

## The Montreux Convention Regarding The Turkish Straits And Its Importance After The South Ossetia War

In *Ocean Law and Policy: Twenty Years of Development under the UNCLOS Regime*, experts from fourteen countries present nineteen papers that provide insightful analyses of these wide-ranging issues that form the emerging new context of UNCLOS as a keystone to a working regime system.

The Turkish Straits  
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The Montreux Convention Regarding the Turkish Straits and Its Importance After the South Ossetia War

The ultimate deployment of the new Soviet aircraft carrier from the Black Sea to the Mediterranean Sea will resurrect historical policy issues in a new international security environment. The regime governing the Turkish Straits, the Montreux Convention, was conceived in haste during the inter-war years. It has not been revised to keep pace with either technological or political changes.

Entire classes of ships and weapons moving about on the world's oceans today were unheard of in 1936 and thus are unaccounted for in the Straits regime. Developments in the Law of the Sea have also passed the Montreux Convention by. NATO and the Warsaw Pact have supplanted the alliances of pre-World War II Europe and meet at the Turkish Straits. This paper reviews the principal issues associated with warship transits of the Turkish Straits and examines policy options for the U.S. and NATO regarding the transit of the new Soviet aircraft carrier. It concludes that the best course of action is for both NATO and the U.S. to be guided in their actions chiefly by the Turkish position, which will likely call for tacit acceptance of the transit. Keywords:

International law; Law of the sea; Turkey; Turkish Straits; Straits; Bosphorus; Dardanelles, Marmara, Black Sea. (edc).

The right of transit passage in straits and the analogous right of archipelagic sealanes passage in archipelagic states, negotiated in the 1970s and embodied in the 1982 UNCLOS, sought to approximate the freedom of navigation and overflight while expressly recognising the sovereignty or jurisdiction of the coastal state over the waters concerned. However, the allocation of rights and duties of the coastal state and third states is open to interpretation. Recent developments in state practice, such as Australia's requirement of compulsory pilotage in the Torres Strait, the bridge across the Great Belt and the proposals for a bridge across the Strait of Messina, the enhanced environmental standards applicable in the Strait of Bonifacio and Canada's claims over the Arctic Route, make it necessary to reassess the whole common law of straits. The *Legal Regime of Straits* examines the complex relationship between the coastal state and the international community.

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A comprehensive account of modern Turkish attitudes, legislation, treaty engagements, and State practice based on historical attitudes and contemporary policies, with extensive use of Turkish language sources mostly unknown to a foreign readership.

Following a general introduction to Turkish sources of law, geopolitical position, and elements of maritime power, the monograph focuses on internal waters, territorial sea, the Turkish Straits, continental shelf and deep seabed, exclusive economic zone, high seas, and the marine environment, followed by an extensive bibliography.

Prominent privacy law experts, regulators and academics examine contemporary legal approaches to privacy from a comparative perspective.

Four sets of international straits are examined: the Sea of Japan straits, the Danish Straits, the Turkish Straits, and the Indonesian straits. The analysis describes them physically, explains their legal regimes, discusses Soviet naval transits of the straits, relates the transits to Soviet naval missions, explores possible alternative routes to using the straits, postulates new legal regimes for the straits, and, finally, reaches conclusions concerning the Soviet reaction to the possible legal changes. Conclusions are formulated as to the extent that international straits affect Soviet naval operations and to the extent that their influence on naval operations has shaped the Soviet legal position on the law of the sea.

A major contribution to the diplomacy of the Eastern Question focussing on the tortuous history of the Straits Question and its final chapter, the Montreux Convention.

Russia has long used political, military, economic, informational, and clandestine tools against countries in the Black Sea region. In this report, the authors present elements of a Western strategy to counter Russian malign influence and aggression.

This open access book provides a valuable restatement of the current law of armed conflict regarding hostilities in a diverse range of contexts: outer space, cyber operations, remote and autonomous weapons, undersea systems and devices, submarine cables, civilians participating in unmanned operations, military objectives by nature, civilian airliners, destruction of property, surrender, search and rescue, humanitarian assistance, cultural property, the natural environment, and more. The book was prepared by a group of experts after consultation with a number of key governments. It is intended to offer guidance for practitioners (mainly commanding officers); facilitate training at military colleges; and inform both instructors and graduate students of international law on the current state of the law.

