

An Unconventional Canal: Will Turkey Rewrite the Rules for Black Sea Access?

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Map: Per Wikström, FOI

ON APRIL 5, 2021, Turkish authorities detained ten retired admirals who had warned against a withdrawal from the 1936 Montreux Convention. For 85 years, the convention has regulated trade and naval transit between the Mediterranean and the Black Sea via the Turkish Straits, one of the world's most strategically critical waterways.

In recent years, Turkish President Recep Tayyip Erdoğan has pursued an ambitious and contentious foreign policy. Ankara has quarreled with its NATO allies, while entering into a close but competitive relationship with Russia.¹

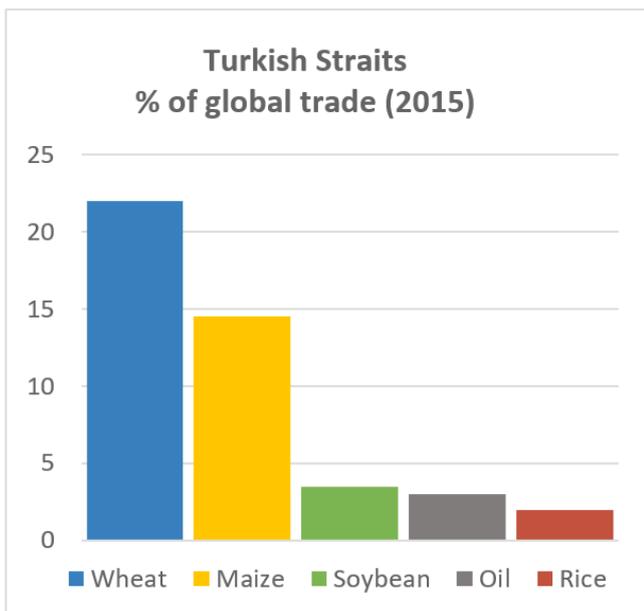
Turkey has sent troops into action in Syria, Libya, Iraq, and the Armenian-Azerbaijani conflict, and threatens Greece and Cyprus with gunboat diplomacy.² Amid this transformation of Turkey's traditional posture, Erdoğan is now also pushing for the construction of a canal that he says will allow Turkey to circumvent the Montreux Convention.³

This FOI Memo aims to explain the role of the Turkish Straits and the Montreux Convention. It will also briefly outline the controversy surrounding the planned Istanbul Canal and its potential impact on the maritime security order established in 1936.

1 Koru 2018; Hammargren 2019.

2 Tziarras (ed.) 2019; Hedenskog, Lund & Norberg 2020; Lund 2020.

3 Turkish Presidency 2021.



Turkish Straits % of global trade (2015)

Source: Bailey & Wellesley 2017, p. 11; Tiryakioğlu 2018.

THE TURKISH STRAITS

One of the world's busiest waterways, the Turkish Straits consists of two narrow natural passages on either side of the Sea of Marmara. The Bosphorus Strait, which divides the city of Istanbul, opens on the Black Sea, while the Strait of the Dardanelles, also known as the Strait of Çanakkale, enters the Aegean Sea and the wider Mediterranean. As the sole sea route connecting the Mediterranean and the Black Sea, the importance of the Straits to trade and security is hard to overstate.

In 2014–2019, Turkey recorded an average of 42,258 annual ship transits, the vast majority of which were merchant vessels such as cargo ships and oil tankers.⁴ As noted in a 2017 Chatham House report, the Straits are one of the world's most critical food trade chokepoints.⁵ As much as 12 percent of the global trade in grain passes the Straits, including a fifth of the world's wheat and a

sixth of the maize.⁶ More than three quarters of wheat sales from Ukraine, Kazakhstan, and Russia pass the Straits each year, feeding nations as disparate as Ethiopia, the United Arab Emirates, and South Korea.⁷ Russia also relies on the Straits for a large share of its maritime oil exports.⁸

At their most narrow point in the Bosphorus near Istanbul, the Straits are less than 700 meters wide. It is a difficult route to navigate, full of complicated turns and heavily congested by cargo and tanker traffic, as well as by ferries serving Istanbul. But although the Straits have suffered their share of accidents, including a very serious one in 1979, when a Romanian oil tanker exploded in the Straits of the Dardanelles, full shutdowns remain rare.⁹ Chatham House noted six brief suspensions of traffic between 2013 and 2017, five of which were due to bad weather (fog or snow storms) and one of which resulted from a failed July 2016 coup attempt against Erdoğan.¹⁰

THE MONTREUX CONVENTION

Since 1936, traffic through the Straits is regulated by the Montreux Convention, which prescribes full freedom of navigation for merchant shipping but imposes a host of restrictions on naval traffic.¹¹ In particular, non-Black Sea states face stringent limits on naval transit into the Black Sea, in order to ensure that no external power will be able to introduce a larger fleet than the major littoral states. In practice, this leaves Russia and Turkey as the two dominant naval powers in the Black Sea.

