

UDC 327

**PROBLEMS OF THE USE OF THE BLACK SEA STRAITS AT THE PRESENT STAGE:
THE POSITION OF TURKEY, RUSSIA AND NATOCOUNTRIES**

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In modern conditions of international relations, the issues of the legal regime of the most important sea Straits have become relevant due to their great economic and strategic importance. For many decades, the major powers have sought to establish their control over all Maritime routes of international importance in order to use them as important strategic Maritime communications. The most important sea Straits, from the point of view of their legal position, the mode of navigation and the order of navigation on them, have the features. One of the key geostrategic objects are the black Sea Straits. In international practice, the concept of «Black Sea Straits» includes the Bosphorus, the Marmara Sea and the Dardanelles. The black sea Straits connect the closed Black Sea with the open Mediterranean Sea and the Strait of Gibraltar with the Atlantic Ocean [1]. Through the Suez Canal and the Red Sea, they connect the Black Sea with the Indian ocean. The peculiarity of the black Sea Straits is that they are the only ways of communication of the BlackSea States with the high sea. In case of closure of the Straits, the Black Sea is actually isolated from other sea theaters. Thus, the Straits are a kind of "keys" to the Black Sea. It is the great economic and strategic importance of the Straits that was the reason for the extremely acute struggle over the centuries between the major powers for domination over the Straits. The regime of the Black Sea Straits is one of the oldest problems of international relations affecting the vital interests of all the Black Sea powers. For centuries, this problem has also attracted the attention

of many non-Blacksea States, especially England, France, Greece, Italy and Germany. The Straits have repeatedly become the scene of acute military and political clashes.

In 1774, because of the victory of the Russian army and Navy in the war with Turkey, the Treaty of Kucuk Kaynardzhiy was signed, according to which the Black Sea, the Bosphorus and the Dardanelles were declared open for free navigation of Russian merchant ships. However, the question of the right of passage of Russian warships through the Straits of this agreement have not been resolved. In 1833, under the Unkiar-iskeles Treaty, Russian warships again received the right to pass from the Black Sea to the Mediterranean. At the same time, Turkey undertook to close the Straits for the warships of the non-black sea powers at the request of Russia. Later, in 1840, England and France achieved the termination of the bilateral Treaty between Turkey and Russia and the replacement of its multilateral international Convention. The Convention, signed in 1841 in London, significantly worsened the situation of Russia in the Black Sea. She declared the Straits closed to warships of all States for the period "while Turkey was in peace." Russian Navy was locked in the Black Sea. However, the Convention did not give Russia any guarantee of the security of the Straits in the event of Turkey's entry into war. During the Crimean war of 1853-1856 Turkey opened Straits to enemies of Russia and gave the chance to Anglo-French fleet to enter the Black Sea and to land landing in the Crimea. At the end of the Crimean war at the Paris conference in 1856 was signed the Convention confirms the principles of the Treaty of 1841 the Black Sea was declared neutral. The Convention infringed the interests of Russia in the Black Sea and, in fact, as well as the Convention of 1841, did not ensure the safety of the Straits. And then though the Treaty of London in 1871 some articles of the Paris Convention were abolished and Russia received in principle equal with other States the opportunity to pass their warships through the Straits, in fact, this equality was purely formal, as the passage of ships depended on the discretion of Turkey. Turkey's closure of the Straits to the Russian Navy during the Russo-Japanese war of 1904-1905 put Russia in an extremely difficult position, as the black sea fleet was deprived of the opportunity to participate in combat operations against the Japanese fleet[2].

During the first world war of 1914-1918, the absolute inadmissibility of the existing legal regime of the Straits was fully confirmed. At the very beginning of the war, August 10, 1914, when Turkey was formally still neutral, she passed through the Straits in the Black Sea German cruiser "geben" and "Breslau", which then attacked the Russian Navy and the black seaports of Russia. In September 1914, Turkey completely closed the Straits for the passage of merchant ships and thus deprived Russia and its allies of the most important sea communications leading from the Black Sea. At the end of the first world war and with the victory of the socialist revolution in Russia, the question of the regime of the Straits entered a new stage. And while States of the Entente, led by England, occupying the Straits, after the capitulation of Turkey and organizing the intervention against the young Soviet state, carried out through their own fleets and a steady flow was carrying arms to support Russian counter-revolution, all their efforts were in vain, turning the wheel of history they were not able to. The Soviet state defeated the counter-revolution and cleared its lands of invaders. In 1920, the imperialist States imposed on Turkey the so-called Sevres peace Treaty, which completely ignored the interests of the black sea (As you know, first Turkey, in order to somehow justify the gross violation of the Straits, explained that Germany allegedly sold her these ships. However, since October 29, the German cruiser was actively involved in the operations at the bombardment of Odessa, Sevastopol, Feodosia and some other ports of Russia) powers in the Straits and in fact was directed against their security. Naturally, the Soviet government could not recognize the Treaty of Sevres and made a strong protest it. Despite all the attempts of England and France to establish full control over the Straits, to subordinate Turkey exclusively to its influence and ignore the interests of the young socialist state, in 1921 between Kemalist Turkey and Soviet Russia signed a Treaty of friendship, which provided, in particular, that the establishment of the regime of the Straits is subject to the competence of the coastal powers to the

