

CONTRIBUTIONS OF THE MONTREUX STRAITS CONVENTION TO WORLD PEACE

Abstract

Historically, the Bosphorus and the Dardanelles Straits have always attracted the attention of significant large states. This interest emerges especially from the economic, political and military interest. The Bosphorus and Dardanelles Straits, which have always had strategic importance in terms of political, military and economic aspects throughout history, have been the scene of great struggles of Russia and Western states that wanted to establish the dominance over them. Both straits turned out to be controlled by Turkey after the conquest of Istanbul in 1453. These Straits, which connect the Asian and European continents, are of great strategic importance. The principle that the Straits are open to all states' merchant ships and closed to warships in peacetime, which was accepted by the "London Treaty" in 1841, was reaffirmed in the 1871 London and 1878 Berlin Treaties and continued until the First World War. In the Armistice of Mudros declared after the First World War, «the principal of the Straits closure» was cancelled, the Straits were opened to foreign warships and underwent expansion.

According to the Lausanne Peace Treaty signed in 1923 and the Straits Convention attached to it, the passage through the Straits was supposed to be free for all ships in peacetime or in cases where Turkey was not involved in military conflicts. If Turkey did participate in a war, the passage of enemy ships could be prohibited, and neutral ships could be inspected when necessary. In accordance with this treaty, a commission affiliated to the League of Nations was established and thus the control of the Straits was given an international status. Seeing that the conditions of the Lausanne Straits Convention were not fulfilled, Turkey asked the League of Nations to cancel the promised provisions on the grounds where the Straits regime did not comply with the conditions of the day. These initiatives were met in 1936 and the Montreux Straits Convention, which is still in force today, was signed. With this agreement, the Straits Commission was abolished, and Turkey was granted sovereignty over the Straits and they were occupied by Turkish military forces.

The importance of the Montreux Straits Convention was understood in the Second World War. The Montreux Convention prevented the world war and no more people died. The Montreux Straits Convention continues to contribute to peace today. It is a very important assurance not only for Turkey but also for the countries that coastal areas are placed near the Black Sea.

Key words: Montreux, Montreux Straits Convention, Turkish Straits, Black Sea, World Peace.

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INTRODUCTION

Historically, the Bosphorus and the Dardanelles Straits have always attracted the attention of the great states in strategic terms. This interest

appears especially in economic, political and military aspects. Throughout history, the Bosphorus and Dardanelles Straits have been the scene of great struggles between Russia and Western states that

wanted to dominate over them. Both straits came under the control Turkey after the conquest of Istanbul in 1453. These straits, which connect the Asian and European continents, are of great strategic importance.

As Napoleon Bonaparte said: "I would rather leave half of the world than leave those narrow straits to Russia." In his words, he revealed the importance of the Turkish Straits in terms of strategic balance in the Middle East and Europe. [21. — p. 9] Maintaining their importance in each historical period, the Straits have always been a strategically important point for the Ottoman Empire and a crucial aspect of the "Oriental Question" for the great Western states. The Middle East has become a the center of great importance for the Western states in the period when they seized more power, especially when they sailed to the oceans and established the dominance over them during the Industrial revolution and Colonialism period. The fact that the Turkish Straits are located at the busiest point of the world's transportation and trade lines, and that they are placed in a strategic position on the way to the colonies, having rich oil reserves, made this geographical areas indispensable for the colonial powers. For this reason, The Western states desired to collapse or even eliminate the weakened Ottoman Empire by secretly interfering in its internal affairs and by making provocative tricks. The "Eastern Question" meant the intervention of other states in the internal affairs of the Ottoman Empire [21. — p. 9] [10. — p. 11].

1. TURKISH STRAITS

A. Bosphorus

It has been determined by scientific research that the Bosphorus, which was a river valley in ancient times, was filled with sea water and became today's Bosphorus Strait. The Bosphorus, located between the Black Sea and the Sea of Marmara, is an international waterway that connects

these two seas and passes through the middle of Istanbul. The northern entrance of the Bosphorus is the line, connecting Anadolu Lighthouse to Turkeli Lighthouse, and the southern entrance is the line, connecting Ahir Kapi Lighthouse to Kadıkoy İnciburnu Lighthouse. The length of the Bosphorus is approximately 27 km, and its width is approximately 3350 m at the northern entrance and 2850 m at the southern entrance. The distance between Rumeli Fortress and Kandilli is 700 m, making it the narrowest part of the Bosphorus.

The widest part is located between Umuryeri-Buyukdere port with 4000 m. The factors that complicate marine transportation in the Bosphorus and make the navigation of ships dangerous are as follows. The first factor is the currents in the Bosphorus. There are two main currents in there. The first is the surface current, and the second is the undercurrent, which starts from about 15 m below the surface and can be active up to 45 m as the depth allows. While the surface current generally flows from the Black Sea to the Marmara, the undercurrent is, on the contrary, takes its way from the Marmara to the Black Sea. Another factor is the decrease in visibility due to fog, snow, rain and blizzard storms, and the last factor is the large turns up to 85 degrees in places with the narrow and curved structure of the Bosphorus [21. — p. 4].

