

GEOPOLITICS AND PROSPECTS FOR DEMOCRACY ГЕОПОЛИТИКА И ПЕРСПЕКТИВЫ ДЕМОКРАТИИ

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Geopolitics of Russian-Turkish Relations in the Black Sea Region

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Abstract. The Black Sea region has a special geopolitical significance for at least two states – Russia and Turkey. In order to identify the key factors that complicate regional cooperation between the two countries, the article considers the main problems of Russian-Turkish cooperation in the Black Sea area under the conditions of post-crisis resumption of bilateral relations after the 2015 incident. Regional contradictions between Moscow and Ankara are largely caused by different positions on such issues as Crimea’s joining to Russia, the regime of the Black Sea Straits as well as the policy of pan-Turkism pursued by Turkey towards the Turkic-speaking peoples of the region in the strive to form a “Turkic world”. In conclusion the authors explain the need to further strengthen versatile bilateral cooperation with Turkey and to pay special attention to security and humanitarian fields.

Keywords: Russia, Turkey, Ukraine, Black Sea region, Crimea, Bosphorus, Dardanelles, Istanbul Canal, NATO, pan-Turkism

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Introduction

Russian-Turkish relations are actively recovering after a series of tragic incidents, including the assault on the Russian military plane and the assassination of the Russian ambassador A.G. Karlov. The economy continues to be the main area of positive interactions between the two countries, however – especially after the current crisis occurred – the two sides also strive to strengthen their contacts in the security sphere. The key cooperation projects include the Blue Stream (launched in

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January 2020), the Turkish Stream, the Akkuyu nuclear power plant, the cooperation in the Russia-Turkey-Iran triangle in Syria, as well as the supply of S-400. Although the Black Sea region was historically a zone of conflicts between Russia and Turkey, the two powers are recently striving to transit from rivalry to cooperation. One of the reasons for this shift is Turkey's foreign policy transition towards a more independent policy in the region.

This kind of independent policy in the Black Sea region, on the one hand, seems to be positive for Russia and the world – there is no need to think every time whether Ankara is guided by its own or American interests. On the other hand, however, it constitutes many threats when it comes to the ambitiousness of Turkey's policy in the post-Soviet space and the territories of the former Ottoman Empire. In addition, one should not forget the fact that Turkey is still a member of NATO and, with all its striving for an independent course, cannot (and does not want?) to completely sever its ties with the alliance commitments. Turkish foreign policy is characterized by “pendulum” behaviour. Turkey easily turns former rivals into allies and vice versa, and the Russian side, especially in the light of the latest incidents, must take this fact into account when developing a strategy towards Turkey.

A Brief Description of the Interaction

One should keep in mind that, despite all the positive components of economic interactions with Russia, Turkey, through several economic and political projects (BSEC, in particular), is trying to become a leader in the Black Sea basin and an economic hub of trade routes along the North-South and West-East lines. It is important that in this context Turkey is gradually moving away from Russian initiatives, refusing the mediation of Moscow in this direction. A clear example of how Turkish regional priorities have changed in favour of sole hegemony is the sharp decline in Russian gas purchases in 2020, which meant a refusal to fully implement the joint Turkish Stream project.

In addition, R.T. Erdogan announced that large reserves of natural gas had been found in the Black Sea and that Ankara intended to start extraction in 2023¹, once again confirming Turkey's ambitious plans.

¹ Turkey found 85 billion cubic meters of gas in the Black Sea // RIA Novosti. 10.17.2020. URL: <https://ria.ru/20201017/turtsiya-1580282935.html> (accessed: 23.11.2020).

Turkey's policy towards Abkhazia, deserves special attention, as Ankara does not recognize the region as an independent state, but, at the same time, is actively strengthening its influence on its territory, especially in economic terms.

At the same time, Turkey has recently stepped up the Ukrainian vector of its foreign policy: the increased frequency of mutual visits of Turkish and Ukrainian leaders; a sharp jump in trade, including the sphere of arms supplies by Turkey; negotiations around a free trade agreement² – all this shows that Ankara is trying to draw Kyiv into the orbit of its influence, using the Black Sea and Crimea factors as one of the main methods of influence.

