

чергою, це базується на злагодженій дії міжнародних інституцій щодо вжиття заходів в той час, коли вбачається загроза життю та здоров'ю людей.

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ENSURING OF MONTREUX CONVENTION DURING CONFLICT IN UKRAINE

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1. *Historical reasons of creation Montreux Convention* In today's rapidly changing world, the greatest value is enjoyed by laws, rules, guarantees that form the solid ground for creating systems of various relationships, which is commercial shipping.

It is important to understand that at every point in the world, relationship systems undergo modifications, adjusting to rules and regulations, which are superimposed at a certain point in the world order; in this case, the Black Sea has no exception, which has a number of specific regulations, ranging from special restrictions on waste emission policy, enshrined in the MARPOL convention and ending with the regulation of entry into the Black Sea and the presence of military vessels of countries in it, which do not have direct access to the Black Sea. The latest theses reveal and regulate the Montreux Convention of 1936.

Political necessities dictate specific demands that result in the Montreux Convention that was drawn up in the Swiss city of Montreux. The Convention was dedicated to the status of the Bosphorus strait and the regulation of vessel passage for different purposes of usage. The result of this Convention is the document of passage regulation through the Bosphorus strait.

It is important to understand that the Montreux Convention was drawn up in order to control the militarization of Black Sea territory and prevent the destabilization of commercial shipping in that region. A noticeable fact is that the Montreux Convention gave Turkey more rights to control the Bosphorus and prevented the spreading of influence of the Soviet Union on recently crushed Turkey in World War I.

The composition of the Convention consists of 29 articles, four applications and one protocol, but nowadays the real interest presents the following articles: 1, 2, 10, 18.

During familiarization with the content of the Convention we should pay our attention to article 1, which states that the High Contracting Parties recognize the main principles of free passage and shipping. Clarification about High Contracting Parties means parties drawn up this Convention. Extremely important to understand that because the Montreux Convention contains clarifications for the rules of passage of military vessels in war and peace time, and gives Turkey the right to provide control over the rules (let the military vessels of non-Black Sea countries keep their fleet in the Black Sea more than 21 days after entering the region) in case of military action and straight danger. However, due to the fact that Ankara needs to coordinate its own action with the Secretary General of the League of Nations and the League of Nations Council and Contracting Parties, the need of revision and bypassing the rules pop up.

Article 2 is of no less interest because it proclaims complete freedom of navigation for merchant ships in peacetime without any restrictions. Of course, it can be assumed that Ankara is considering this article hostile. Although Article 2 of this Convention promotes commercial shipping, the development of Black Sea shipping and the Black Sea states, Turkey itself loses its monopoly on the control of ships entering the Black Sea, when, of course, in peacetime these ships can transport resources to those countries that will later pose an immediate threat to Turkey.

Particular attention should be paid to article 10 of this Convention, which means the right of small military vessels of all States and under any flag to pass through the Bosphorus. Article 10 is connected with Article 13, which specifies that in the event of such a passage, a diplomatic notification must be submitted to the Turkish side. Do not assume that this gives Turkey the right to control the number

of incoming vessels, no; Ankara is only notified that military vessels will pass through the strait. Obviously, Turkey in this case is only an observer at best and at worst will pass military vessels through the strait into the Black Sea, which can cause an escalation of the conflict in a region where the main benefits of cooperation are received by the Turkish side. Based on this logic, despite the importance of this Convention for shipping in the region, Turkey, as the main beneficiary, nevertheless loses strategic autonomy.

Article 18 is a point of contact between interests. It should be understood that at the time of signing this Convention, the parties represented by the USSR and the United States did not have common boundaries of alliances, when in the modern multipolar world in the black sea East European, Western and Islamic civilizations with their own interests collide. Article 18 states that the total displacement of military vessels of non-Black Sea states can be no more than 30k and no more than 45k if the tonnage of the strongest fleet in the Black Sea region exceeds by 10 tons of the strongest fleet in this sea by the day the Convention is signed. Obviously, this article was dictated by pragmatic intent – to prevent excessive accumulation of forces in the region without a balancer in the form of a different force.

2. Modern vision on Montreux Convention and possible impact on shipping due revision of convention Based on the above, it becomes clear that the Convention, drawn up in 1936, created primarily to share power over the critical Bosphorus Strait in the modern world, causes infighting, and its revision or cancellation can lead to catastrophic changes in the region's shipping. Unlike conventions such as MARPOL or IAMSAR, MLC and others, the Montreux Convention is a vital element in Turkey's policy, which is already a reason for serious revision because states, as a rule, put national interests above international ones, and the Montreux Convention was created to put the international interests of users of the Black Sea area above the national interests of Turkey.

It is not unreasonable to believe that in the event of a suspension of this Convention, the safety of navigation will be violated and the region will become less stable. It should be understandable that different interests and the executing of these interests would lead to different outcomes.

3. Montreux Convention as instrument of political will Interests of Turkey consist revision of Montreux Convention to obtain strategic flexibility and more influence on allies and enemies in the region: strategic role of Turkey will become greater if Ankara will get full power of transit usage for own interests through Bosphorus. As evidence of that, interests can be political strategy of modern president of Turkey Recep Tayyip Erdogan of building a channel parallel to Bosphorus strait. If take into account that Turkish official declared that new channel should not be affected by the Montreux Convention regulation, we should understand why this project was created. Despite that Montreux Convention regulations spread out on all Black Sea region, building of the new channel can be only a reason for revision of Montreux Convention. In case of success Ankara can

dictate economic life of the region, restricts shipping in case of war declaring, or showing up a danger.

Interests of USA consist in prevention of changing of regional order where USA is dominant part of balance so this strategy include prevention spreading of Ankara influence and prevention from claiming Turkey interests by the reason of distance Turkey from NATO and flexibility politic of Ankara. NATO wasn't provide their responsibility of protection of Turkey after rocket attack on Turkey's military airport from Iraq during Gulf War and importance of alliance after falling of Soviet government so Turkey intend to create strategic power to dictate own political will and form pole of power that is prohibited conditions for USA strategy in region. Fulfilling of USA interests will lead to escalation, high tension, but will not lead to significant changing in commercial shipping.

The greatest beneficiary of Black Sea trade is Russia, which strengthens relations with Turkey, contributing to its partial autonomy from NATO and the United States, showing and linking itself with Ankara, in particular thanks to the construction of joint pipelines. Still, Russian officials are concerned about Turkey's plans to build an artificial canal, rightly believing it would destabilize the region. If Moscow's interests are approved, the escalation will be carried out at no less pace, but now the shores of NATO countries, which are Bulgaria and Romania, will be more at risk, which provides a significant part of the commercial activity of the region.

Conclusion The Montreux Convention was originally positioned as a regulatory tool in the geopolitics of the Black Sea, but in the modern world this agreement can no longer guarantee compliance with the interests of the signatories. For now, the Convention has finally become an instrument of political will diktat, undermining the stability of commercial shipping in the region, leading to big problems in the merchant shipping industry. Turkey's attempts to create its own pole of power, the imposition of its own order of things on the part of the United States and the dictates of force on the part of Russia set precedents for the revision and even abolition of the current Convention, which will lead to the long-term decadence of the industry in the region for, as stated at the beginning: sustainable relations seek sustainable conditions for existence.

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