B. Sea of Marmara

The Marmara Sea, which is the inland sea of Turkey, is the subject to the inland waters regime, as it is the sea that must be crossed via international sea transportation due to it being located between two straits. The Sea of Marmara was accepted as a whole with the Dardanelles and Istanbul Straits after the Montreux Straits Convention. In other words, it constitutes the transit point between the Istanbul and Canakkale Straits. If the Sea of Marmara had not been accepted as a whole, ships passing through the Bosphorus or Dar-

danelles would not have passed through it. The Sea of Marmara is approximately 11,500 km² in size. The length of this sea from east to west is 275 km, and its length from north to south is 75 km. The length of the European coast is 264 km, the length of the Asian coast is 663 km. The current coming from the direction of the Bosphorus continues in the Marmara Sea by dividing into three. The direction of the first of them goes towards the Gulf of Izmit, the second in the direction of Imrali, Gemlik, while the third follows the northern shores of Marmara, joins the second branch in the north of Imrali Island and reaches Gallipoli, one of the Marmara Islands [21. — p. 5] [11. — p. 9].

C. Dardanelles Strait

Like the Dardanelles and the Bosphorus, in ancient times it became what it is today with the rise of sea waters. The Dardanelles Strait has fewer indentations than the Bosphorus. It is an international waterway connecting the Sea of Marmara to the Aegean Sea and passing through the city of Canakkale. The northern entrance of the Dardanelles is the longitude passing through Zincirbozan Lighthouse, and the southern entrance is the line connecting Mehmetcik Cape Lighthouse to Kumkale Lighthouse. The length of the Dardanelles Strait is 69 km and its width is 5120 m at the northern entrance and 4333 m at the south entrance. The narrowest part of the Bosphorus is between Canakkale and Kilitbahir, 1200 m, and the widest part is 7500 m in front of the Intepe port. The average depth in the Dardanelles is 65 m, the deepest point is 94 m in front of Dalyan Cape, the shallowest point is 25 m in front of Kabageven Cape on the northern route, and 27 m in front of Kilitbahir on the southern route [21. — p. 5; 13. — p. 13].

The average speed of the upper current in the Dardanelles Strait, which flows from the Marmara to the Aegean Sea, is about 2 miles per hour. However, with

the effect of northeast winds, the speed of this current can reach 4 miles. When it comes to the Bosphorus, there is a reverse current in the Dardanelles [21. — p. 6] [11. — p. 10].

2. THE IMPORTANCE OF THE STRAINS

The maritime transport of Turkey, which was established on a peninsula surrounded by the coasts on the three seas such as the Black Sea, the Aegean and the Mediterranean, is carried out through the Straits. In other words, It is an essential sea route used to transport all kinds of raw, semi-finished and finished goods produced on these three different coasts to different parts of the country in both peace and war situations. The importance of international trade, economic, social, cultural and military relations for the countries bordering the Black Sea and the very important functions of the sea in this regard have made the Turkish Straits indispensable as a transportation route for the countries bordering the Black Sea.

Moreover, the Turkish Straits are located at the important point for the survival of the countries with a coast to the Black Sea against the dangers from outside the Black Sea and from the sea. It is very important for the security of these countries whether this obstacle is overcome or not [21. — p. 6; 8. — p. 4].

The Turkish Straits have strategic and economic value as they are the only maritime route that connects the countries of the region with the world's seas. However, they maintain their strategic value in relation with the security and political aspects performing the bridge function.

The fact that the states that dominated this geography in their historical course were able to establish long-term states open to expansion in the east-west direction provoked the desire of the powers that steer the world policy to have the straits. The Turkish Straits provide the opportunity to control the transportation activities on the shores of the Black Sea, which is an inland sea.

The countries with a coast to the Black Sea after the dissolution of the Soviet Union such as Turkey, Bulgaria, Romania, Ukraine, the Russian Federation and Georgia benefit from the opportunities given by the Black Sea. Maritime transportation, which is the lifeblood of the economies of these countries, has to pass through the Turkish Straits in the most economical way.

Apart from the Straits, there is no other waterway that can carry out large volumes of maritime transportation. As a matter of fact, the current problem is that the countries of the region want to use the Turkish Straits for the transportation of Caucasian Petroleum. The oil and natural gas riches of the Caspian basin have started to operate since the 1990s, and maritime transport, maritime trade along with traffic have increased in two directions. The economic, commercial, social and cultural relations between the countries of the region have increased as the oil of the Caspian basin is transported to Western markets by sea and the hydrocarbon-based riches in the region increase the welfare level of the countries in the region and increase maritime trade. In the post-Cold War period, the operation of the underground riches of the Caspian basin and the preference of the Turkish Straits for transferring these riches to the Western market resulted in the transportation over the straits becoming more intense and important [21. — p. 7; 8. — p. 5].