Nevertheless, Moscow and Ankara still have several overlapping interests – the need to strengthen their power status within the emerging polycentric system of international relations, the desire to prevent the advancement of the non-regional actors in the region, and the desire to minimize the conflict potential.

At the same time, Russia and Turkey have one significant problem in regional interactions. Over 30 years, Turkey has invested large resources in strengthening Pan-Turkism throughout the post-Soviet space, and the reunification of Crimea with Russia came as a surprise and significantly influenced the potential for expanding the “Turkic world” in the Turkish way. Russia publicly reiterated that it is the patron of the Turkic people, at least no less than the Turks. Moreover, Moscow is trying to demonstrate that it is not imposing dominance (like Turkey), but is trying to consider the interests of the local population, in particular, by building schools, mosques and expanding the status of the Crimean Tatar language.

However, such efforts are not perceived positively by Ankara. The modern ideas of Pan-Turkism, spread by the Turkish Republic, are firmly entrenched in its unofficial foreign policy ideology of Neo-Ottomanism, in which the territory of the Crimean Peninsula is considered as an integral sphere of Turkey's influence, which, to a large extent, threatens Russia's national security.

² Ukraine aims to conclude a free trade agreement with Turkey // “Anadolu” Agency. 21.08.2020. URL: Ukraine aims to conclude a free trade agreement with Turkey (aa.com.tr) (accessed: 24.11.2020).

Ankara's harsh rhetoric about Crimea, its support for the "Mejlis", awarding orders, sponsoring pro-Turkish Crimean funds came as a natural reaction to what happened from the point of view of Turkish interests and values. It's worth emphasizing that the ideological factor often dominates Turkey's foreign policy and determines the policy lines. However, the paradox is that pragmatism dominates the minds of the political establishment. It should be assumed that taking into account the economic interaction between Russia and Turkey, the latter will sooner or later switch to pragmatism concerning Crimea. However, this will take time, especially in the face of the growing nationalist tendencies in the Republic of Turkey.

The Crimean Peninsula

Turkey is closely following the events on the Crimean Peninsula. It shows worries about the situation of the Crimean Tatar population and is certainly ready to show tacit solidarity with Ukraine, which is actively focusing the attention of the international community on the issue.

For example, in 2014, Ukraine filed several lawsuits with the European Court of Human Rights (ECHR) against Russia, concerning violations of the European Convention on Human Rights³. The lawsuits, among other things, concerned the restrictions on the rights of the Crimean Tatar community in Crimea (illegal arrests, disappearance of opposition activists, language restrictions)⁴. The ECHR continues to consider these claims.

On January 16, 2017, Ukraine initiated proceedings in the framework of the International Court of Justice against Russia, accusing the latter of violating the provisions of the Convention on the Elimination of All Forms of Racial Discrimination (1965)⁵. In the part of the lawsuit,

³ The total number of personal claims in the ECHR on the events in Crimea and the East of Ukraine is more than 4 thousand.

⁴ Grand Chamber to examine four complaints by Ukraine against Russia over Crimea and Eastern Ukraine // European Court of Human Rights. 09.05.2018. URL: <https://hudoc.echr.coe.int/app/conversion/pdf?library=ECHR&id=003-60815407832894&filename=Relinquishment%20to%20Grand%20Chamber%20of%20four%20interstate%20cases%20Ukraine%20v.%20Russia.pdf> (accessed: 23.11.2020).

⁵ Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v.

which directly concerns Crimea, Kyiv accuses Moscow that the illegal occupation of the peninsula led to a policy of “ethnic domination”. This means that Russia is conducting a state campaign of discrimination against the entire non-Russian population of the peninsula in the form of “cultural cleansing”⁶. The lawsuit claimed that Russia suppresses the activities of the Crimean Tatar community institutions, hinders their cultural rapprochement and development, creates a regime of “murders and disappearances”, persecutes Crimean Tatars, restricts the work of the media and the right to receive an education.