At the end of the Cold War, the ex-Soviet Black Sea Fleet entered a period of decay. Following Russia's illegal annexation of Crimea in 2014, Russian naval capabilities in the Black Sea have again grown considerably, though the Turkish Navy retains the upper hand in terms of inventory.¹² Although it must divide its attention between the Black Sea and the Mediterranean – a 2018 SIPRI study notes that only four of fourteen naval bases faced north, with another three at the Sea of Marmara – ships can be shifted as needed to the Northern Sea Area Command,

4 Ergöçün & Biçer 2020.

5 Bailey & Wellesley 2017, p. 14.

6 Bailey & Wellesley 2017, p. 12.

7 Bailey & Wellesley 2017, pp. 11, 53–54, 58.

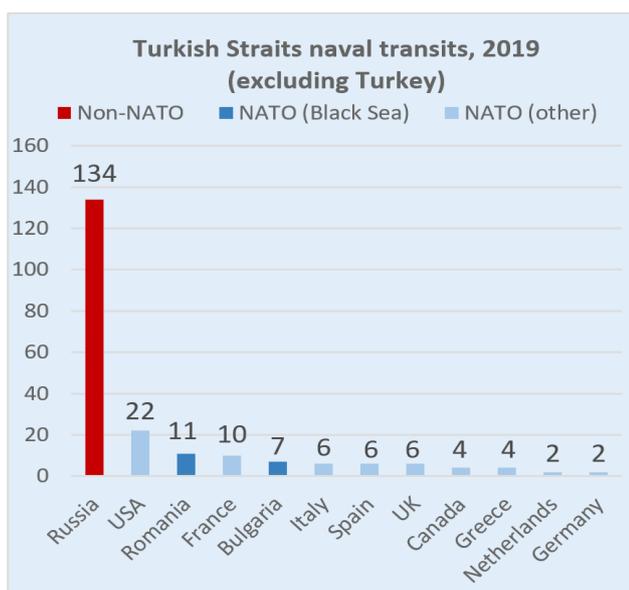
8 Tiryakioğlu 2018.

9 *Daily Sabah* 2019.

10 Bailey & Wellesley 2017, p. 101.

11 For the pre-history of the convention, see Howard 1936.

12 Kjellén 2018, pp. 6-7; Wezeman & Kuimova 2018, p. 12; Kjellén & Dahlqvist 2019, pp. 31, 41; IISS 2021, pp. 153-154.



Turkish Straits naval transits, 2019 (excluding Turkey)

Source: Turkish Foreign Ministry 2019.

which oversees the Black Sea and the Straits.¹³ In response, however, Russia has developed extensive shore-based capabilities to challenge Turkey's maritime presence.¹⁴

The Russian Navy currently makes extensive use of its rights under the Montreux Convention to travel the Turkish Straits, and traffic increased with the start of the Syrian civil war in 2011. In autumn 2013, the Russian Navy organized a permanent task force in the Mediterranean, operating out of Russian facilities in Tartous, Syria. Two years later, Russia intervened with air power in support of the Damascus government, which has also added to the naval traffic through the Straits.¹⁵

In line with its responsibilities under the convention, the Turkish Foreign Ministry issues regular reports on foreign naval traffic through the Straits. In 2019, the Ministry's figures indicated a total of 214 naval passages.

Of these, the Russian Navy accounted for 134 passages (63%), while NATO members made up the balance. Warships from the two Black Sea littoral NATO states Romania and Bulgaria performed 18 passages (8%), while the U.S. Navy transited the straits 22 times (10%) and other non-littoral NATO members accounted for the remaining 40 transits (19%).¹⁶

To prevent any erosion of the Montreux framework and safeguard its role as gatekeeper of the Black Sea, Turkey has generally sought to implement the rules for naval traffic to the letter. In this, it has never been seriously challenged.

