the Western partners (most notably, the United States) in the Black Sea, it hinders Georgia's military connections (most of all in the field of military-naval sphere) with the West.

The United States also understands very well that the strict conditions of the Montreux Convention are a serious hindering factor for US military presence in the Black Sea.²⁸

The fact that this Convention is a serious problem has been demonstrated many times in reality as well. The clearest example was the 2008 war between Russia and Georgia after the beginning of which the United States wanted to send two of its hospital ships to the Black Sea in order to assist Georgia; however, the overall aggregate tonnage of these ships was over 69,000 tons due to which Turkey did not allow their transit.²⁹

It must be pointed out that in the abovementioned case, Washington was exerting serious pressure on Ankara (demanding the passage of the ships) as was Moscow (demanding to not allow the ships to pass).

Ultimately, Turkey did not violate the conditions of the Montreux Convention and instead of those two big ships, three smaller US ships entered the Black Sea, bringing humanitarian assistance to Georgian ports following the 2008 Russia-Georgia war.³⁰

Conclusions

- The Montreux Convention is obsolete. It requires revision. However, the current international situation does not allow the changes to take place quickly;
- The fate of the Montreux Convention will largely depend on what the quality of relations will be between Turkey and Russia as well as Turkey and the West (primarily Ankara-Washington);

- If approximation between Turkey and the West were to become possible, the prospect of revising the Montreux Convention will become more realistic. Turkey will certainly need Western support in this matter in order to neutralize Russian pressure which is to be expected;
- The Montreux Convention is important for Georgia as well as it has direct connections with the country's security environment. The Convention is a serious hindrance for NATO and general Western military buildup in the Black Sea. Therefore, revising it is also in Georgia's interests;
- It is advisable for Georgia to have a clearly stated official position with regard to this issue;
- It is also important for Tbilisi to hold consultations with the Western partners and primarily with the United States in order to align positions and coordinate on this issue;
- Given the fact that Georgia is a naval state and will constantly need to defend its interests in this regard, it is advisable to pay greater attention to the preparation of specialists in international maritime law.

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