In April 2016, the activities of the Mejlis of the Crimean Tatar people were banned, it was recognized as an extremist organization⁷, and its several members were arrested for holding an illegal meeting and not recognizing Crimea’s reunification with Russia. They are also denied the right to hold annual events to commemorate the victims of Stalin’s deportations. Based on these data, the Ukrainian side concluded that the very existence of the Crimean Tatar culture on the peninsula is threatened, and provided indicators of the qualitative reduction of the Crimean Tatar population from 243.000 to 42.000.

Taking into account the abovementioned accusations, Ukraine insisted that the International Court of Justice ruled on introducing the so-called provisional measures, involving an actual “freezing” of the situation to prevent further violations by Russia. On the issue of racial discrimination, the court ordered Moscow to refrain from infringing on the rights of the Crimean Tatars and to guarantee the opportunity of education in the Ukrainian language.

The requirement to fulfil the recommendations of the International Court of Justice to lift the ban of the Mejlis and provide education in Ukrainian and Crimean Tatar languages on the peninsula was also recorded in the “Resolution on the Situation of Human Rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine”

Russian Federation) // International Court of Justice. URL: <https://www.icj-cij.org/en/case/166> (accessed: 20.11.2020).

⁶ Request for the indication of provisional measures of protection submitted by Ukraine // International Court of Justice. URL: <https://www.icj-cij.org/files/case-related/166/19316.pdf> (accessed: 20.11.2020).

⁷ The ban imposed by Russia was related to accusations that the leaders of the Mejlis collaborate with mercenaries of ultra-right radical structures (for example, the Turkish “Grey Wolves”), as well as terrorist organizations such as Hizb ut-Tahrir al-Islami (the organization is banned in Russia).

of the UN General Assembly of December 19, 2017⁸. The resolution was initiated by Ukraine, and Turkey voted “yes” for it⁹.

Showing solidarity with the Crimean Tatars on the issues of “cultural cleansing” and “discrimination”, Turkey, at the same time, often forgets that it itself is the initiator of such measures in the Turkic space of the CIS and the territories of the Turkic-speaking subjects of Russia. Thus, promoting the turkocentric ideas of integration within the “Turkic world” under the pretext of having common values and ethnocultural unity, Turkish officials not only neglect the issue of national identity but also do not take into account the historical and civilizational features and differences of the Turkic peoples [Pochta 2019:624], many of which have no obvious links to Turkey.

The Ukrainian Factor

There is another lawsuit filed by Ukraine against Russia in the International Tribunal for the Law of the Sea and transferred on the procedure to the Permanent Court of Arbitration (PCA) that affects the Russian-Turkish relations. The Ukrainian side, not recognizing the new status of Crimea, pointed to the violation of its rights under the 1982 UN Convention on the Law of the Sea¹⁰ in the areas adjacent to the Crimean Peninsula. Moscow refused to recognize the jurisdiction of the Arbitration, stating that the Ukrainian claim was solely concerning the issue of sovereignty over the Crimean Peninsula, which means that it cannot be addressed within the frameworks of the interpretation and application of the norms and provisions of the 1982 Convention.

The problem is that Turkey continues to consider Crimea the territory of Ukraine, often calling the reunification of the peninsula with Russia “illegal annexation”¹¹. This position suggests that Ankara

⁸ Resolution adopted by the General Assembly on 19 December 2017 [on the report of the Third Committee (A/72/439/ Add.3)] 72/190. Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine // United Nations Organization. URL: <https://undocs.org/ru/A/RES/72/190> (accessed: 20.11.2020).

⁹ Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives. A/72/439/Add.3 // United Nations Organization. URL: <https://undocs.org/ru/A/72/439/Add.3> (accessed: 20.11.2020).

¹⁰ Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v. the Russian Federation) // Permanent Court of Arbitration. URL: <https://pca-cpa.org/ru/cases/149/> (accessed: 20.11.2020).

¹¹ Erdogan confirmed Zelensky’s non-recognition of the “illegal annexation” of Crimea // Lenta.ru. 16.10.2020. URL: <https://lenta.ru/news/2020/10/16/krym/> (accessed: 23.11.2020).

considers the waters around Crimea to be Ukrainian, not Russian. Moreover, under the Turkish neo-Ottomanism, which presupposes Turkey's leadership in the post-Ottoman space (as A. Davutoğlu wrote in his work [Davutoğlu 2009]), Turkey itself may have claims over the territory of Crimea, even though it avoids direct statements about it.