The Turkish Straits are an extremely busy waterway that geopolitically connects the continents of Asia and Europe, which were separated in geological times, as reality and symbol, as well as integrating the Middle East European and Balkan countries, where the Danube-Dnieper-Volga rivers are in transportation with the world markets. Especially with the end of the Cold War, the Turkish Straits, which constitute the common crossroads of the economic / commercial activities of the European Union, the Black Sea Economic Community and the emerging

economies of the world's Asian / Pacific geographical area, are also the shock point in the maritime sector of the "Eurasian" hinterland. The Turkish Straits have an extremely strategic importance. A huge area emptied from the Soviet Union is a new field of economic, political, strategic, ethnic and cultural struggle. The Turkish Straits have acted as a vein for the Balkans, Eastern Europe, the Caucasus, Central Asia and the Middle East, as well as for the countries bordering the Black Sea, and with this feature, they are the gateway to global economic and commercial networks [21. — p. 8; 6. — p. 131].

In terms of defense security, the Turkish Straits formed the "Most Important Strategic Security" line in Turkey's defense helmet, following the conquest of Istanbul in 1453.

During the First World War, the world's most powerful navies and armies could not pass this defense line through the "Use of Force". The principle of defending the straits was also one of the main objectives in the National Pact. The restrictive provisions applied to the Military Ships requested by the Montreux Regime and Turkey, II. With the entry of Germany and Italy into the World War II, it also constituted a positive test supporting the Black Sea security of Soviet Russia. Therefore, the Turkish Straits are an extremely important defense line that ensures the security of not only Turkey but also the countries bordering the Black Sea [21. — p. 8; 6. — p. 132]. They are a security element against attacks to be made from the sea to their sensitive regions and they are necessary passageways for the states that can follow an expansionist policy according to the military-political-economic power balances in the region in terms of shifting power to other regions. In addition to the Eastern and Central European countries, the most important approach directions to the attacks of other countries against the Russian area and the Caucasus area start from the Northern Black Sea coasts. The Northern Black Sea coast is the soft

underbelly of Eastern and Central Europe. The transportation lines connecting these countries to the Black Sea also have strategic importance in the transfer and use of military forces.

The feature of the Straits as a route for energy, raw materials and industrial goods transport is connected with the fact that other countries could want to follow it for defense and attack purposes.

With the disintegration of the USSR after 1990, the Turkish Straits became one of the discussion topics between Russia and Turkey, becoming one of the current issues in the field of international relations due to security, pollution, maritime traffic, smuggling and regulations and practices based on police authority. These discussions mostly focused on the precautions to be taken by Turkey regarding foreign merchant ships that will have free passage through the Straits in peacetime, the rules regarding these and their applications. Especially in the 1990s, when concrete steps were taken on how to transport the oil from the Azerbaijan and Kazakhstan oil fields to the Western markets, Russia's efforts against Turkey in the international arena brought a brand new dimension to the issue in the discussions on where the oil pipelines would pass [21. — p. 9] [19. — p. 142].

3. STRAITS DURING THE OTTOMAN EMPIRE PERIOD

After the conquest of Istanbul, the Ottoman Empire took the Azak, Kili and Akkerman Castles in 1484, ensured absolute dominance in the Black Sea and the Straits and made the Black Sea an «internal Sea». While the Ottoman Empire's great concessions with the 1774 «Kucuk Kaynarca Treaty» caused it to lose its absolute dominance in the Black Sea and the Straits, the Straits regime was regulated with the «Kale-i Sultaniye Treaty» signed with England in 1809 and the Ottoman Empire's absolute dominance in the Black

Sea and the Straits was transferred, has expired.

The principle that the Straits are open to all states' merchant ships and closed to warships in peacetime, which was accepted with the «London Treaty» in 1841, was reaffirmed in the 1871 London and 1878 Berlin Treaties and continued until the First World War. In the Armistice of Mudros made after the First World War, the «principle of the closure of the Straits» was ended, the Straits were opened to foreign warships and occupied by foreign states [21. — p. 38].

4. TURKISH STRAITS IN THE FIRST WORLD WAR

On 10 August 1914, two German warships, Goeben and Breslau, crossing from Gibraltar to the Mediterranean, passed through the Dardanelles to take refuge in the Ottoman Empire, under the pretext of escaping the pursuit of the British after bombarding the French coasts. The Ottoman Empire announced that it had bought Goeben and Breslau in return for the two cruisers that the British seized on August 1, and gave the ships the names «Yavuz» and «Midilli, respectively [21. — p. 35; 22. — p. 179].

After the British and French fleets stopped a Turkish destroyer in September 1914, the Ottoman Empire closed the Dardanelles Strait to all ships. This was a blow for the allies, especially for Tsarist Russia's trade route to be cut off [21. — p. 36]. After a short while, the Ottoman Navy under the command of Admiral Souchon, including Yavuz and Midilli, attacked the Russian warships in the Black Sea on 29 October and then captured Odessa and Sevastopol. As a result of the bombing, the Ottoman Empire actually entered the war [5. — p. 79]. The Ottoman Empire unilaterally abolished the treaties related to the Straits, after entering the war [21. — p. 36]. During the First World War, the Straits came under

the control of Germany as it was an ally of the Ottoman Empire. With the straits remaining closed, the connection road between Tsarist Russia and the other Entente Powers was closed.

