

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).

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.

Based on newly accessible Turkish archival documents, Onur

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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.

In the thirteenth book of the series International Straits of the World, Dr. Nihan Ünlü addresses 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. Dr. Ünlü explores 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.

The right of transit passage in straits and the analogous right of archipelagic sealanes passage in

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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. 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. 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,

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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.

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.

The Turkish Straits and the Montreux Convention, which once served primarily to protect the Soviet Union from superior hostile fleets, now also limit what would otherwise be a major Soviet advantage: proximity of a large fleet and its bases to a major theater of crisis and potential war. In this respect the Montreux Convention has been a problem for the Soviets since 1964, when they began maintaining a permanent naval presence in the Mediterranean. The objective of this article is to examine how the Soviets have designed their patterns of operations in the Mediterranean in order to overcome the barriers of the treaty and the Turkish and Balkan land masses, and to what extent limitations remain on the flexibility of Soviet naval forces in the Mediterranean that can still be exploited by the West.

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In *Ocean Law and Policy: Twenty Years of Development under the UNCLOS Regime*, experts from fourteen countries present nineteen papers that

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provide insightful analyses of these wide-ranging issues that form the emerging new context of UNCLOS as a keystone to a working regime system. Please note that the content of this book primarily consists of articles available from Wikipedia or other free sources online. Pages: 82. Chapters:

Censorship in Turkey, Constitutions of Turkey, LGBT rights in Turkey, Law enforcement in Turkey, Referendums in Turkey, Taxation in Turkey, Treaties of Turkey, Turkish court system, Turkish criminal law, Turkish jurists, Montreux Convention Regarding the Regime of the Turkish Straits, Fourth Geneva Convention, Antarctic Treaty System, North Atlantic Treaty, Treaty of Lausanne, United Nations Charter, Wassenaar Arrangement, Convention on the Prevention and Punishment of the Crime of Genocide, Turkish constitutional referendum, 2010, Orhan Pamuk, J TEM, Article 301, Constitution of Turkey, Legal system of the Republic of Turkey, First Geneva Convention, Third Geneva Convention, Ya ar Kemal, Turkish National Police Academy, Treaty of Kars, Elif afak, Perihan Ma den, Ay e Nur Zarakolu, Constitutional Court of Turkey, Rag p Zarakolu, Turkish constitutional referendum, 2007, Michael Dickinson, Second Geneva Convention, Martial law and state of emergency in Turkey, Turkish Constitution of 1921, Covenant of the League of Nations, Zurich and London Agreement, Central Treaty Organization, Joost Lagendijk,

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Muhammed Hamdi Yazır, K smetim-1 incident, Turkish nationality law, Meltem Arkan, List of illegal political parties in Turkey, Turkish Language Act Ban, Human Rights Association, Ankara Agreement, Varlık Vergisi, Turkish Constitution of 1961, RTUK, Refik Koraltan, Treaty of Moscow, Treaty of Guarantee, Police Special Operation Teams, Namık Kemal Zeybek, Ahmet Cevdet Pasha, The Agreement on Strategic Partnership and Mutual Support, Court of Cassation, Convention between Italy and Turkey, 1932, Convention Concerning the Exchange of Greek and Turkish Populations, Turkish copyright law, Lucky-S incident, Pontos Kulturu, Treaty of Saadabad, Osman Can, Turkish Constitution of 1924, Turkish constitutional...

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

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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.

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,

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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?

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