Theoretically, the Turkish side has the opportunity to apply not to the Russian, but to the Ukrainian side, if it needs permission to carry out certain types of maritime economic activities (for example, conducting marine scientific research within the exclusive economic zone or on the continental shelf) when this is prescribed by the 1982 Convention. Undoubtedly, the very possibility of such a situation puts Russian-Turkish relations in a more conflictual framework.

The Issue of Maritime Boundaries

Another problem directly related to the issue above concerns the recognition by Turkey of new sea boundaries (EEZ and continental shelf) with Russia in the Black Sea. These boundaries were determined between the USSR and Turkey in 1978 and 1987¹². After the collapse of the USSR, the new boundaries coincide with the previous borders between the USSR and Turkey, but now between Turkey and Ukraine, Turkey and Russia, Turkey and Georgia. The reunification of Crimea with Russia de facto led to the elimination of a section of the Turkish-Ukrainian border. However, Turkey's non-recognition of the new status of the Crimean Peninsula arouses the question of how this new section of the maritime border is qualified by it.

Russia is undoubtedly interested in these changes being reconfirmed in a new Russian-Turkish agreement, as Turkey did it with a section of the Turkish-Georgian border in 1997¹³. However, it is not possible to expect such a step from the Turkish side at the current stage, since it would mean the de jure recognition of the Russian ownership of Crimea. As this situation remains unsettled, it may have a negative impact on bilateral relations.

¹² Limits in the Sea No. 109. Continental Shelf Boundary Turkey – USSR and Straight Baselines: USSR (Black Sea) // U.S. Department of State. URL: <https://www.state.gov/documents/organization/58383.pdf> (accessed: 22.11.2020).

¹³ Maritime Claims Reference Manual. Turkey // U.S. Navy Judge Advocate General's Corps. URL: <http://www.jag.navy.mil/organization/documents/mcrm/Turkey2016.pdf> (accessed: 22.11.2020).

Shipping Regulations

Another controversial issue in Russian-Turkish relations occurs as Turkey supports the practical steps of Ukraine to block the Crimean ports and, in 2017, banned the ships arriving from Crimean ports or heading for those ports from entering the ports in Turkey¹⁴.

Ukrainian national legislation considers that the temporarily occupied territory of Ukraine refers to not only the land of the Crimean Peninsula but also the maritime zones around it, where it prohibits any types of maritime communications, as the violation of these requirements is established as a criminal offence¹⁵. The Ukrainian parliament adopted a law on the closure of all Crimean ports¹⁶. Moreover, Ukraine, together with Georgia, issued a declaration at the International Maritime Organization (IMO), stating that all Crimean ports, illegally occupied by Russia, are closed, and no ships have the right to enter them without Kyiv's permission¹⁷. In addition to this, Ukraine maintains a register of vessels that, from its point of view, illegally entered the Crimean ports¹⁸. This list includes quite a few Turkish ships as well¹⁹.

The Turkish government made a decision prohibiting the administrations of Turkish ports to accept ships from Crimea, as well as the Turkish ships to sail to the ports of the peninsula. Turkish

¹⁴ Turkey has officially banned the acceptance of ships arriving from the Crimea // Primechaniya. 21.03.2017. URL: https://primechaniya.ru/home/news/mart_2017/turciya_oficialno_zapretila_prinimat (accessed: 22.11.2020).

¹⁵ The Law of Ukraine “On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine” (In Ukr.) // Verkhovna Rada of Ukraine. URL: <http://zakon2.rada.gov.ua/laws/show/1207-18> (accessed: 14.03.2019).

¹⁶ The Law of Ukraine “On the Sea Ports closing” (In Ukr.) // Verkhovna Rada of Ukraine. URL: <http://zakon2.rada.gov.ua/laws/show/z0690-14> (accessed: 12.03.2019).

¹⁷ IMO Maritime Safety Committee. 97th session, MSC 97/4/2, 19 September 2016. Safety and security of navigation in the North-Eastern part of the Black Sea Submitted by Georgia and Ukraine // International Maritime Organization. URL: <https://docs.imo.org/Shared/Download.aspx?did=99517> (accessed: 03.15.2018).

