



Russia's War on Ukraine and the Montreux Convention as Türkiye's International Law Instrument and Policy Tool for the Security of the Black Sea

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Abstract: The Montreux Convention remains a key legal and policy tool in maintaining Black Sea security, particularly in the context of Russia's large-scale aggression against Ukraine launched in February 2022. To preserve its role, Türkiye seeks to prevent any debate over the convention and ensure its continuous enforcement. By pursuing a policy of balance between NATO and Russia, Türkiye aims to promote peace in the Black Sea rather than witness competition and conflict to its north. Russia's aggression against Ukraine has elevated Türkiye's role as a key actor in ensuring regional security. Moreover, from Ankara's perspective, the Montreux regime serves as a crucial policy tool and instrument of international law for formulating balanced strategies and guaranteeing security in the Black Sea region.

Keywords: Russia-Ukraine war, Black Sea, security, Türkiye, Montreux Convention.

Introduction: The Importance of the Montreux Convention

The Sea of Marmara, the Dardanelles, and the Bosphorus (also known as the Strait of Istanbul) constitute the Turkish Straits. These waterways are strategically positioned, forming a north-south connection from the Black Sea to the Aegean and Mediterranean Seas.¹

¹ Kurtuluş Yücel, *The Legal Regime of the Turkish Straits: Regulation of the Montreux Convention and Its Importance on the International Relations after the Conflict of Ukraine*, PhD Dissertation (Frankfurt am Main, Germany: Johann Wolfgang Goethe University, 2019), <https://d-nb.info/1187833509/34>.

Due to their geostrategic importance, the Black Sea, Bosphorus, and Dardanelles have attracted the interest of great powers for centuries.² From a historical perspective, the failure of the Second Siege of Vienna in 1683 marked a pivotal moment in the struggle between the Ottoman Empire and Russia for dominance over the Black Sea. Following the defeat of the Ottomans, Russia adopted more aggressive policies against the Ottoman Empire. In 1699, the Treaty of Karlowitz was signed, and Russia's ambitions to gain access to the Black Sea intensified.³ By 1774, Tsarist Russia achieved dominance over the Black Sea, which was aligned with its broader vision of securing access to warm-water seas.

Meanwhile, Western powers were concerned with the security of the Black Sea to counter Russian expansionism. For the Ottoman Empire, and later the Republic of Türkiye, the Black Sea and the Turkish Straits have been critically important for ensuring national security and economic stability and maintaining regional and global power balances. The collapse of the Soviet Union further increased the importance of the Straits due to the intensification of traffic from the Black Sea. The significant rise in the number of ships passing through the Straits, particularly those transporting oil and natural gas from the Caspian, has increased the strategic importance of the Straits even further.⁴

Therefore, Türkiye's legal authority over the Straits, granted through the Montreux Convention, serves significant regional economic, security, and foreign policy objectives. The Treaty of Lausanne, signed in 1923, formally recognized the young Turkish Republic as a sovereign state. The Lausanne Convention on the Straits introduced the term "Turkish Straits," and an International Commission was established to oversee them. The Turkish Straits were granted international status, and Türkiye's power and influence in the Black Sea were largely constrained.

Given increasing security risks in the international context, Türkiye requested a revision of the Straits' status in 1933. This led to the signing of the Montreux Convention Regarding the Regime of the Straits in 1936 by representatives of Australia, Bulgaria, France, Greece, Japan, Romania, the Soviet Union, Türkiye, the United Kingdom, and Yugoslavia. Under this agreement, the Straits were militarized by the Turkish army.⁵

² Selim Hilmi Özkan, "Ottoman-Russian Relations and the Black Sea Security Issue in the Early 18th Century," *Karadeniz Araştırmaları Dergisi*, no.14 (2007): 47-62, http://www.karamdergisi.com/Makaleler/865983958_ozkan.pdf. – in Turkish

³ Yücel, *The Legal Regime of the Turkish Straits: Regulation of the Montreux Convention and Its Importance*.

⁴ Yücel, *The Legal Regime of the Turkish Straits: Regulation of the Montreux Convention and Its Importance*.

