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THE THILISI AND THE MONTREUX CONVENTION

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Summary: As the day approaches when the Soviet aircraft carrier *Thilisi* will commence her sea trials in the Black Sea, Western naval analysts renew the debate over whether the passage of this ship through the Turkish Straits will violate the 1936 Montreux Convention.

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The largest warship in Soviet--or Russian--history is now being fitted out at Nikolaev on the Black Sea. The *Thilisi* (formerly named the *Leonid Brezhnev*), which is more than 300 meters long and estimated to displace some 65,000 metric tons when fully-loaded, might also claim another record. Several Western naval analysts are calling her the Soviet Navy's first "real" aircraft carrier. Her existence has rekindled the debate over whether the Soviet Union, under the terms of the 1936 Montreux Convention, can legally send such ships through the Turkish Straits.

The *Montreux Convention*. This agreement was signed in July, 1936, by representatives of Great Britain, Australia, Bulgaria, France, Greece, Romania, Turkey, the USSR, Yugoslavia, and Japan to allow Turkey to remilitarize the straits, which had been prohibited under the 1923 *Lausanne Convention* as part of the peace treaty that finally formally ended the hostilities begun in 1914. The new *Montreux Convention* also modified the 1923 rules for the passage of vessels through these waters.

The *Montreux conference* had been convened at Turkey's insistence; and the negotiators were under some pressure, accomplishing their task in less than a month. The other governments suspected that Turkey would act unilaterally unless quickly satisfied with a new agreement.

The convention was to run for 20 years but would continue in force until two years after one of the signatories denounced it. As none of the High Contracting Parties has ever formally objected to the convention, or proposed an amendment, it

continues to regulate maritime and naval traffic through the Turkish Straits.

Restrictions on Warships. The Montreux rules stipulate that in peacetime any nation can send a limited number of "light surface vessels" (defined as warships displacing more than 100 tons but not above 10,000 tons) between the Black Sea and the Mediterranean. The Black Sea powers (the Soviet Union, Bulgaria, and Romania) have two additional options, one involving submarines and the other permitting their "capital ships" with a tonnage greater than 10,000 to transit the straits. The "capital ships" may pass through the straits singly, escorted by not more than two destroyers. Two Western authorities on the Soviet navy have recently written articles about the Tbilisi in which they flatly stated that this "capital ship" provision applied to Soviet aircraft carriers and, therefore, that any voyage by this new warship into the Mediterranean would be legal under the terms of the Convention.¹ The problem is not that simple.

No one can deny that Tbilisi is a "capital ship" as the term is understood today--she displaces more than the entire Soviet Black Sea Fleet of 1938--but it is far less likely that she falls into this category as understood by the framers of the Montreux Convention. In Annex II, "capital ships" are defined as "surface vessels of war, other than aircraft carriers . . ." Aircraft carriers are a separate category defined as "surface vessels of war, whatever their displacement, designed or adapted primarily for the purpose of carrying and operating aircraft at sea."

What's in a Name? A view commonly held in the West is that the USSR has been circumventing the Montreux Convention by incorrectly describing its aircraft carriers. The original designation for the Kiev class, for instance, was Large Antisubmarine Cruiser [Bolshoi Protivokorabnyi Kreizer]. When the first ship of this type transited the straits in July 1976 using such a designation, there were accusations in the West that Turkey itself was violating the convention by going along with such a subterfuge²; but are the Kiev and her three sister ships "designed or adapted primarily for the purpose of carrying and operating aircraft at sea."³ They are, in fact, of a truly unique type, combining the attributes of an aircraft carrier with the awesome power of a missile cruiser. The weapons and sensors aboard these ships contribute as much to their capabilities as do their aircraft.

The Soviets themselves now seem less reluctant to use terminology that makes it clear that these ships have a mission associated with aviation. The second ship of this class, the Minak, was called a Tactical Aircraft-Carrying Cruiser [Takticheskoi Avionnoy Kreizer] on her initial voyage.⁴ When Soviet Deputy Foreign Minister Vladimir Petrovsky provided data on the size and composition of the Soviet navy at a news conference on 1 July 1984, he referred to the Kiev-class as Aircraft Carrying Ships [Aviatsushchis Korabli].⁵ This same term has

sometimes been used to describe Western aircraft carriers, although the more common Russian translation is *avianosets*.

The Soviets--Hoisted with Their Own Petard? If the USSR is having any difficulties with regard to aircraft carriers and the straits, a good case can be made that these are problems of its own making. The Lausanne Convention placed no restrictions on the peacetime egress of warships belonging to Black Sea navies; and with the possible exception of Turkey, none of the nations represented at Montreux had strong feelings about changing this.

Russian aircraft carriers in the Black Sea were not unheard of. So-called "aircraft transports" had been used by the Imperial Russian Navy during the First World War. Often converted passenger liners, these ships carried a number of sea planes that would be hoisted overboard for launch and then winched back onto the ships after they had landed. On 5 February 1918 two such primitive aircraft carriers launched a 10-plane attack on the Turkish Black Sea port of Izmidrak, and later that year the Imperial Naval Air service attacked the Bulgarian seaport of Varna in the same manner.⁴ These ships apparently did not long survive the Revolution.

The Soviet Navy considered developing aircraft carriers on several occasions in the 1930s, but these ships were always given a very low priority. Given the navy's lack of political clout, it is not surprising that People's Commissar for Foreign Affairs Maksim Litvinov was neither aware of any such plans, nor made any effort to protect a Soviet carrier option at Montreux. He was, however, determined to see that foreign ships of this class be kept out of the Black Sea.