With the entry of the Ottoman Empire into the war, it was inevitable for England to launch a landing operation in the Straits. By attacking the Dardanelles, the British aimed to destroy the Turkish-German navies in the Marmara to open the sea route to provide ammunition and logistic support to the Russians to prevent the sending of soldiers to the operation areas other than Istanbul to cut off the Ottoman transportation between Europe and Asia and to stop the war. He aimed to put pressure on his government and to pressure the Balkan States to join their ranks [21. — p. 36; 2. — p. 87].

The British and French forces took action in front of the Dardanelles Strait on February 19, 1915 and tried to cross the Strait with only naval power. The naval battles that continued until 18 March 1915 resulted in the failure of the Allied Powers. The landing of the Allied forces under the command of General Sirlan Hamilton on the Gallipoli Peninsula in the early hours of the morning on April 25, 1915 ended with the evacuation of the peninsula after about nine months. As a result of these expeditions, in which both sides suffered great losses, England and France suffered a great defeat. At the same time, they were unable to deliver aid to their Russian allies [21. — p. 37; 7. — p. 93].

Russia signed the "Brest Litovsk" Treaty on March 3, 1918, due to the great victory of the Turkish armies in Canakkale, then the internal turmoil in Tsarist Russia in 1917, the revolution with the Bolshevik revolt and the collapse of the Tsarist. Withdrawn from the war, they declared giving up the old Russian demands about Istanbul and the Straits. Therefore, the secret agreements they made between them had no effect [21. — p. 37; 12. — p. 175].

5. AGREEMENT TO END THE WAR OF MONDROS ARMISTICE AND THE STRAITS:

Despite some regional successes and a historical victory in Canakkale, the Ottoman Empire was officially defeated because of its allies failure in the First World War. After Bulgaria and Germany demanded peace in September and October 1918, respectively, the Ottoman Empire, which was left alone, also demanded peace talks on October 5, 1918 [21. — p. 37; 9. — p. 91].

Under the chairmanship of Rauf (Orbay) Bey and Admiral Galthrope, negotiations began in Mondros, on the British Battleship Agamemnon. The Turkish Delegation found the terms of the agreement consisting of 25 articles heavy, and the agreement was signed on October 30, 1918, after the promise that the Greeks would not participate in the occupation of the fortifications in order to ensure safety in the passage through the Straits [21. — p. 37; 15. — p. 28; 4. — p. 15]. British proposals regarding the Straits were accepted in the treaty. The provisions of the Treaty regarding the Straits can be listed as follows:

a. The Dardanelles and Istanbul Straits will be opened for passage to the Black Sea and Canakkale

b. The fortifications in the Istanbul Straits will be occupied by the Allied Powers

c. All torpedo fields, torpedo-sleeves and other obstacles in the waters of the Ottoman State would be shown, and the Ottoman State would assist them in scanning or removing them.

d. Information such as maps and sketches about torpedo locations in the Black Sea would be given to the Allied States that would have the right to seize any strategic point they wished in case of a situation for their security, which constitutes the 7th article of the treaty, a provision that should be given much thought [21. — p. 38; 16. — p. 81].

As of November 6, 1918, the Straits began to be disarmed. As of November 7, 1918, the warships of the Allied Powers began to enter the Dardanelles. On November 13, 1918, the fifty-five Allied navy, including Greek ships, anchored in the port of Istanbul. As it can be understood, the promise made to the Turkish delegation in Mondros that no Greek ship would come to Istanbul was not kept [21. — p. 38] [3. — p. 97].

6. THE AGREEMENT OF SEVR AND THE PERSPECTIVE OF THE IMPERIALIST STATES TO THE STRAITS

The Entente Powers, which started the activities of sharing the Ottoman lands in order to fulfill the secret agreements they made before and during the First World War, could not agree on the Straits Issue and did not want to leave the control of the Straits to each other. The British proposed that the Straits be managed in accordance with the «Panama Canal Principles» under the American mandate administration. When America did not accept the mandate, England ensured that the Straits were given to the League of Nations.

On January 28, 1920, the Ottoman Parliament published the text of the «Misâk-ı Milli» (National Oath). According to Misak-ı Milli; "The security of Istanbul, the center of the Islamic Caliphate and the Supreme Sultanate and the capital of the Ottoman Government, and the Sea of Marmara should be kept away from all kinds of dangers. Provided that this principle is reserved, the unanimous decision of all other states with us regarding the opening of the Mediterranean and Black Sea Straits to world trade and transportation is valid." [21. — p. 40; 18. — p. 136].

However, the Entente States began to occupy Istanbul on March 16, 1920, in order to protect the mandate of the League of Nations, and the parliament was closed on April 11. As a result of the arbitrary actions of the Allied Powers, the

Turkish Nation took action to protect its independence and independence [23. — p. 41; 21. — p. 39].