⁵ Ceren Satıl, "The Montreux Convention Regarding the Straits and Turkey's Sovereignty over the Straits," *Doğruluk Payı*, March 1, 2022, <https://www.dogrulukpayi.com/bulten/montro-bogazlar-sozlesmesi-ve-turkiye-nin-bogazlar-uzerindeki-egemenligi>. – in Turkish

From an international law perspective, the Montreux Convention is considered an *ad hoc sui generis* agreement, subject to amendment under specific conditions.⁶

From the perspective of Turkish policymakers, maintaining friendship and peace in the Black Sea is of both regional and global importance. Türkiye places utmost importance on ensuring lasting peace in the region. However, conflicts and disagreements occasionally arise to the north of Türkiye due to the conflicting interests of various actors. Historically, the Soviet Union's demands over the Turkish Straits prompted Türkiye to align more closely with the Western allies, leading to its NATO membership in 1952.⁷

Türkiye and the Russian Federation have traditionally been the two dominant powers in the region. Additionally, after the Cold War, the United States and the European Union emerged as two other significant actors exerting influence in the Black Sea. However, the constraining provisions of the Montreux Convention have limited the influence of these Atlantic powers. The Convention places limits on the tonnage of ships from non-Black Sea riparian states.

Since the establishment of the Montreux regime, Türkiye has largely been able to eliminate security threats to its north through the Convention's restrictions and limitations. In addition, Türkiye retains control over the Turkish Straits by regulating the passage of naval vessels. The Convention guarantees free passage for civilian ships during peacetime while restricting the passage of naval ships from non-riparian Black Sea states based on their type, tonnage, number, and duration of stay. Furthermore, prior notification is also required for passage, whether by riparian or non-riparian states. The Convention pertains not only to Black Sea security but also to the sovereignty of the Turkish Straits.⁸

The Montreux Convention regulates the conditions under which warships from non-Black Sea nations may pass through the Turkish Straits. It also controls the duration and tonnage of warships allowed to deploy in the Black Sea. To alleviate riparian countries' security concerns, the maximum duration of deployment in the Black Sea is 21 days.⁹

The Montreux Convention also grants Türkiye significant jurisdiction over the Black Sea and the Straits in both wartime and peacetime. For example, during

⁶ Cihat Yayıcı, "An Assessment on the Implementation of Gold Franc in the Framework of Montreux Convention," *Bilge Strateji* 5, no. 8 (Spring 2013): 149-167, 159, <https://dergipark.org.tr/tr/download/article-file/43473>. – in Turkish

⁷ Selen Baldiran, Dinçer Bayer, and Hüseyin Gençer, "The Importance of the 1936 Montreux Convention for the Black Sea Security: A Close Look into Russia-NATO Controversy on the Russian-Ukrainian Conflict in 2022," *Information & Security: An International Journal* 51, no. 1 (2022): 11-23, <https://doi.org/10.11610/isij.5101>.

⁸ Ferhan Oral and Şafak Oğuz, "The Security of the Black Sea: The Struggle in the Black Sea and Turkey's Policy in the Post-Cold War Era," *Karadeniz Araştırmaları Merkezi* 18, no. 69 (March 2021): 1-16, 9, <https://doi.org/10.12787/KARAM1667>.

⁹ Fatih Yurtsever, "Analysis: How the Russia-Ukraine Crisis Will Impact the Montreux Convention," *Turkish Minute*, January 27, 2022, <https://turkishminute.com/2022/01/27/is-how-the-russia-ukraine-crisis-will-impact-the-montreux-convention/>.

the conflicts in Georgia (2008) and Crimea (2014), Türkiye refrained from declaring wartime status and did not block access to the Black Sea. Türkiye has historically exercised this authority cautiously, having banned access to the Black Sea only once – during World War II, when the entry of Italian and German warships was banned.¹⁰

Türkiye's Effort to Maintain the Status Quo in the Black Sea and Balancing Policy

Following Russia's 2022 invasion of Ukraine, security concerns in the Black Sea have increased. For Türkiye, maintaining the status quo in the event of a conflict—especially since Türkiye has declared that it considers the events as “war”—means preserving the Montreux Regime without any changes. While preserving the status quo in wartime is challenging, the Montreux Regime's provisions on wartime measures offer significant mechanisms to prevent rivalry and promote peace in the Black Sea.