Although not a signatory to the convention, the United States has declared itself willing to adhere to its rules. Washington and its NATO allies viewed the Montreux framework favorably during the Cold War, since it prevented the Soviet Union from rapidly shifting Black Sea Fleet ships into the Mediterranean. In the post-Cold War period, Romania and Bulgaria have unsuccessfully argued for revisions in the interest of allowing for more flexible NATO entry to the Black Sea, apparently with U.S. support.¹⁷ U.S. diplomats have reportedly tried to persuade Turkey to relax its interpretation of the convention, without success.¹⁸ Turkey has remained "strongly opposed" to any questioning of the *status quo*.¹⁹ In one widely-noted incident, Ankara invoked the convention's tonnage limits to bar entry for two U.S. Navy hospital ships during the 2008 Russo-Georgian War.²⁰

Soviet and Russian views on the Montreux rules have varied over time, but, overall, Moscow sees great value in the convention, to which it is a party. Historically, however, Russian leaders have often sought more direct control of the Turkish Straits, recognizing that the Black Sea can, in the words of one expert on Soviet strategy, become a "grenade in Russia's gut."²¹ Such ambitions resurfaced even after the conclusion of the Montreux Convention, in the form of Soviet leader Joseph Stalin's heavy-handed pressure

¹³ Wezeman & Kuimova 2018, p. 9.

¹⁴ Petersen 2019.

¹⁵ Kjellén 2018, p. 3; Lund 2018, pp. 25-28.

¹⁶ Turkish Foreign Ministry 2019 (author's calculation).

¹⁷ Özdamar 2010, p. 345.

¹⁸ Taştekin 2021.

¹⁹ Özdamar 2010, p. 345.

²⁰ Larrabee 2009, pp. 305, 314.

²¹ MccGwire 1988.

THE MONTREUX CONVENTION (1936)

- Signed on July 20, 1936, by Australia, Bulgaria, France, Greece, Japan, Romania, Turkey, UK, USSR, and Yugoslavia.
- Defines the Turkish Straits as the Straits of the Dardanelles, the Sea of Marmara, and the Bosphorus.
- Permits free use of the Straits for merchant vessels of all nations not at war with Turkey.
- Prevents Turkey from levying fees except to cover service upkeep.
- Limits and slows the transit of non-Turkish warships, especially for non-littoral navies, which cannot remain in the Black Sea beyond 21 days and must announce their passage at least 8 and normally 15 days in advance.
- Caps the maximum tonnage of non-littoral navies in the Black Sea at a combined 45,000 tons, or 30,000 tons for a single navy and 15,000 tons for a single ship.
- Bans the introduction of non-littoral state submarines into the Black Sea; restricts littoral state submarines to non-submerged travel for repairs outside the Black Sea.

for bases at the Straits after the Second World War. However, the Soviet pressure turned out to be counterproductive: Turkey reacted by abandoning its longstanding-policy of neutrality, joining NATO in 1951.²²

Since then, Moscow has generally been protective of the Montreux order. Although the convention complicates Russian access to the Mediterranean, its more salient effect is to cap NATO's role in the Black Sea at a level tolerable to the Kremlin. For example, under the terms of the convention, the United States cannot move aircraft carriers or submarines into the Black Sea, or let any warship linger for more than 21 days.

As a Black Sea power, Russia faces fewer restrictions and has creatively adapted to the more onerous ones. For example, although Black Sea-based submarines cannot cross the Straits to operate in the Mediterranean, they are permitted to exit and re-enter for repairs. Using this provision as a loophole, Black Sea Fleet submarines have been known to dwell for extended periods in the Mediterranean while formally *en route* to or from the shipyards of Saint Petersburg.²³ Similarly, Russia's sole aircraft carrier, the *Admiral Kuznetsov*, is formally classified as an "aircraft-carrying heavy cruiser" to avoid the Montreux restrictions on carriers.

Moscow has occasionally criticized Turkey's handling of civilian shipping. The convention explicitly prevents Turkey from blocking foreign trade or profiting from it. But as trade volumes rose after the end of the Cold War, Ankara has become increasingly vocal about the environmental and health risks posed by the daily passage through central Istanbul of some 130 vessels, many of which carry oil or other hazardous cargo.²⁴ In 1994, Turkey unilaterally imposed new regulations for civilian passage, including designated lanes, speeds, etc. Montreux Convention signatories including Russia and Greece protested what they considered an unacceptable unilateral intervention into the free navigation promised by the convention. In particular, Russia accused Ankara of trying to disincentivize tanker traffic to promote Turkish pipeline networks.²⁵

More recently, Russia and Turkey exchanged barbs about the Straits in 2015 and early 2016, at a point when tensions ran high after Russia's intervention in Syria. In

22 Nizameddin 1999, p. 17–19; Vasiliev 2018, pp. 22–23; Tuygan 2020.

23 Sutton 2020.

24 Turkish Foreign Ministry, "Note;" Daily Sabah 2019.

25 Pavlyuk 1998, pp. 983–984.

December 2015, Russian state media accused Turkey of holding up Russian vessels *en route* through the Straits.²⁶ Soon after, an incident in which a Russian soldier flaunted a surface-to-air missile on the deck of a ship passing through Istanbul triggered a diplomatic incident.²⁷ Once Turkish-Russian relations improved in the summer of 2016, the problem seemed to fade away.