Meanwhile, with the closure of the parliament in Istanbul, it was time to establish the Turkish Grand National Assembly under the leadership of Mustafa Kemal. The Turkish Grand National Assembly was opened on April 23, 1920, the power of being an independent state by political organization of the National Liberation Struggle worried the Western States that were preparing the Treaty of Sèvres at that time. On July 22, 1920, the Treaty of Sèvres was discussed at the Sultanate Council. The "Treaty of Sevres" was signed on 10 August 1920, in the face of the threats of the Entente Powers and the general despair in the country. [25. — p. 53].

According to the Treaty of Sèvres, the control of the straits would be under the full administration of an international commission equipped with broad powers, the flag and the budget of the commission would be separate, and the Ottoman State would be able to have a representative with one vote in the commission. In the contract, it is stated that the Straits will be opened to war and commercial ships and military aircraft of all countries of the world. The most negative aspect of the treaty was that the part of Thrace up to Catalca would be left to Greece. Thus, the Marmara and the Dardanelles Straits would be placed between two separate states [6. — p. 122].

Although the Treaty of Sèvres, which can be described as the heaviest and even death warrant in Turkish history, is a "stillborn" treaty and no one believes in its applicability, including those who signed it, it should be noted that it shows the limit (or limitlessness) of the ambitions of the Entente States. It is attractive. The National Struggle, which was initiated under the leadership of Mustafa Kemal Pasha in Anatolian lands, did not allow the mentioned treaty to come to life. There-

fore, the Treaty of Sèvres never entered into force [21. — p. 41].

7. STRAITS IN THE AGREEMENT OF LAUSANNE

After negotiations between 20 November 1922 and 24 July 1923, the Lausanne Treaty and the Straits Convention were signed [21. — p. 43]. Accordingly, the passage through the Straits would be free for all ships in peacetime or in cases where Turkey was not a party to the war. If Turkey had participated in the war, the passage of enemy ships could be prohibited, and neutral ships could be inspected when necessary. With this treaty, a commission affiliated to the League of Nations was established, and thus the control of the Straits was given an international status [21. — p. 17].

8. MONTREUX STRAITS CONVENTION

Seeing that the conditions of the Lausanne Straits Convention were not fulfilled, Turkey asked the League of Nations to cancel the promised provisions on the grounds where the Straits regime did not comply with the conditions of the day. These initiatives were met in 1936 and the Montreux Straits Convention, which is still in force today, was signed. With this agreement, the Straits Commission was abolished, Turkey was granted sovereignty over the Straits and the Straits were armed by Turkey.

The Montreux Straits Convention is an important political agreement made by Turkey, which can still remain in force, despite the fact that there has been a war such as the Second World War that has affected the whole world, the disintegration of the USSR and Yugoslavia, and the attempts to amend or abolish the agreement, from the date of its entry into force to the present day [21. — p. 4].

9. HOW IS THE MONTREUX STRAITS CONVENTION APPLICATIONS

A. Regulations Regarding Merchant Ships

A1. Merchant ships in peacetime

They have the right of free passage and transportation through the Straits, day and night, regardless of the load and banner they carry. Turkish ships do not have the right to control. Only sanitary inspection can. The sanitary inspection would be carried out in a way that would not harm the navigation of the ships. Pick-up and tugboat would be optional. The amount of fees to be charged for optional services would be announced by the Government of the Republic of Turkey at certain times [21. — p. 85.] [24. — p. 512].

A2. Wartime Merchant Ships

In times of war, when Turkey was not a belligerent, the transitional regime valid in peacetime would be applied exactly. Services such as pilotage and tugboat would also be optional, as in peacetime.

When Turkey became a warring state, merchant ships belonging to the states that were not at war with Turkey would benefit from the freedom of passage and transportation through the Straits, if they did not provide any assistance to the state that was at war with Turkey. However, these ships would pass through the Straits during the daytime and the passage would be made by the route to be shown by the Turkish authorities each time [21. — p. 85] [27. — p. 65].

Merchant ships belonging to a country at war with Turkey would not be able to pass through the Straits. At the same time, Turkey would have the right to seize war goods by controlling the cargoes of ships passing through the Straits [21. — p. 86] [26. — p. 106].

B. Conditions of Warships

B1. Warships in Peacetime

In peacetime, warships wishing to pass through the Straits would have to report the situation to the Turkish Government at least 8 days in advance. In any date change, the change to be made had to be notified three days in advance [21. — p. 87; 24. — p. 514].

Small warships, auxiliary ships and light surface ships would be able to pass freely through the Straits without being charged any taxes or fees, regardless of state. However, these ships would enter the Straits during the daytime and would be able to pass with some exceptions in favor of the Black Sea states [21. — p. 87; 26. — p. 107].