Only days after Russia's invasion, Türkiye's Minister of National Defense, Hulusi Akar, stated:

The Montreux status has functioned very successfully for many years. This convention benefits all riparian countries and regulates the entry and exit of other nations. Any erosion of the Montreux framework and disruption of the status quo would not benefit anyone. We see great value in preserving Montreux and continue our efforts within this framework. We believe it is in the best interest of all parties to adhere to the Montreux Regime and its rules. Our hope is that these issues will be resolved peacefully and diplomatically as soon as possible, allowing peace and stability to prevail in the region once again. We are actively working toward this goal.¹¹

Türkiye supports the continuation of the Montreux Convention without changes and maintaining the status quo in the Black Sea. However, this is an *ad hoc* Convention that can be amended. The articles regarding the validity of the Convention are as follows:

ARTICLE 28. The present Convention shall remain in force for twenty years from the date of its entry into force. The principle of freedom of transit and

¹⁰ Mark Nevitt, “The Russia-Ukraine Conflict, the Black Sea, and the Montreux Convention,” *Just Security*, February 28, 2022, <https://www.justsecurity.org/80384/the-russia-ukraine-conflict-the-black-sea-and-the-montreux-convention/>.

¹¹ “Akar's ‘Montreux’ Emphasis: Eroding and Disrupting the Status Quo Will Not Benefit Anyone,” *TRT Haber*, March 1, 2022, <https://www.trthaber.com/haber/gundem/akardan-montro-vurgusu-asindirilmesi-statukonun-bozulmasi-kimseye-yarar-saglamaz-659493.html>. – in Turkish

navigation affirmed in Article I of the present Convention shall however continue without limit of time.¹²

ARTICLE 29. At the expiry of each period of five years from the date of the entry into force of the present Convention each of the High Contracting Parties shall be entitled to initiate a proposal for amending one or more of the provisions of the present Convention.¹³

The Convention is considered valid for 20 years. After this period, it may be amended every five years. If the Convention becomes a subject of discussion, it would be challenging to predict the outcomes. Türkiye seeks to preserve the status quo in the Black Sea in alignment with the Montreux Regime.

In the aftermath of Russia's invasion of Ukraine in 2022, NATO provided its full support to Ukraine and declared the Kremlin's actions as a significant security threat to the Euro-Atlantic alliance. The North Atlantic Council issued the following statement:

This renewed attack is a grave violation of international law, including the UN Charter, and is wholly contradictory to Russia's commitments in the Helsinki Final Act, the Charter of Paris, the Budapest Memorandum, and the NATO-Russia Founding Act. It constitutes an act of aggression against an independent peaceful country..... Russia's actions pose a serious threat to Euro-Atlantic security, and they will have geostrategic consequences. NATO will continue to take all necessary measures to ensure the security and defense of all Allies. We are deploying additional defensive land and air forces to the eastern part of the Alliance, as well as additional maritime assets. We have increased the readiness of our forces to respond to all contingencies.¹⁴

After the February 2022 aggression, Türkiye did not allow Russian warships to pass through the Turkish Straits. It was announced that three ships, including Russia's Admiral Flota Kasatonov, were denied passage. Türkiye's position aligns with Article 19 of the Montreux Convention, which will be analyzed in detail below. This stance was assessed as likely to improve and strengthen Türkiye's relations with the West.¹⁵ Additionally, Türkiye's military support to Ukraine is sig-

¹² "1936 Convention Regarding the Regime of the Straits, Adopted in Montreux, Switzerland on 20 July 1936," Full Text, <https://cil.nus.edu.sg/wp-content/uploads/2019/02/1936-Convention-Regarding-the-Regime-of-the-Straits-1.pdf>.

¹³ "1936 Convention Regarding the Regime of the Straits, Adopted in Montreux."

¹⁴ "Statement by the North Atlantic Council on Russia's Attack on Ukraine," *Press Release*, NATO, February 24, 2022, https://www.nato.int/cps/en/natohq/official_texts_192404.htm.