¹⁸ The Prosecutor's Office of the Autonomous Republic of Crimea cooperates with the Ministry of Infrastructure, The Ministry of the Temporarily Occupied Territories and Internally Displaced Persons, the State Border Guard Service and the State Fiscal Service in recording the ships that enter the closed ports of Crimea // Prosecutor's Office of the Autonomous Republic of Crimea and Sevastopol. URL: https://ark.gp.gov.ua/ua/news.html?%20_m=publications&_t=rec&id=223589 (accessed: 21.11.2020).

¹⁹ The real shipowners of the Crimean “black list” – a BSNews investigation // Maidan of Foreign Affairs. 05.14.2017. URL: <https://www.mfaua.org/ru/projects/realnye-sudovladeltzy- krymskohochernoho-spyaska-rassledovanye-bsnews> (accessed: 22.11.2020).

shipowners, who had been actively entering the ports of Crimea since 2014, taking the third place after Russian and Ukrainian ships, have practically stopped visiting the peninsula²⁰. Thus, Turkey has officially joined the “marine blockade” of Crimea, and Ukraine continues to insist that this practice, including the arrest and detention of ships, be supported by all other states, even beyond the Black Sea region. Turkey’s example, in this case, is an extremely unpleasant precedent for Russia.

NATO in the Black Sea Region

Some uncertainty in the bilateral relations between Russia and Turkey in the Black Sea region is introduced by NATO’s plans, as announced in April 2019, to strengthen its presence in the Black Sea [Petrov 2018:24] as a reaction to the strengthening of Russia’s marine capabilities and its behaviour in the Kerch Strait and the Sea of Azov²¹. The new plan is, first of all, about strengthening reconnaissance activities, including aerial reconnaissance, as well as increasing the presence of the ships of NATO countries²².

Turkey, being a NATO member, on the one hand, is actively involved in NATO’s naval exercises and manoeuvres in the Black Sea. For instance, immediately after the NATO summit in April 2019, the largescale “Sea Shield 19” naval exercise was held here, involving ships from Romania, Bulgaria, Canada, Greece, the Netherlands and Turkey. In addition, Turkey independently strengthens its naval capabilities: it has commenced the construction of a naval base in Sürmene, 150 km from the border with Georgia, which is designed to complement the existing bases in Sinop and Samsun.

²⁰ During 14 months MTOT recorded 1207 ship calls and cargo tankers at the ports of the occupied Crimea // Ministry for the Reintegration of the Temporarily Occupied Territories of Ukraine. URL: <https://mtot.gov.ua/ua/vprodovzh-14-misyatsiv-mtot-zafiksovano-1207-zahodiv-suden-ta-vantaznyh-tankeriv-do-portiv-okupovanogo-krym> (accessed: 20.11.2020).

²¹ Press conference by NATO Secretary General Jens Stoltenberg ahead of the meeting of NATO Foreign Ministers in Washington DC on 3 and 4 April 2019 // North Atlantic Treaty Organization. 04.01.2019. URL: https://www.nato.int/cps/ru/natohq/opinions_165174.htm (accessed: 20.11.2020).

²² So, in 2014, ships from non-regional states stayed in the Black Sea waters for about 250 days a year (ships of the US 6th Fleet were present here for about 150 days). In 2015, there was a decrease to 180, in 2017 – to 80, in 2018 – an increase in the duration of stay to 120 days. The plans for 2019 have not been announced, but one thing is clear: most likely, there will be an increase in the stay time during the year, as well as an increase in the number of ships present.

On the other hand, Ankara is likely to continue supporting the approach that security in the Black Sea region should be ensured exclusively through the efforts of the Black Sea states. And although Turkey doesn't approve of the strengthening of Russia's naval capabilities here, trying to prevent the Black Sea from becoming a "Russian lake" and claiming the role of a regional leader, this does not prevent it from being sceptical about both the strengthening of the extra-regional presence and the creation of a military maritime coalition of regional states as opposed to Russia. Thus, Turkey did not support the 2016 Romanian project of forming an Allied Flotilla in the Black Sea within NATO.