The total tonnage of all foreign ships transiting through the Straits would not exceed 15,000 tons and the number of ships would be 9 at the most. Ships anchored in the Straits for visiting a port and ships damaged during transit would not be included in this tonnage. During the repair, they would be bound by the special safety rules determined by Turkey. In any case, the warships of the states that do not have a coast on the Black Sea would not be able to stay longer than 21 days. In this regard, the warships higher than 15,000 tons would be granted the right to pass through the Straits for the states with a coast to the Black Sea. These ships would be able to pass the Straits one at a time and with a maximum of two torpedoes with them [21. — p. 87; 20. — p. 467].

For the states with a coast to the Black Sea, the submarine ships they bought or had built outside the Black Sea would be given the right to pass through the Straits to join their naval bases, if Turkey was informed of their deployment in time. Again, the submarine ships belonging to these states would be able to pass through the Straits to be repaired at stalls outside the Black Sea, provided that Turkey is notified. Submarine ships were

to proceed during the day and on water, passing through the Straits one by one [21. — p. 87; 24. — p. 515].

The tonnage that non-Black Sea states could keep at sea during peacetime would not exceed 30,000. Each Black Sea state was to inform the Government of Turkey of the total tonnage of its fleet in the Black Sea on 1 January and 1 July each year. Turkey, on the other hand, would transmit this information to the other contracting parties and to the Secretary General of the League of Nations [21. — p. 88; 20. — p. 467].

One or several states that do not have a coast on the Black Sea could send their naval forces for humanitarian purposes, provided that they did not exceed 8000 tons in total. The transition would have taken place only with Turkey's permission, without prior notice. When the ships that will pass with this permission exceed the previously limited tonnage, the Turkish Government would inform the Black Sea States about the issue, and if there was no objection within 24 hours, the Turkish Government would notify the ships that would pass within 48 hours at the latest.

Warships transiting through the Straits and carrying aircraft would certainly not be able to use these aircraft. Warships in transit would not be able to stay in the Straits longer than necessary, except for damage or malfunction during transit [21. — p. 88].

B3. When Turkey is not at war

In wartime, if Turkey was not a belligerent state, warships of non-war states would be able to pass through the Straits according to the peacetime rules. The warships of the warring states would not be able to pass through the Straits, on the other hand, they would be able to pass through the Straits in order to return to their ports. These limitations would be void in the case of aid to a state under the rules of the League of Nations and mutual aid treaties involving Turkey. The

warring states would be forbidden to take any seizure or hostile action in the Straits [21. — p. 88].

B4. When Turkey Joined the War

In any military conflicts, if Turkey is a belligerent state, the government of the Republic of Turkey would be free to act as it wishes regarding the passage of warships through the Straits [21. — p. 88] [24. — p. 516].

B5. Action to be taken in case of imminent danger of war

In cases where it felt under the imminent threat of war, Turkey would be able to use its powers envisaged for when it was a belligerent state, as in Article 20 of the Montreux Straits Convention. It could only allow the warships it wanted to pass through the Straits. Before Turkey decided on such a practice, foreign warships that had left their ports and were unable to return to their ports without using the Straits would be allowed to return to their ports. Turkey would not open the Straits for the ships of the state that caused such a practice in the Straits to return to their ports.

According to the Montreux Straits Convention, although Turkey is given the freedom to act on its own will in such cases, when it adopts this practice, it would send a statement on the subject to the High Parties and the Secretary General of the League of Nations, pursuant to Article 21 of the Convention. If the League of Nations Council decides by a two-thirds majority that Turkey is not justified in the measures it has taken, and if the majority of the High Affiliated Parties to this agreement agree, the Government of the Republic of Turkey would be able to abolish these practices [21. — p. 89; 17. — p. 83].

B6. Passing of Air Transport Vehicles through the Straits Region

According to the Montreux Straits Convention, the freedom of the passage and

transportation through the Straits was only recognized for the sea route. According to the regulation regarding the aircraft that will pass through the airspace, the Turkish government is held liable to ensure the passage of civil aircraft between the Mediterranean and the Black Sea.

Civil aircraft would have a three-day advance notice on non-scheduled flights. For scheduled aircraft, a general pre-notification stating the transition date would have been sufficient. All scheduled and non-scheduled aircrafts would only be able to pass between the Mediterranean and the Black Sea via the Straits by using the air corridors that Turkey will determine outside the forbidden zones. Security during the passage of aircraft would be provided by the Turkish Government. These flights between Asia and Europe would be carried out in accordance with the Turkish air transportation rules in force [21. — p. 90; 20. p. 468].

Whether or not to allow the passage of warplanes was left to the initiative of the Government of the Republic of Turkey. The prohibition of free air passage and transportation in this regulation was due to the dangers posed by the war on the fortified regions.

The International Convention on Air Navigation of 19 October 1919 also recognized the monopoly sovereignty of each state over its territory over aerial space. Therefore, the restrictions and bans on flights in Montreux are also in accordance with the general rules [21. — p. 90].

B7. Provisions Regarding Health

All kinds of ships entering the Straits would stop at a health center close to the entrance of the Straits in order to pass the health inspection determined by the laws of the Republic of Turkey within the scope of international health rules. The inspections would be carried out day and night as quickly as possible, and there would be no other pauses in the passages through the Straits [21. p. 90] [24. — p. 512].