¹⁵ "Which Russian Ships Did Türkiye Not Allow?" *TR Haberler*, March 3, 2022, <https://www.trhaberler.com/turkiye-rusyanin-hangi-gemilerine-musaade-etmedi-haber-622606>. – in Turkish

nificant. Military equipment and drones supplied by Türkiye have played an important role in Ukraine's defense, and President Zelensky has expressed his appreciation for Türkiye's assistance.¹⁶

Russia's war on Ukraine has profoundly impacted and, in certain contexts, altered the regional and global balance of power. The European Union and the United States have united in support of Ukraine. Russia has termed its actions a "special military operation," while Türkiye has referred to them as a "war" and expressed its intention to remain neutral, aiming to play an intermediary role between the parties. Türkiye has emphasized that the crisis should be resolved diplomatically and has stated it will not sever relations with either Russia or Ukraine, continuing ties with both countries.¹⁷

The Montreux Convention is crucial for ensuring the security of the Black Sea, a sensitive issue in Russian-Turkish relations. Türkiye has strived to maintain good relations with both NATO and Russia, adopting a policy of balance. The pursuit of this balanced policy is based mainly on exercising Türkiye's rights under the Montreux Convention.¹⁸ Türkiye aims to avoid conflict in the Black Sea, and the course of the Russian-Ukrainian war will affect the balance of power and control over the Black Sea. The Montreux Convention, which restricts the passage of warships through the straits, is important for the security of the Straits and the Black Sea.¹⁹

Türkiye is a member of NATO and maintains important economic relations with Russia. It has also played a role in the Russia-Ukraine war, serving as a regional de-escalator and ceasefire broker. Türkiye does not want either NATO or Russia to dominate the Black Sea but seeks to foster an atmosphere of trust in the region. On the other hand, the United States and the European Union aim to enhance relations between Türkiye and the West and establish a trustworthy partnership. This is particularly significant in the ongoing war, as stronger ties would enable Western countries to support Ukraine more effectively. One of Türkiye's key advantages concerning the war is the Montreux Convention, which grants it sovereign rights over the Turkish Straits.²⁰ Thanks to the convention,

¹⁶ Laura Pitel, "Turkey's Stance on Russian Warships Raises Hope of Reset in Relations with West," *Financial Times*, March 2, 2022, <https://www.ft.com/content/433eb7e7-0c32-4c00-863a-9f1f9f294e9b>.

¹⁷ Melih Dinçer, "Turkey-Russia Relations in the Black Sea in the Context of the Montreux Convention," *Uluslararası İlişkiler ve Politika Dergisi/Journal of International Relations and Politics* 3, no. 1 (2023): 50-67, 62, <https://dergipark.org.tr/tr/download/article-file/2873385>. – in Turkish

¹⁸ Dinçer, "Turkey-Russia Relations in the Black Sea in the Context of the Montreux Convention," 54.

¹⁹ Baldiran, Bayer, and Gençer, "The Importance of the 1936 Montreux Convention for the Black Sea Security," 10-13.

²⁰ Ben Hodges, "Western Allies Must Regain the Initiative over Putin in the Black Sea," *Financial Times*, February 26, 2022, <https://www.ft.com/content/5d2e8227-dafc-478d-ae8e-596d581c8453>.

threats were successfully mitigated during periods when Black Sea security could have been compromised.²¹

A major objective of Russia's war on Ukraine is to gain control over the Black Sea. However, it can be argued that Russia has not succeeded in this regard.²² Türkiye's restriction of warship passage through the Straits has limited Russia's influence in the Black Sea. In response, Russia has increased the number and capacity of naval drones based in Crimea, aiming to project power from the port of Sevastopol. Although Russia has strengthened its position in the Black Sea, especially after the annexation of Crimea in 2014, Türkiye provides a significant counterbalance to Russian ambitions.²³

Even if Russia is ultimately defeated on land as a result of the war in Ukraine, it will likely remain a key naval power in the Black Sea and continue to pursue its historical ambition of accessing the warm seas. Türkiye, through its control over the Black Sea and the Turkish Straits under the Montreux Convention, acts as a guarantor of peace in the region. Rather than making destructive moves regarding Black Sea security, Türkiye seeks to maintain its relations with both Russia and NATO by pursuing a balanced East-West policy.²⁴