In response to the call of the 48th World Health Assembly for a substantial revision of the International Health Regulations, this new edition of the Regulations will enter into force on June 15, 2007. The purpose and scope of the Regulations are "to prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade." The Regulations also cover certificates applicable to international travel and transport, and requirements for international ports, airports and ground crossings.

In *Regional Co-operation and Protection of the Marine Environment under International Law: The Black Sea*, Nilufer Oral examines the regional co-operation mechanism for protection and preservation of the Black Sea marine environment within the framework of international law, and subsequently identifies the necessary components for a robust regional regime based on best legal practices.

The Turkish Straits include the Çanakkale (Dardanelles) and Istanbul (Bosphorus) Straits and the Marmara (Marmora) Sea between them. The Turkish Straits are the only waterways connecting the Black Sea to the Aegean and Mediterranean Seas and to the oceans through the Suez Canal and the Straits of Gibraltar. Regulation of passage through the Turkish Straits has caused many problems throughout history. Since 1936, passage through the Turkish Straits has been governed by the Montreux Convention. Following the South Ossetia War in August 2008, the Turkish Straits again became problematic when Turkey denied passage to U.S. warships seeking to transit the Straits. This thesis analyzes three key research questions surrounding use of the Straits: Can the Montreux Convention satisfy current requirements? Should the Montreux Convention be revised? If modifications in the Montreux Convention are necessary, what modifications are appropriate, and how might they affect stability in the Black Sea?

An assessment of Turkey's wartime diplomacy and its role in preserving the nascent Turkish state.

This is the thirteenth book in the series *International Straits of the World* initiated and edited at the Graduate College of Marine Studies of the University of Delaware. In 1987 the ninth book in this series dealt with the Turkish Straits. Since then, however, the rapid developments of the

law of the sea, especially with regard to coastal state jurisdiction and the status of international straits, has called for a new analysis of the heavily-trafficked, narrow waterway that links the Mediterranean Sea with the Black Sea. The 1982 UN Convention on the Law of the Sea provided a special regime for straits used for international navigation. [...Nothing in this part of the convention, however, affected the legal regime of the Turkish Straits. The convention exempted those straits in which passage was regulated in whole or in part by long-standing international conventions specifically related to that strait. The Montreux Convention of 1936, still in force, was designed to regulate passage through the Dardanelles, the Sea of Marmara, and the Bosphorus - or the Turkish Straits. Dr. Ünlü has addressed a key international policy question, namely, in the light of the evolving law of the sea and the special role of the International Maritime Organization, should the 1936 Montreux Convention be amended or denounced - or changed by some unilateral act of Turkey.[...] In sum, can the convention be sustained as it is, modified by unilateral action, denounced by the parties, or its provisions changed in some other way by international action? The author has even explored the possibility of making the straits a particularly sensitive sea area, allowing the coastal state to take expanded jurisdiction to prevent marine pollution. Dr. Ünlü has done a great service to scholarship on the legal regime of the Turkish Straits. She has left her readers with policy options that will be useful in trying to reconcile the use of a strait not covered by the 1982 Law of the Sea Convention with the exigencies of modern international law.

Based on newly accessible Turkish archival documents, Onur Isci's study details the deterioration of diplomatic relations between Turkey and the Soviet Union during World War II. Turkish-Russian relations have a long history of conflict. Under Ataturk relations improved – he was a master 'balancer' of the great powers. During the Second World War, however, relations between Turkey and the Soviet Union plunged to several degrees below zero, as Ottoman-era Russophobia began to take hold in Turkish elite circles. For the Russians, hostility was based on long-term apathy stemming from the enormous German investment in the Ottoman Empire; for the Turks, on the fear of Russian territorial ambitions. This book offers a new interpretation of how Russian foreign policy drove Turkey into a peculiar neutrality in the Second World War, and eventually into NATO. Onur Isci argues that this was a great reversal of Ataturk-era policies, and that it was the burden of history, not realpolitik, that caused the move to the west during the Second World War.

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