10. CONTRIBUTIONS TO PEACE OF THE MONTREUX STRAITS CONVENTION

The Montreux Straits Convention is an important political treaty made by Turkey, which can still remain in force, despite the fact that there has been a war that affected the whole world such as the Second World War, the disintegration of the USSR and Yugoslavia, and attempts to amend or abolish the agreement, from the date of its entry into force to the present day [21. — p. 10].

With the Montreux regime, Turkey's geopolitical value increased even more, and the importance given to Turkey's views on international platforms increased significantly. Turkish-British relations made important developments with the Montreux Conference and directed Turkish foreign policy towards western countries and especially England. After the death of Atatürk, who steered Turkish foreign policy, the line determined by Atatürk remained unchanged with İnönü [28. — p. 359; 21. — p. 110].

Until the end of World War II, Turkey adopted the principle of "impartiality". Throughout the war, the Straits remained open to merchant shipping from both the Axis and Allied Powers and closed to warships. Turkey opened the Straits to Allied ships on 12 January 1945 and declared war on Germany and Japan on 23 February 1945. According to the Montreux Straits Convention, the Straits regime, which was determined in case Turkey was a belligerent state, was applied. This regime gave Turkey the right to allow the ships of the state it desired to pass through the Straits and to deprive the ships it did not want from this right. Turkey, which preferred the way of verbal and written talks with Germany, prevented the German danger from entering the Turkish territory as a result of the negotiations between Hitler and İnönü [21. — p. 117]. Thus, the Montreux Straits agreement made a very important contribution to world peace by preventing the spread of war. Even in

the most difficult days of the Cold War, there was no conflict in the Black Sea region. Turkey has to start preparations for new strategies and new associations that protect and support the current status, against the possibility of requests to amend the Montreux Convention.

The Turkish Straits, which have maintained their geopolitical and geostrategic importance for centuries and will continue to do so in the future, are the straits in the world, the status of which is determined by a special agreement, thanks to the Montreux Straits Convention, among the international straits whose status is determined by a special contract, and the coastal state is given the most authority. Turkey's policy against the demands for the amendment or amendment of the Montreux Straits Convention by the great powers, especially the USA, should be to continue the agreement without changing it. In addition, Turkey should meet the need for navigational safety, which arises due to increased traffic, with domestic legal regulations in a way that does not contradict the articles of the contract [21. — p. 12].

The second important effect of the regional changes after the Cold War on the Turkish Straits is Great states, notably the USA, had an increasing interest in the region. The USA and the EU, which consume most of the world's oil and natural gas, are considering Caspian oil and natural gas as an alternative and complementary to the Middle East oil, which is getting more and more unstable day by day. In the post-Cold War era, the USA, which wants to transform its position of being the sole superpower into a world domination, aims to direct international organizations and states in line with its own interests to dominate the energy resources in Eurasia and other parts of the world to surround Russia, to postpone the fight against China in the medium term. It wants to balance the relations. These are the reasons why the USA want to take place in the Black Sea militarily and politically gain in

this direction. In addition to this, the USA wants to control Russia's oil exports and the Eurasian energy resources along with the transportation lines of these resources. The Turkish Straits are the key region in the opening of the Caspian region oil from the Black Sea to the Mediterranean via the Mediterranean. In parallel with the desire of the USA to implement the Black Sea energy policies in the direction it wanted, the "Rose Revolution" in Georgia and the "Orange Revolution" in Ukraine were carried out and pro-western governments were brought to power in these states. In addition to these revolutions, Romania and Bulgaria joined NATO in 2004. The USA, which opened military bases in Romania and Bulgaria, is in an effort to increase its military presence in the Black Sea. One of the biggest obstacles for the USA to increase its military presence in the Black Sea is the Montreux Straits Convention. Because, according to the provisions of the contract, the transit tonnage of the states that do not have a coast to the Black Sea and the duration of their stay in the Black Sea are limited. The fact that the United States has so far unofficially expressed its demands for the amendment of the Montreux Straits Convention aims to measure the reactions of Turkey and Russia. As it can be understood from here, it is likely that the USA will take initiatives to amend the Montreux Straits Convention in the coming period.

What should Turkey's attitude be in the face of demands to amend the Montreux Straits Convention? Undoubtedly, the Montreux Straits Convention has its advantages and disadvantages Turkey, whose sovereignty over the Straits was restricted with the Treaty of Lausanne, established its dominance over the Straits with Montreux on more solid foundations. In case of annulment of the treaty, many Black Sea littoral or non-Black Sea states will make demands in their own interests and it will be impossible to achieve the unanimity envisaged for a new reconcili-

ation as stated in Article 18. This is a great danger to world peace [1. — p. 22].

CONCLUSION

The Istanbul and Dardanelles Straits are among the most important waterways in the world due to their military, political, economic, geopolitical and geostrategic importance. As in the past, its influence on world politics continues in an indisputable way today. In this context, efforts to establish the dominance over the Straits are also very old. The process of the Turkish domination of the Bosphorus and Dardanelles Straits gained momentum with the conquest of Istanbul in 1453. From this date on, the Black Sea coasts began to come under the auspices of the Ottoman Empire, and after 1484 the dominance over the Bosphorus completely passed to the Ottoman Empire. This dominance continued until the 1774 Kucuk Kaynarca Treaty.