The Montreux regime plays a critical role in regulating Russia's influence in the Black Sea. In July 2022, Russia announced its Maritime Doctrine, emphasizing the strategic importance of the Black Sea and the Turkish Straits for its economic development and national security.²⁵

The Montreux Convention in War and Peace and Türkiye's Position on Russia's Aggression against Ukraine

Following Russia's aggression in February 2022, Mevlüt Çavuşoğlu, then Minister of Foreign Affairs of Türkiye, announced in May 2022 that Türkiye would define Russia's actions in Ukraine as a "war" and would use the authorizations from the Montreux Convention. Notably, Türkiye has imposed a complete ban on the passage of naval vessels from all sides, whether riparian or not, to the Black Sea.

²¹ Alpaslan Özerdem, "Here's Why Navy Aircraft Carriers Can't Help Ukraine," *gCaptain*, Editorial, March 6, 2022, <https://gcaptain.com/us-navy-aircraft-carriers-ukraine/>.

²² Giangiuseppe Pili, Jack Crawford, and Nick Loxton, "Russia Is Violating Montreux Convention with Civilian Ships," *U.S. Naval Institute Proceedings* 149, no. 9 (September 2023), www.usni.org/magazines/proceedings/2023/september/russia-violating-montreux-convention-civilian-ships.

²³ Pili, Crawford, and Loxton, "Russia Is Violating Montreux Convention with Civilian Ships."

²⁴ Craig Hooper, "In a Russia-Ukraine Peace, Montreux Convention Will Stress NATO Black Sea Peacekeepers," *Forbes*, July 3, 2023, <https://www.forbes.com/sites/craighooper/2023/07/03/in-a-russia-ukraine-peace-montreux-convention-will-stress-nato-black-sea-peacekeepers/>.

²⁵ Ahmet Yılmaz, "Analysis: Turkey's Black Sea Actions Strategically Benefit Russia," *Turkish Minute*, November 30, 2022, <https://www.turkishminute.com/2022/11/30/analysis-turkeys-black-sea-actions-strategically-benefit-russia/>.

Ankara has justified this decision by stating that Türkiye is either a belligerent state or a state threatened with an imminent risk of war.²⁶

President Erdoğan said: “We are determined to use the authority granted to our country by the Montreux Convention over vessel traffic in the straits in a manner that prevents the escalation of the crisis. Türkiye has always fulfilled, and will continue to fulfill, all of its responsibilities within the organizations and alliances it is part of, particularly the UN, NATO, and the EU.”²⁷

The Montreux Convention includes articles that apply in times of peace and war, depending on whether Türkiye is a belligerent state in the war or not. The provisions Türkiye can invoke in response to Russia's invasion of Ukraine are significant in explaining these different scenarios.

The relevant articles of the Montreux Convention concerning different circumstances in war and peace are as follows:

ARTICLE 2. *In times of peace*, merchant vessels shall enjoy complete freedom of transit and navigation in the Straits, by day and by night, under any flag and with any kind of cargo, without any formalities, except as provided in Article 3 below. No taxes or charges other than those authorized by Annex I to the present Convention shall be levied by the Turkish authorities on these vessels when passing in transit without calling at a port in the Straits.

ARTICLE 10. *In times of peace*, light surface vessels, minor war vessels, and auxiliary vessels, whether belonging to the Black Sea or non-Black Sea Powers and whatever their flag shall enjoy the freedom of transit through the Straits without any taxes or charges whatever, provided that such transit begins during daylight and subject to the conditions laid down in Article 13 and the Articles following thereafter.

ARTICLE 19. *In times of war, Turkey not being belligerent*, warships shall enjoy complete freedom of transit and navigation through the Straits under the same conditions as those laid down in Articles 10 to 18. Vessels of war belonging to belligerent Powers shall not, however, pass through the Straits except in cases arising out of the application of Article 25 of the present Convention, and in cases of assistance rendered to a State victim of aggression in virtue of a treaty of mutual assistance binding Turkey, concluded within the framework of the Covenant of the League of Nations, and registered and published by the provisions of Article 18 of the Covenant.²⁸

²⁶ “Montreux Convention Regarding the Regime of the Straits: What Does Türkiye's Move Mean? Could It Change the Course of the Russia-Ukraine Crisis?” *BBC*, March 1, 2022, <https://www.bbc.com/turkce/haberler-turkiye-60571805>. – in Turkish

²⁷ “Montreux Convention Regarding the Regime of the Straits: What Does Türkiye's Move Mean?”