ENDING AND AMENDING THE CONVENTION

The Montreux Convention's Article 28 allows any one of the convention's contracting parties to issue a demand for its cancellation. If this happens, a convention will be summoned to negotiate a new agreement. Two years after the initial statement, the convention will cease to operate, although the "principle of freedom of transit and navigation" envisioned in Article 1 shall last "without limit of time."

Article 29 establishes a mechanism for periodical amendments, following a rolling five-year schedule from the convention's entry into force in 1936. The current five-year period expires on November 9, 2021, and a proposal for amendments must be put forth three months prior, in August 2021, at the latest. If the contracting parties fail to agree on an amendment proposal, a conference will be summoned in which decisions must be adopted unanimously. The exception is amendments to Articles 14 and 18, which concern naval traffic and non-littoral warships in the Black Sea: amending either of these articles will require a three-quarters majority of the contracting parties, including three-quarters of Black Sea littoral states, one of which must be Turkey.

In sum, while Turkey cannot single-handedly force an amendment to the convention, it can block any proposal put forth by others.

THE ISTANBUL CANAL

After years of discussion and delays, Turkey finally moved to initiate construction of the Istanbul Canal in March 2020. Billed as one of Erdoğan's signature "crazy

projects," the new canal will be 45 km long and 400 meters wide, creating a smooth, easy-to-navigate way to bypass the Bosphorus to the west of central Istanbul. Erdoğan has justified the estimated \$12–25 billion expenditure by arguing that it will ease pressure on the Bosphorus and protect Turkey's largest city against pollution and shipping accidents.²⁸ In addition, although the Montreux Convention forbids Turkey from levying fees for profit on shipping through the Straits, the government has portrayed the canal as a major profit-generating venture. Transport Minister Cahit Turhan has said that his ministry expects some 50,000 ships to pass through the Istanbul Canal in 2035, rising to 70,000 in 2050 and 80,000 in 2070. According to Turhan, 50,000 vessels would bring \$5 billion in income for Turkey, with an additional \$250 million expected to flow from ports and logistic centers.²⁹ Critics say these numbers are wildly optimistic.³⁰

The Istanbul Canal plan drew international attention, but less for its economic or environmental ambitions than for Ankara's mixed messages about what the new waterway might mean for the Montreux Convention.

In December 2019, Erdoğan made a teasing reference to a "political aspect" of the canal, but declined to elaborate: "I am not using [the political aspect] now, but when the time comes, we'll be using that as well. God willing, [the canal] will be a big success internationally with that political aspect, too."³¹ Russia's ambassador to Ankara, Aleksei Erkhov, responded in an interview that there can be no change to the rules for navigation in the Straits: "The Montreux Convention sets certain limits to be obeyed during the passage in and out of the Black Sea; a new artery does not change those limits."³²

As the project was about to launch in early 2020, Erdoğan said the Istanbul Canal will be "totally outside Montreux," without offering details.³³ When 126 retired Turkish ambassadors released an open letter to warn that the convention was at risk, Erdoğan's foreign minister, Mevlüt Çavuşoğlu, dismissed them: "There is no such thing. The specifics about how to cancel this convention

26 *Sputnik News* 2015.

27 *TASS* 2015; *Hürriyet Daily News* 2015.

28 Küçükgöçmen & Spicer 2019, Hincks 2020; *BIA Net* 2020.

29 Ergöçün & Biçer 2020.

30 Ülgen 2021.

31 Gürsel 2020.

32 Yetkin 2019.

33 Hincks 2020.

are well specified in the text. You don't need to open a seaway to cancel it," Çavuşoğlu said, insisting that the Foreign Ministry had determined that the canal would not undermine the convention.³⁴

THE ADMIRALS' AFFAIR

The issue resurfaced a year later, when the pro-Erdoğan speaker of the Turkish parliament, Mustafa Şentop, told a television interviewer on March 24 that the president would be able to pull Turkey out of the Montreux Convention, should he chose to do so.