With the London Straits Convention of 1841, the Straits were the subject of an international treaty for the first time and the principle of closure of the Straits to foreign warships was definitively accepted by the signatory giants. The status of transit through the Straits, established with the 1841 London Straits Treaty, remained unchanged until 1918, although it was the subject of various interstate treaties, bargains and conflicts. At the end of the First World War, the Ottoman Empire signed the Armistice of Mudros (Mondoros) with the Allies on October 30, 1918. According to the 1st article of this treaty, the Dardanelles and Istanbul Straits were opened, and the Turkish Straits were occupied by the Entente Powers. With this development, the validity of the London Straits Treaty, which had been going on since 1841, disappeared and the principle of the Straits closure was ended. With the agreement signed in addition to the Lausanne Peace Treaty signed on July 24, 1923, the status of the Straits was reorganized. Accordingly, the

passage through the Straits is free, and the Straits Commission was established, chaired by the Turkish representative in order to implement the status determined in this region. Thus, the control and management of the Straits were tied to an international status including Turkey. As a result, Turkey's rights and powers over the Straits were broadly limited.

By the 1930s, the League of Nations, which could not fulfill its duty as a guarantor in the Straits, began to lose its influence, as the balances in world politics changed. Upon this situation, a new status was required in the Straits, and the Montreux Straits Convention was signed on 20 July 1936, under the leadership of Turkey and with the support of Britain, France and the Soviet Union. According to this treaty, the status of the Straits was determined according to four different situations: a state of peace, a state of war that Turkey did not enter, a state of war that Turkey entered, and a state of war danger. As a result of this treaty, Turkey succeeded in changing the status of the Straits, which limited its security and sovereignty with the Treaty of Lausanne, by taking advantage of the changing balance of power of the period, and turning it in its favor. The Straits Commission was abolished, the Straits were militarized, and at the same time, Turkey assumed the enforcement and control of the established status. The establishment of a new status based on very delicate balances in the Turkish Straits has created an atmosphere of harmony and peace in Turkey, as well as in regional and world interstate politics.

After the World War II, the Soviet Union, which was most interested in the change of the status determined by the Montreux Straits Convention in 1936 in the Turkish Straits, making demands on the Turkish Straits, causing problems and creating crises, started to dissolve and disintegrate since the 1980s. In 1991, with the declaration of independence of 15 republics affiliated to the Soviet Union, the Soviet Union officially dissolved, and

the Russian Federation took the place of the Soviet Union. As a result of these developments, notably America and other European Community countries accepted the Russian Federation, which declared its independence with the dissolution of the Soviet Union as the continuation of the Soviet Union.

This formation, which took place around the Black Sea, turned the attention to the Caucasus and the Caspian Region in international politics, and the importance of the Turkish Straits increased due to the importance of the Black Sea. Rapidly increasing imports and exports, especially oil and natural gas production centers and efforts to control oil and natural gas transportation led to a serious activity in the Black Sea. After the Cold War, especially after the Caspian oil was brought to the world markets, the changes in and around the Black Sea had two important effects on the Turkish Straits. The first one is that ship traffic in the straits increased even more. While the number of ships passing through the Bosphorus in 1991 was 46954, it increased to 56606 in 2007.

It is possible that many situations in favor of Turkey may change on the ground of a new treaty and that the United States will be decisive in a new treaty. The USA, on the other hand, is against of all kinds of restrictions on the passage by sea and air. This situation contradicts Turkey's view. At the same time, it may be possible to present new proposals regarding the transition regime being implemented in the Straits in a new agreement. It would be a very optimistic attitude to think that a new agreement or arrangement to be made in the event of the termination of the Montreux Straits Convention can better protect Turkey's interests than Montreux. For this reason, even a proposal to change the articles of the treaty may cause a development that may harm Turkey's interests. Considering all these, Turkey should take the steps to be taken in this regard carefully and firmly. The Montreux Straits Convention

provides some advantages to the Black Sea coastal states as well as to Turkey. For this reason, Turkey can develop common policies by taking the Black Sea coastal states, especially the Russian Federation, against requests for the cancellation or amendment of the contract. It should not be forgotten that the Montreux Straits Convention is a the treaty that gives the coastal state the most sovereignty among the transit regimes applied in the world through the Straits. With the Montreux Straits Convention, which has been valid

for 86 years, the biggest share in the success of solving the Straits issue peacefully under the conditions of that day belongs to Mustafa Kemal Atatürk. From the first years of the republic, Atatürk acted with the principle of «Peace at Home, Peace in the World» and made Turkey a trusted and respected state among the world's states. Undoubtedly, the Montreux Straits Convention is one of the most important victories of the young Republic of Turkey in foreign policy as a the symbol of its international reputation.

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