However, NATO's existing plans actually mean a partial revival of the Romanian project. In any case, taking into account the limitations of the Montreux Convention of 1936 in terms of the class²³, the specific²⁴ and total tonnage²⁵, as well as the time spent by the warships of non-Black Sea states in the Black Sea²⁶, their presence here can be strengthened on a rotational basis. At the same time, the alliance could strengthen the naval capabilities of other NATO members – e.g. Bulgaria and Romania, and separately – Ukraine and Georgia, by providing them with warships and boats that are either in reserve of NATO countries or are planned for decommissioning.

Turkey hasn't yet announced its attitude to this NATO project. On the one hand, Ankara cannot limit the total residence time of all warships of non-Black Sea states that come here on a rotational basis during the year, as well as their maximum number per year, with the exception of the restrictions that are already spelt out in the Montreux Convention. On the other hand, Turkey's practical actions testify that it attempts to create obstacles to the strengthening of the naval capabilities of regional states.

For instance, in September 2018, a new Instruction was adopted on the Maritime Traffic Regulations for the Turkish Straits²⁷. It recorded,

²³ The passage of submarines and aircraft carriers of non-Black Sea states is prohibited.

²⁴ Ships with a displacement of not more than 10 thousand tons each.

²⁵ Total tonnage during the passage – not more than 15 thousand tons; presence in the Black Sea waters – not more than 45 thousand tons, and not more than 30 thousand tons from one flag state.

²⁶ Not more than 21 days for each ship.

²⁷ Türk Boğazları Deniz Trafik Düzeni Tüzüğü Uygulama Talimatı (TBDTDT) [Turkish Straits Maritime Traffic Order Regulation Application Instruction] (In Turk.) // Istanbul and Marmara, Aegean,

in particular, that all civil ships carrying warships as cargo will be equated to warships, which means that all conventional restrictions will apply to them. This innovation may undoubtedly affect the conditions of the Russian military transit, but to a greater extent, it concerns the US attempts to strengthen the naval component of its allies in the Black Sea.

The Montreux Convention: “Pro” or “Contra”?

Turkey is, of course, extremely interested in the Montreux Convention regime retaining its legal capacity. It is one of the oldest legal regimes applicable to the straits and gives Turkey pre-emptive rights to establish its control over military shipping. The elimination of this regime would practically mean that the norms and provisions of the 1982 UN Convention on the Law of the Sea would apply to the Black Sea straits, which would receive international status with the right of transit passage²⁸. This right could be used by absolutely all states, it would apply to all civil ships and warships: moreover, the transit passage could not be suspended. Entry into the Black Sea waters would not be limited by the class, the displacement, or the duration of stay of the warships, and the submarines and the aircraft carriers of non-Black Sea countries would be able to enter the waters of the sea. Thus, Russia is also interested in ensuring that this regime is not subject to dilution, since it fully corresponds to its national security interests.

Turkey, with very few exceptions²⁹, fulfils its obligations under the Montreux Convention. For instance, during the South Ossetia events of 2008, the United States tried to hold hospital ships *Mercy* and *Comfort* with a displacement of 65 and 70 thousand tons, respectively, in order to provide humanitarian assistance to Georgia, but Turkey on absolutely legal grounds refused them entry, which caused an extremely painful reaction in Washington. This example is clear evidence that Russia is

Mediterranean, Blacksea Regions Chamber of Shipping. URL: <http://www.denizticaretodasi.org.tr/sayfalar/sirkulerdetay.aspx?DUYURU=10734&en=false> (accessed: 15.11.2020).

²⁸ Turkey is not a party to the 1982 UN Convention on the Law of the Sea, which theoretically gives it the right not to comply with certain conventional rules that were novelties of international maritime law (for example, the right of transit passage through international straits) and did not receive the status of customary international law (the so-called international custom). The United States considers the 1982 Convention as a document codifying customary law, which means that its provisions should be binding on all states, including those that have not ratified it.

²⁹ In 2014, the US Navy frigate *Taylor* exceeded the permissible limits for staying in the Black Sea at 21 days and spent 33 days there because of a propeller breakage due to earthing. The Russian Foreign Ministry had to express its concern to the Turkish side about this.

exceedingly interested to have Turkey as a strong regional partner that ensures the balance of security in the Black Sea.