²⁸ “1936 Convention Regarding the Regime of the Straits, Adopted in Montreux.”

ARTICLE 20. *In times of war, Turkey being belligerent, the provisions of Articles 10 to 18 shall not be applicable; the passage of warships shall be left entirely to the discretion of the Turkish Government.*²⁹

As can be concluded from Articles 19 and 20, Türkiye recognized Russia's intervention in Ukraine as a "war." However, Türkiye is not a belligerent. The belligerents are Russia and Ukraine, and Türkiye has closed the Turkish Straits to the countries involved in the war by exercising its rights under the Montreux Convention. Türkiye went a step further by declaring an almost complete ban on the passage of warships for both riparian and non-riparian countries of the Black Sea. As Çavuşoğlu stated: "All governments, riparian and non-riparian, were warned not to send warships across the straits. We apply the provisions of Montreux. It is important for all riparian and non-riparian countries not to pass warships through the Straits. We did what Montreux said, and we will do it from now on. Until now, there has been no request for passage or passage through the straits."³⁰ Based on Çavuşoğlu's statements, countries sending warships to Russia or Ukraine may be considered as warring states. In the Russia-Ukraine War, Western states are imposing sanctions on Russia and also providing military support to Ukraine, so NATO members and European states may be considered even involved in the conflict (or war).³¹

Türkiye does not prioritize Russia or Ukraine; instead, it formulates its policies considering the global balance of power. Adhering to its commitments within NATO, Türkiye has refused requests from Russian ships to pass through the straits.³² NATO condemned the invasion of Ukraine as "an act of aggression" under the UN Charter. In this context, Türkiye not only continues to implement the Montreux Convention but also assumes responsibility for ensuring the security of the Black Sea, a region where great powers compete.³³

In addition to wartime and peacetime provisions, the Montreux Convention also includes a clause that can be invoked if Türkiye perceives itself to be under imminent threat of war. The relevant article states as follows:

ARTICLE 21. Should Turkey consider itself to be threatened with *imminent danger of war* it shall have the right to apply the provisions of Article 20 of

²⁹ "1936 Convention Regarding the Regime of the Straits, Adopted in Montreux, Switzerland on 20 July 1936."

³⁰ Yücel Acer, "Russia's Attack on Ukraine: The Montreux Convention and Türkiye," *International Law Studies* 100, no. 1 (2023): 285-311, 304, <https://digital-commons.usnwc.edu/ils/vol100/iss1/8/>.

³¹ Acer, "Russia's Attack on Ukraine: The Montreux Convention and Türkiye," 305-308.

³² Acer, "Russia's Attack on Ukraine: The Montreux Convention and Türkiye," 305-310.

³³ Nilüfer Oral, "To Close or Not to Close the Turkish Straits under Article 19 of the 1936 Montreux Convention Regarding the Regime of the Straits, President Zelensky's Request to Turkey to Invoke Article 19," Centre for International Law – National University of Singapore, <https://cil.nus.edu.sg/to-close-or-not-to-close-the-turkish-straits-under-article-19-of-the-1936-montreux-convention-regarding-the-regime-of-the-straits/>.

the present Convention. Vessels which have passed through the Straits before Turkey has made use of the powers conferred upon her by the preceding paragraph, and which thus find themselves separated from their bases, may return thereto. It is, however, understood that Turkey may deny this right to vessels of war belonging to the State whose attitude has given rise to the application of the present Article. Should the Turkish Government make use of the powers conferred by the first paragraph of the present Article, a notification to that effect shall be addressed to the High Contracting Parties and the Secretary-General of the League of Nations. If the Council of the League of Nations decides by a majority of two-thirds that the measures thus taken by Turkey are not justified, and if such should also be the opinion of the majority of the High Contracting Parties signatories to the present Convention, the Turkish Government undertakes to discontinue the measures in question as also any measures which may have been taken under Article 6 of the present Convention.³⁴