Black Sea. However, Turkey soon deviated from this principle and in 1923, in violation of its own interests, as well as the interests of other Black Sea powers, signed the Lausanne Convention [3]. Even before the convening of the Lausanne conference, when the imperialists tried again to decide the fate of the Straits without the participation of the Soviet state, the Soviet government in a note dated October 20, 1922, issued a sharp demand for the admission of the USSR to participate in the conference on equal terms with other Contracting parties. As you know, the work of the Lausanne conference had an anti-Soviet orientation.

The Lausanne Convention on the regime of the Straits, signed on 24 July 1923, trampled on the sovereign rights of Turkey and created the possibility of foreign military ships to pass freely through the Straits. Ships could pass day and night without any permission or any formalities, and even without the warning of the Turkish authorities. The current regime of the Black Sea Straits is determined by the Convention concluded at the international conference in the Swiss city of Montreux. The Convention was signed on July 20, 1936, by the Soviet Union, Great Britain, Bulgaria, Romania, Turkey, Greece, France, Yugoslavia and Japan and entered into force on November 9, 1936. In 1938 Italy joined the Convention. The order of passage of merchant ships through the Straits under the Convention in Montreux [3].

During the war, if Turkey is not a belligerent, merchant ships, regardless of flag and cargo, will enjoy full freedom of transit and navigation in the Straits under the same conditions as in peacetime. If Turkey is a belligerent, merchant ships that do not belong to a country at war with Turkey will enjoy freedom of passage and navigation in the Straits, provided that these ships do not provide any assistance to the enemy and will enter the Straits only during the day. The route of passage of such vessels in each case must be indicated by the Turkish authorities. The Convention provides that merchant ships will also have to pass the Straits during the day and on the specified routes if Turkey considers itself to be under threat of immediate military danger.

In 1936, the duration of the Convention, adopted in Montreux, established in 20 years, but with the caveat that if in the two years before the expiration of the 20-year period none of the signatory countries, will not put the question of its denunciation, the Convention continues to proceed further. In addition, at the end of each five-year period from the date of entry into force of the Convention (i.e., 20 July 1936), each of the parties to the Convention has the right to take the initiative to propose changes to one or more of the provisions of the instrument. The Soviet

side did not raise the issue of denunciation of the Convention and the conclusion of a new agreement, taking into account the growing needs of the USSR in the passage through the Straits. Neither did Moscow exercise its right to raise the issue of amending certain provisions of the Convention after each five-year period of its operation. As for Turkey, its leadership chose to act independently, unilaterally complicating the rules for the passage of foreign ships through the Straits in 1982 and further tightening them in 1994. The rules of navigation adopted by Turkey unilaterally in 1998 significantly restricted the passage of large oil tankers through the Straits. As a result of the adoption by the Turkish leadership in October 2002 of a new instruction on the application of the rules of navigation in the Straits, the downtime of Russian ships in anticipation of passage and, as a consequence, the financial costs increased. According to the document, the headquarters of the Black Sea fleet had to provide daily to the Turkish authorities the notification on vessels of constant readiness and the ships which are on military service in the Mediterranean Sea.

However, the volume of transit through the Straits is steadily increasing despite the fact that the width of the Bosphorus at the narrowest part is only 700 m. Turkey has repeatedly restricted the right to free passage of ships, explaining that the measures for the protection of the ecological situation in the area of the Straits. In particular, Turkey does not allow the passage through the Bosphorus of tankers that carry liquefied gas. However, the above legislative changes have not been recognized by the international community. These initiatives indicate that Turkey has goals to give

the international black sea Straits the status of inland waters.

The strategic and economic importance of the Straits for modern Russia has not decreased. For it, it remains the only strategic route linking the South with the rest of the world. Russian companies mainly export grain, ferrous metals, coal, mineral fertilizers, as well as oil and oil products through the Black Sea ports. The aggravation of the situation around the Straits is also influenced by the prospects for the transportation of Caspian oil, as well as the prospects for the implementation of major international economic and political projects and agreements in which Russia, Turkey, Georgia and Azerbaijan participate. 30% of Russian oil is exported through the Straits. In the absence of the possibility of passage through the Straits of the black sea fleet would be locked in the Black Sea. The Bosphorus and the Dardanelles are the only corridor allowing the black sea fleet to enter the Mediterranean Sea and gain access to international waters. In the fight against ISIS, uninterrupted access to the Straits is necessary for the logistical support of Russian bases in Syria. The closure of the Straits would threaten to disrupt the supply of Russian weapons and the delivery of troops to Syria[4].