It was the Soviet Union that proposed the general principle that the straits be closed to aircraft carriers.⁵ This was a significant departure from the existing rules under the Lausanne Convention, which allowed their passage. Britain objected at first, more on the ideological grounds of supporting freedom of the seas than because of any strategic considerations, but then acquiesced. The British diplomatic correspondence concerning these negotiations makes it clear that the issue was the passage of aircraft carriers into the Black Sea.⁶

Contrary to some later claims, the Soviet negotiators did not need to fiddle with the definitions of the various classes of warships to accomplish their aim. They were lifted verbatim from the London Naval Treaty of 25 March 1936 (the so-called Second London Naval Treaty) to which the USSR was not a party. The framers of this earlier document represented the foremost naval powers of the era, and it was they and not the Soviets that excluded aircraft carriers from the capital ship category. They did this in order to place specific limits on this relatively new type of warship in an attempt to head off a new naval arms race. In the London Treaty, for example, carrier size was capped at 23,000 tons while "capital ships" (that is, battleships and heavy cruisers) could be as large as 35,000 tons.

At Montreux, the manner in which Convention eventually used the London treaty's categories certainly catered to Soviet interests of the day and was the result of Soviet proposals. The choice of "light surface vessels" as the largest warship allowed through the straits effectively kept the new German "pocket battleships" out of the Black Sea--a primary goal of the Soviet negotiators. They also demanded an exception to this rule for the Black Sea navies--thus, their "capital ship" option. This was to accommodate the 23,000-ton battleship *Pariskais Kommuna* [Paris Commune] that was part of the Soviet Black Sea Fleet.

While the Soviet navy may have changed considerably since 1936, Soviet attitudes toward the Black Sea have remained constant. If the USSR had its way, this body of water would be a mare clausum. In his opening statement to the Montreux conference Litvinov declared that the best means of guaranteeing the security of Turkey and all the Black Sea states

would be to close the Straits completely to the warships of non-riverine [etc] countries. . . . On the other hand, there is no reason why the Black Sea countries should not have complete freedom of passage for their warships through the Straits towards the great maritime routes and the ocean."¹

Few Soviet citizens in 1936, including Litvinov, are likely to have worried about a possible future Soviet aircraft carrier. Some decades later, they took a hard look at the Montreux Convention and decided that it presented no obstacle. Writing in *Worakii Sbornik* in July 1976, on the occasion of the Kiev's first transit of the straits, a Soviet commentator said that

a thorough analysis of the convention shows . . . from a legal point of view that passage through the straits by any ships of states of the Black Sea does not contradict the letter and the spirit of the convention.²

It might be hard to find an unbiased observer who would support "the letter" part of this judgment. But perhaps the letter of the 1936 convention is no longer the last word in this matter.

A De Facto Amendment to the Convention? Charles Macchiing Jr., an international lawyer, argued in a recent issue of *U. S. Naval Institute Proceedings*,³ that over the years the Montreux Convention had been amended de facto to provide for the transit of Soviet aircraft carriers, at least those of the Kiev-class. Turkey, which is solely responsible for the day-to-day interpretation of the convention, has not challenged either the Soviet classification of these ships or their transit rights. No other signatory has raised any objection. As for American concerns, Macchiing pointed out, "The United States can comment from the sidelines but has no vested right to make authoritative interpretations of the convention's provisions, much less to complain about violations."⁴

While the *Thalisi* promises to be significantly different from the earlier *Moskva* and *Kiev* classes in both appearance and weapons--she will have a flight deck extending from stem to stern and will carry more aircraft and fewer missiles--the new ship can also be viewed as a further development of a single generic type. If Macchiang's thesis of a *de facto* amendment to the 1936 convention is valid, it would be difficult not to stretch this amendment to include the *Thalisi*. Pragmatists would say that this entire debate is like arguing over how many angels could fit on the head of a needle. As annoying as some of its terms might be and despite the fact that it is largely an historical anomaly, the Soviet Union will continue to abide by the Montreux Convention so long as it does not conflict with a vital interest. Closing the straits to the flagship of the Soviet navy would, however, be unacceptable to the USSR. Turkey, the guardian of the straits, has no desire to provoke its giant northern neighbor in this matter.

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- 1 See Norman Polmar, "The Soviet Navy: The New Carrier," *U. S. Naval Institute Proceedings*, August 1968, p. 46; and Ulrich-Joachim Scholz-Forpe, "Thalisi: Daily a Paper-Kiev," *The USSR Journal*, Autumn 1968, p. 32.
- 2 See "A Soviet Carrier Enters Mediterranean First Time," *The New York Times*, 15 July 1976, p. 4; and C. L. Halberger, "Oil on the Waters," *The New York Times*, 28 July 1976, p. 35.
- 3 Jean Labaile Couhat, ed., *Combat Fleets of the World 1968/69* (Annapolis: Naval Institute Press, 1968) p. 573.
- 4 *TASS* (New York), 18 October 1968.
- 5 A. Shuginin, "Naval Aviation's Combat Road," *Morskoy Sbornik*, no. 8, 1968, p. 41.
- 6 *Documents on British Foreign Policy 1918-1939*, Second Series, Volume 897. (London: Her Majesty's Stationery Office, 1977), p. 711.
- 7 *Ibid.*, p. 713.
- 8 Jane Degras, ed., *Soviet Documents on Foreign Policy*. (London: Oxford University Press, 1953), p. 183.
- 9 Quoted in Henry W. Degebarde, *Maritime Affairs--A World Handbook*. (Barns Hill, Marlow, Essex: Longman, 1983), p. 231.
- 10 "Crisis at the Turkish Straits," August 1968, pp. 62-71.
- 11 *Ibid.*, p. 63.