Türkiye has significant unilateral interpretative authority under the Montreux Convention to ensure the security of the Black Sea, which provides a considerable advantage to both Türkiye and the NATO bloc.³⁵ Türkiye's stance on Russia's invasion of Ukraine through the Montreux Convention has been well-received by the West, particularly the United States. U.S. Secretary of State Antony Blinken called Turkish Foreign Minister Çavuşoğlu to express his "satisfaction with Türkiye's efforts to enforce the Montreux Convention and Çavuşoğlu's recent comments on the issue." This sentiment was publicly confirmed by U.S. State Department spokesman Ned Price.³⁶

NATO's Article 5 has implications for the implementation of the Montreux Convention. Following Russia's invasion of Ukraine, the possibility of Russian aggression spilling over into NATO member states, including Türkiye, Poland, Slovakia, and Romania, must also be considered. NATO remains firmly committed to Article 5, and if Türkiye perceives itself to be under threat from Russian aggression, both Article 5 of the NATO Charter and Article 20 of the Montreux Convention could potentially be invoked. If Türkiye declares an imminent threat of war and takes action, the legal framework does not prohibit such action. Türkiye could invoke Article 21 of the Montreux Convention for itself or, theoretically, trigger it by arguing that NATO allies must act in self-defense. The approaching mines near the Turkish coast could serve as a strong justification for Türkiye to

³⁴ "1936 Convention Regarding the Regime of the Straits, Adopted in Montreux."

³⁵ Adam Aliano and Russell Spivak, "Ukraine Symposium – The Montreux Convention and Türkiye's Impact on Black Sea Operations," Lieber Institute West Point, April 25, 2022, <https://lieber.westpoint.edu/montreux-convention-turkeys-impact-black-sea-operations/>.

³⁶ "Montreux Convention Regarding the Regime of the Straits: What Does Türkiye's Move Mean?"

consider itself under an imminent threat of war, thereby warranting the application of Article 21.³⁷

However, Türkiye has avoided actions or rhetoric that could escalate tensions in the political atmosphere and has refrained from invoking provisions of the Montreux Convention that could exacerbate conflicts. Regarding Russia's invasion of Ukraine, Türkiye has maintained a neutral stance, does not consider itself under an imminent threat of war, and has thus not invoked Article 21. Should Article 21 be invoked, it could lead to the activation of NATO's Article 5 as a NATO member. The simultaneous implementation of both articles (NATO's Article 5 and Montreux's Article 21) could have far-reaching implications for regional and global stability.

For Türkiye to completely close the straits, it would need to declare an imminent threat of war and invoke Article 21. However, Türkiye does not currently perceive such a threat. In this context, Türkiye has adopted measured rhetoric and policies aimed at avoiding heightened tensions. This approach underscores Türkiye's commitment to preserving the Montreux Convention and preventing it from becoming a subject of contention.

After Russia's invasion, Foreign Minister Mevlüt Çavuşoğlu stated, "We warned all riparian and non-riparian countries not to let warships pass through the straits."³⁸

Türkiye warned not only Russia and Ukraine, the parties to the war, but also all riparian and non-riparian countries against passing warships through the straits. The reason for this is Türkiye's effort to preserve the status quo established by the Montreux regime and to ensure peace and security in the Black Sea rather than foster a competitive environment.

Conclusion

The Turkish Straits have always been a sensitive policy area for Ankara since the establishment of the Montreux Regime. To a large extent, the Montreux Convention served Türkiye's national security and foreign policy interests during the Cold War and its aftermath, helping to ensure relative peace in the region.

This article analyzed Türkiye's implementation of the Montreux Convention after Russia's invasion of Ukraine in 2022, as well as the policies Türkiye pursued. According to the Montreux Convention, Türkiye has the authority to close the straits to warships of the warring parties during a war to which Türkiye is not a party. Türkiye declared Russia's intervention to be a "war" and subsequently denied Russian ships passage through the straits. The Convention also allows Tü-

³⁷ Aliano and Spivak, "Ukraine Symposium – The Montreux Convention and Türkiye's Impact on Black Sea Operations."