A significant problem was the fact that after the Declaration of independence by Ukraine and Georgia, Russia's spatial and geographical access to the Black Sea decreased. This, on the one hand, has led Russia to the need to seek additional material resources for the reconstruction and creation of additional port infrastructure. On the other hand, there has been an increase in the number of black sea States with which it is necessary to agree on General issues of navigation in the black sea basin, including the Straits. The share of Russia in the balance of international factors affecting the solution of the black sea Straits in comparison with the Soviet Union decreased, while the share of Turkey, given the support provided to it by NATO, increased. And this is also a very serious circumstance. Thanks to the Montreux Convention, and then an Alliance with the United Kingdom and the United States, Turkey has gradually established its sovereignty over the Straits – and while American interests in the region coincide with Turkish, the United States is ready to support this Convention. Thus, in one of the documents of the foreign Affairs Committee of the Senate during the cold war, it was noted that Turkey controls the vital Straits, which, if closed, "demobilize" the Soviet fleet. Western publications stressed that Turkey's participation in NATO "guarantees possession of the Dardanelles" – and currently all the entrances to the Mediterranean Sea from Gibraltar to Suez and to the Turkish Straits are controlled by NATO powers. Therefore, neither Turkey nor its allies raised the issue of changing the Montreux Convention. Expert of the Center for military and political studies of MGIMO Mikhail Alexandrov calls the revision of the Montreux Convention a good idea. This approach will be a counter-political response to the West, which is now applying measures of military and political pressure on Russia. Turkey may be interested in this formulation of the issue, since it is not in their interests that the Black Sea become a hotbed of tension. Ukraine, Romania, possibly Bulgaria and Georgia may insist on the preservation of the Montreux Convention. But even the very fact of raising the question will play an important role, because such an approach will be a counter-political response to the West, which is now applying measures of military and political pressure on Russia. Various military exercises are held, planes fly along our borders, ships enter the Black Sea. The servile Pro-Western press blows stories like this, calling for Russia to make compromises and concessions on various issues [5].

Due to the unstable political relations with Turkey and its membership in the NATO bloc, Russia is hatching a plan to build an alternative channel in the Caspian region, linking Russia with the Persian Gulf. The idea, which largely changes not only transport logistics, but also, at least, intensifies the geopolitical influence of Russia and Iran against the background of Turkey's declining influence, raises many questions of different order. But first about the project itself. Its implementation would give Russia and most countries of the former Soviet Union and Europe the possibility of direct access to the Indian ocean, which, in addition, experts believe, will be twice

shorter than the water route through Turkey. According to optimistic estimates of the project implementation supporters, the TRANS-Caspian channel can start operating by 2020[6].

According to the us Ambassador, the goal is to ensure the safe passage of Ukrainian ships through the Kerch Strait NATO intends to significantly expand its military presence in the Black Sea in order to guarantee the safe passage of Ukrainian ships through the Kerch Strait. According to her, the so-called "black sea package" will be adopted at the opening meeting of NATO foreign Ministers in Washington, which provides for active measures to support Ukraine in its conflict with Russia. "We are talking about a package that strengthens intelligence, air reconnaissance, and also provides for sending more NATO ships to the Black Sea to guarantee the safe passage of Ukrainian ships through the Kerch Strait in the sea of Azov," Hutchison said [7].

To date, Turkey offers a new project for the construction of the Istanbul canal. The Istanbul canal is part of a series of huge construction projects, including the construction of a third airport in Istanbul and several bridges. The grandiose construction is expected to be completed by 2023, when Turkey will celebrate the centenary of the Foundation of the modern state. According to the calculations of government economists, the construction of the canal will cost Turkish taxpayers 10 billion dollars. Opponents of the construction, however, believe that the real numbers are much higher. It is expected that the channel will unload the Bosphorus from a large number of water transport — every year through the Bosphorus passes about 53 thousand ships, including tankers with oil. The Istanbul channel will run parallel to the Bosphorus and will actually make the European part of Istanbul an island and finally separate it from Europe. The channel will run from the Black Sea to the Marmara through the lake of Kucukcekmece. Its length will be 43 kilometers [8]. The construction of the Istanbul canal will not only relieve navigation in the Bosphorus and the Dardanelles, but will also allow Turkey, bypassing the Montreux Convention, to carry out military vessels of other countries in the Black Sea without restrictions imposed by the Convention."

Violation or circumvention of the international Convention could seriously damage Turkey's status in the international arena. If Turkey starts to violate the provisions of the Convention, Russia, with the support of the international community, may insist on its revision. Indeed, several countries do not agree with some of the provisions of the Convention. Turkey holds the key to the Bosphorus and the Dardanelles in its "pocket" and is constantly trying to make changes and tighten transportation through the Straits. Turkey's membership in the NATO bloc and close cooperation in a number of military programs undermine relations between Turkey and Russia, as Russia assumes that thereby there is a strengthening of the military presence of the United States. Further implementation of the project - Istanbul Canal, the completion of which is planned in 2023 - the 100th anniversary of Turkish statehood, will mark a new stage in international relations and determine the status of the black Sea Straits.

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