In this case, the position of the Ukrainian leadership looks extremely provocative, which comes up with the idea of closing the Black Sea straits for Russia as a response to the situation in the Kerch Strait. They emphasize that Russia and Ukraine are in a state of war, which means that Turkey should close the passage for the Russian warships as Russia is a “belligerent Power” (Art. 19).

The closure of the straits is also allowed by the Montreux Convention, but only in those cases when: a) Turkey participates in the war (Art. 20); or b) Turkey, not being a belligerent country, considers itself “threatened with imminent danger of war” (Art. 21). The latter certainly enables Turkey to be very flexible in assessing whether it is threatened with imminent danger of war or not. At the same time, Ankara can use this right only upon sending a notification to all the parties to the Convention, who decide whether the decision is justified³⁰.

At the moment, any appeal to these provisions from the Turkish side looks absurd, since Russia and Turkey do not perceive each other as opponents. Moreover, Turkey is not inclined to view the conflict in eastern Ukraine as a fact of war between Ukraine and Russia, not recognizing the latter as an aggressor country.

Nevertheless, the Turkish side, but at an unofficial level, has repeatedly speculated that it could block the straits for Russia for violating the territorial integrity of Ukraine and discrimination against the Crimean Tatars. These statements, most likely, should not be taken seriously, but such “straight” blackmail is quite typical for the Turkish side.

The Black Sea Straits and Russia

The differences between Russia and Turkey regarding the legal status of the Black Sea straits relate exclusively to merchant shipping.

In times of peace, all merchant ships have complete freedom of passage through the straits without any restrictions, except for the obligatory payment for sanitary inspection and the duty for the maintenance of the technical equipment of the fairway and the rescue

³⁰ It can be assumed that the rights of the Council of the League of Nations today have passed to the UN Security Council.

service. They are also required to inform the Turkish authorities of their name, flag, tonnage, place of departure and destination. However, Turkey, using ecological rhetoric, advocates a significant tightening of the civil navigation regime in the straits.

On the one hand, such efforts by the Turkish government are perfectly understandable. They are caused by the fear of reoccurring oil tanker accidents, as well as the significant increase in the volume of oil and other hazardous substances transported through the straits. On the other hand, all measures introduced by Ankara – the adoption of the new versions of the Regulations (1982, 1994 and 1998) and the Instructions (2001, 2018) on their application, the requirement for compulsory pilotage (1999) and towage (2018) – were adopted by it unilaterally, without any preliminary consultations with the parties to the Montreux Convention.

From the Turkish point of view, it – as a coastal state – has full sovereignty over the straits and is obliged to introduce measures to tighten navigation to ensure safety, including ecological. However, under the Montreux Convention Turkey is assigned with certain obligations concerning merchant and military navigation in the straits, which testifies to the limited sovereignty of Turkey over the straits. Moreover, Ankara is not empowered to introduce any regulatory action without the consultation and the consent of other parties. The very existence of the Montreux Convention, which defines the legal regime of navigation in the Black Sea straits, indicates that the subject of legal regulation is in the sphere of international, not domestic law [Dremlyuga 2013].

Any attempts by Ankara to replace the Convention regime with its domestic national legislation in order to bring the regime of international maritime navigation through the Black Sea straits closer to the regime of inland waters enshrined in the 1982 Convention is illegal. No Turkish Regulations can be considered as formal amendments to the Convention, and Ankara's substitution of the concept of "freedom of navigation" for the concept of "ensuring the safety of navigation", where the second is higher than the first, is pure speculation [Kotlyar 2014].

For Russia, Turkey's broad interpretation of its powers is more than unacceptable, since the ships under the Russian flag, whether it's oil

tankers or simply Russian cargo ships, are extremely interested in free navigation through the straits.

The “Istanbul” Canal

An element of uncertainty about the Montreux Convention regime is introduced by the ambitious project of President R.T. Erdogan on the construction of the Istanbul Canal east of the Bosphorus, which will connect the Sea of Marmara and the Black Sea. The construction of the canal will not undermine the Montreux regime, but it will be able to slightly worsen the security situation in the Black Sea region, including from the point of view of Russian interests.