³⁸ Mümin Altaş, "Foreign Minister Çavuşoğlu: We Warned All Countries, both Coastal and Non-Coastal, Not to Let Warships Pass Through the Straits," *Anadolu Agency*, <https://www.aa.com.tr/tr/gundem/disisleri-bakani-cavusoglu-kiyidas-olan-olmayan-butun-ulkeleri-bogazlardan-savas-gemisi-gecirmemesi-konusunda-uyardik/2518767>.

rkiye to close the straits if it feels threatened by an imminent war. Türkiye invoked its rights under the Montreux Convention, in accordance with international law, during the Russian invasion of Ukraine, a conflict to which it is not a party and which it declared to be a war.

After the invasion, Türkiye warned that no military ships—whether of a Black Sea riparian country or not—could pass through the straits. By warning against the passage of all ships, not only those of Russia and Ukraine (as they are parties to the war), Türkiye sought to prevent an increase in security risks and to maintain stability and peace in the Black Sea. By closing the straits under the Montreux Convention, Türkiye helped prevent an escalation of military rivalry in the Black Sea, thereby contributing to peace in the region. The Convention is *sui generis* and *ad hoc* in nature, and the consequences remain uncertain and unpredictable if it is open for discussion. Türkiye has consistently emphasized that the status quo in the Black Sea must be preserved and that the Montreux regime should not be open to debate and has acted accordingly.

The course of the war suggests that the conflict may be prolonged. Throughout the war, Türkiye has leveraged its power and authority under the Montreux Convention to prevent the escalation of conflicts and to protect the security of the Black Sea. As an international agreement that has remained in force for a long time with the political will of all parties involved, the Montreux Convention enables Türkiye to play an active role in ensuring regional security.

The Montreux Convention is an important policy tool and international law instrument for Türkiye, playing a key role in ensuring the security of the Black Sea. As NATO and Russia seek to increase their influence in the region, there is a conflict of interest and a potential for direct confrontation. Aware of the delicate balances in the Black Sea, Türkiye aims to establish and sustain peace there. To ensure this peace, maintaining the status quo established by the Montreux Convention remains Türkiye's priority. The continuation of the Montreux regime during wartime ensures the preservation of the status quo. Although conflicting interests increase in wartime, it can be argued that different actors must adhere to certain limitations if Montreux's strict rules are respected.

In addition to maintaining the status quo, Türkiye's primary policy objective is to pursue a balanced approach between Russia, Ukraine, and the West. During Russia's invasion of Ukraine, Türkiye has carefully navigated its position between NATO, Russia, and Ukraine in the Black Sea. By exercising its rights under the Montreux Convention, Türkiye has prevented both NATO and Russia from expanding their influence in the region. Unlike the United States and other NATO members, Türkiye has refrained from imposing sanctions or using harsh rhetoric against Russia, choosing instead to maintain cooperation with it. While Türkiye deems Russia's aggression unacceptable and supports Ukraine's territorial integrity, it continues its dialogue with Moscow.

In particular, the geopolitical balance established by the Montreux Convention on the Straits is critical in preventing conflicts in the region, and Türkiye plays a crucial role in regulating and stabilizing the security of the Black Sea. The

Montreux Convention remains the most important mechanism preventing the Black Sea from becoming an area of competition between NATO and Russia. With Russia's invasion of Ukraine, Türkiye has become an even more active and key actor in the region's security. The Montreux regime has limited both NATO's and Russia's operational power while imposing on Türkiye the responsibility of preserving authority and balance.

Following Russia's 2022 invasion of Ukraine, the most critical function of the Montreux regime has been to ensure security. Türkiye's strong ties with Western alliances, coupled with its continued engagement with Russia—as demonstrated by its involvement in the agreement of the "Grain Corridor"—position it as a balancing actor in the war, seeking common ground and maintaining communication with all parties. The sustainment of the Montreux framework depends on the ability of Black Sea riparian and non-riparian states, particularly Türkiye, to uphold delicate balances in both wartime and peacetime.

Disclaimer

The views expressed are solely those of the author and do not represent official views of the PFP Consortium of Defense Academies and Security Studies Institutes, participating organizations, or the Consortium's editors.

Acknowledgment

Connections: The Quarterly Journal, Vol. 22, 2023, is supported by the United States government.

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