On April 3, 104 retired admirals released an open letter stressing the importance of the Montreux Convention to Turkey and implicitly criticizing Erdoğan for undermining the doctrines and legacy of Mustafa Kemal Atatürk, the founder of modern Turkey.³⁵ The list of signatories included well-known secular-nationalist figures like Cem Gürdeniz, a retired rear admiral whose strident advocacy for Turkey's "Blue Homeland" (a phrase evoking maximalist maritime claims) has in recent years been embraced by the government.³⁶ In response, officials accused the admirals of undermining civilian authority and Şentop said the letter "suggests a coup."³⁷

Civil-military relations are sensitive in Turkey, which has suffered repeated coups. In 2016, a coup attempt was squashed by Erdoğan, who has since accumulated unprecedented power by purging the state bureaucracy and the armed forces, closing critical media outlets, and changing the constitution.³⁸

On April 5, ten of the letter's signatories were detained for plotting against the state, including Gürdeniz.³⁹ Erdoğan condemned what he called a "malevolent attempt" with "coup implications." He reaffirmed that the Istanbul Canal will be "outside the limitations of the Montreux Convention," but stressed that Turkey has no current plans to leave the convention. He added, however, that "if such a need presents itself in the future, we will not hesitate to review every convention to introduce a better one for

our country. And we will open them to international discussion."⁴⁰

The arrested admirals were released on probation just over a week later, but the turmoil had already caused concern abroad.⁴¹ In a telephone conversation on April 9, Russian President Vladimir Putin conveyed to Erdoğan "the importance of preserving the 1936 Montreux Convention Regarding the Regime of the Straits with a view to ensuring regional stability and security."⁴²

CONCLUSION

Turkish officials have stated that the Istanbul Canal could be completed in five or six years. As Turkey takes the first steps toward the canal's physical construction, the question of its impact on the Montreux Convention remains in dispute. Neither Erdoğan nor other Turkish officials have been willing to discuss the issue in any detail, and the resulting lack of clarity has opened the gate to speculation, in Turkey as well as abroad.

It may well be, as many Turkish commentators have suggested, that the talk of circumventing, revising, or even withdrawing from the convention amounts to nothing more than empty signaling, calculated to stir up a controversy and boost Erdoğan's nationalist credentials. The statements may also reflect poorly conceived theories that will, in the fullness of time, fade from official rhetoric. The Turkish government has, however, been very explicit about wanting to extract transit fees from the Istanbul Canal. But doing so would either require a revision to the Montreux Convention or a determination that it does not apply to the canal. And in the latter case, shipping would need to be steered to the new waterway instead of the toll-free Bosphorus – itself inadmissible under the convention.

The idea that the Istanbul Canal could meaningfully bypass the Montreux rules seems particularly spurious since, in addition to the Bosphorus, the convention also covers the Sea of Marmara and the Dardanelles. Even if the

³⁴ *Hürriyet Daily News* 2020.

³⁵ Gürcan 2021.

³⁶ Gingeras 2021.

³⁷ *Duvar English* 2021.

³⁸ *Associated Press* 2018; Koru 2021, pp. 35-37

³⁹ Gingeras 2021.

⁴⁰ Turkish Presidency 2021.

⁴¹ *BIA Net* 2021.

⁴² Russian Presidency 2021.

Dardanelles could be circumvented by a second artificial waterway (there has been speculation about a future Çanakkale Canal) there is certainly no way around the Sea of Marmara. Moreover, key provisions of the convention, such as the restrictions on external naval forces in the Black Sea, apply irrespective of the route taken.

It remains possible that Erdoğan will leverage the Istanbul Canal in support of revisions to the convention, on the argument that the 1936 agreement no longer reflects geographic reality. Should Turkey insist, it has the power to force the issue in line with articles 28 and 29 of the convention, and, although Ankara cannot expect other signatories to bend to its will, it would be able to play a very strong hand in any such negotiations. Indeed, the mere prospect of a renegotiation of the Montreux Convention has offered a vivid reminder of Turkey's importance to both Russia and NATO, which may well be part of the attraction for Erdoğan.

Tampering with the Montreux Convention is nevertheless a risky gambit, considering the high stakes for Black Sea states and Russia-NATO relations. For 85 years, the convention has served as a pillar not only of Turkey's national security, but of regional stability. To dissolve or weaken the Montreux framework could, at worst, ignite serious Russia-NATO tension and trigger coercive diplomacy by and against Turkey. At the very least, it would create a new and unfamiliar situation in the Mediterranean/Black Sea region. In this context, the main effect of the April 2021 arrests was likely to spotlight the question of the Istanbul Canal's impact on the Montreux Convention, making it probable that Erdoğan will now come under increased international pressure to clarify his intentions. ■

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