On the one hand, the Montreux Convention applies to both the Bosphorus, which connects the Black and Marmara Seas, and the Dardanelles Strait between the Aegean and Marmara Seas. Accordingly, the passage to the new canal from the Aegean Sea in any case passes through the Dardanelles, which means that all convention restrictions on the passage of the warships of non-Black Sea countries will remain in force [Zanina 2014].

On the other hand, while still theoretically, the stay of any foreign warship with a displacement of no more than 10 thousand tons in the new Turkish canal (without entering the Black Sea) may already be not limited by the conventional limit of 21 days. In practice, this may mean that it will be possible for US Navy destroyers, as well as other NATO ships, including those with cruise missiles on board, to stay permanently at a distance of around 500 kilometres from the Russian naval base in Sevastopol (with the consent of the Turkish government).

Even under the Montreux Convention, any warships of non-Black Sea states, including aircraft carriers, can enter the Turkish ports in the strait with a courtesy visit, but without jeopardizing the Black Sea states. This practice existed during the Cold War, when even American aircraft carriers paid courtesy visits to Turkish ports, although according to the Montreux Convention, their presence in the Black Sea was prohibited.

It should be noted that the abovementioned project of the canal parallel to the Bosphorus is not the only one. While still on paper, there exists a second project – a canal parallel to the Dardanelles from the Aegean to the Marmara Sea. Even though the Turkish national

legislation will be fully applicable to these canals, as to artificial hydraulic structures (Turkey is considering plans to collect funds for the passage through the canals), a customary rule has developed in international maritime law: in the canals used or those that can be used for international navigation the freedom of navigation must be respected for both civil ships and warships of all flag states [Kolodkin, Gutsulyak, Bobrova 2007:249].

However, situated between these two predicted canals, the waters of the Marmara Sea are, by their legal status, internal waters under the full sovereignty of Turkey. Thus, the impossibility of their non-crossing allows the Turkish government to consider these two canals not as a single shipping system, but exclusively on an individual basis. Would the regime of navigation through these canals be more liberalized, including under the pressure from the international community (in particular, the United States), or whether Turkey will be able to defend, if not a tougher, then at least identical regime to the Montreux Convention concerning them, depends on the efforts of Ankara.

Conclusion

In the Black Sea region, Russia and Turkey, on the one hand, are competitors in the struggle for regional leadership, on the other, they have common goals to preserve regional stability and prevent the emergence of any large-scale conflicts. It is obvious that Turkey seeks to occupy a leading position in the region, and in this matter, it has a certain advantage, being the only country that controls the key Black Sea straits – the Bosphorus and the Dardanelles. However, in addition to the important issue of straits and shipping, the Russian Federation attaches essential importance to the Pan-Turkism policy pursued by the Republic of Turkey, aimed at destabilizing the region and, in particular, Crimea (which is part of Russia) from an interethnic perspective. For Moscow, this case is rather a matter of not international, but of national security, and the main task of Russia is to develop effective mechanisms capable of promptly resisting Turkey's pan-Turkic efforts.

Thus, within the framework of neo-Ottomanism, Ankara is trying to gain a foothold in the Black Sea region through three fundamental factors: geopolitical factors, due to the advantageous geographical location of the country and Turkey's desire to use the circumstances for

its own purposes; the factor of partnership, which consists in finding economically and strategically weaker allies that can be easily controlled (Ukraine); as well as ideological factors [Avatkov 2019:114], which include a set of “soft power” instruments that influence the Turkic population in order to promote pro-Turkish values.

All these factors significantly complicate Russian-Turkish interactions in the region. To overcome the existing problems, the two countries need to develop cooperation in all areas, not only in the field of security but also in the humanitarian sphere. Russia is strong in geopolitical terms, which allows it to maintain its position even in the absence of reliable allies in the region. However, Moscow is significantly inferior to Ankara in humanitarian and ideological terms. For this reason, Russia needs to form its ideas and projects, and under the conditions of Turkey’s activity in the Black Sea area, this becomes all the more important.

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