

THE STRAITS QUESTION: THE CONFERENCE OF MONTREUX (1936).

From its inception, the Turks looked on the Straits Convention of 24 July 1923 as a settlement which infringed their independence, exposed their capital to attack and diminished their value in the world of international diplomacy.¹ They, therefore, sought by every means to minimize its adverse effects. Within the Straits zone they improved the roads; outside the zone they installed heavy guns and ack-ack batteries on mobile carriers, pulled in some cases by tractors; and they drew up plans to co-ordinate the operational activities of their army, navy and air force units in the area.² On the diplomatic

1. The Straits Convention of 24 July 1923, drawn up at the Conference of Lausanne November 1922 - July 1923, established freedom of passage and navigation by sea and by air in the Dardanelles, the Sea of Marmora and the Bosphorus. This freedom was qualified in only one significant respect: the maximum naval force which any one non-riverain power might send into the Black Sea was not to exceed the most powerful fleet of the riverain powers in that sea at the time of passage, though a force not exceeding three vessels of 10,000 tons each could always be sent in. The Convention required Turkey to refrain from fortifying or garrisoning the Straits. In return, her security in the area of the Straits was to be guaranteed:

Should the freedom of navigation of the Straits or the security of the demilitarized zones be imperilled by a violation of the provisions relating to freedom of passage, or by a surprise attack or some act of war or threat of war, the High Contracting Parties, and in any case France, Great Britain, Italy and Japan, acting in conjunction will meet such violation, attack, or other act of war or threat of war, by all the means that the Council of the League of Nations may decide for this purpose.

An international commission, set up under the auspices of the League of Nations, was to oversee the execution of the terms of the Convention. The text of the Convention may be consulted in Parliamentary Papers 1900-1949, Treaty of Peace with Turkey and other Instruments signed at Lausanne on 24 July 1923; 1923 Cmd. 1929 XXV. 533. For the previous history of the Straits Question see J.W. Headlam - Morley, "The Black Sea, the Bosphorus and the Dardanelles," *Studies in Diplomatic History* (London 1930), and P. Graves, *The Question of the Straits* (London 1931). For an account of the Conference of Lausanne see H. Nicolson, *Curzon: The Last Phase 1919-25* (London 1957). See also *Documents on British Foreign Policy*, Series I, Vol. XVIII, H.M.S.O. London, 1972. The documents cited in this article are in the Adm [iralty] and F[oreign] Office records in the Public Record Office, London.

2. Adm. 116 3190, 'Possible Turkish Attack on Iraq', 2 Dec. 1925; F.O. 424 264 No. 1,

front, they lost no opportunity to point out the dangers to Turkey inherent in the demilitarization of the Straits and to belittle the value of the guarantees offered for the security of the demilitarized zone. And when, in 1933, they concluded that circumstances were favourable, they proposed a revision of the convention.³

These efforts the Russians, who wished to see the Straits remilitarized, supported. In December 1925, at a critical moment in the Mosul crisis, they signed a treaty of friendship with the Turks; later they furnished them with military missions, aid and advice.⁴

As for the British, during the remaining years of the twenties and early thirties they remained convinced that, on the whole, the demilitarization of the Straits was to their advantage. In December 1925, when the question was considered in connection with the Mosul affair, the Admiralty advised that, whereas a demonstration by the British fleet off Constantinople might "bring Turkey to her senses," a demonstration outside the Dardanelles would have little or no effect on her.⁵ In May 1933, when the question again came up for consideration, the Admiralty advised:

If relations become strained between Russia and a Western Power, Russian pressure might possibly be brought on Turkey to refuse passage to warships. If the Straits were fortified, Turkey could not deny her power to do so; so long, however, as the Straits remain unfortified, Turkey could plead her inability to aid Russia in this way. *Au contraire* a fortified Straits would mean that a Russo - Turkish Alliance would be of greater military value.

Further, if it were necessary for a Naval Power to operate in the Black Sea, it would be a greater risk to do so with an impregnable Dardanelles and Bosphorus on the lines of communication than if the Straits were in a demilitarised condition.

It is exceedingly difficult to judge, in view of modern military

Lindsay to Chamberlain, 3 Jan. 1926, tel. no. 1; Adm. 116 2877 Report on defence measures by Turkey, undated, and report from Capt. Macdonald, 31 Sept. 1930.

3. Adm. 116 2877, Morgan to F.O., 23 March 1933.

4. F.O. 424 263 No. 72, Lindsay to Chamberlain, 23 Dec. 1925, tel. no. 147; Adm. 116 2877, 'Notes on military aspects of the Turkish defence of the Dardanelles and the Bosphorus in the event of war between Russia and a western power,' 1 Aug. 1931, and Report from Military Attaché in Ankara, Dec. 1931; D.A. Routh, 'The Montreux Convention regarding the Régime of the Black Sea Straits,' Royal Institute of International Affairs, *Survey of International Affairs*, 1936, pp. 598-9 (afterwards cited as Routh).

5. Adm. 116 3190, 'Possible Turkish Attack on Iraq,' 2 Dec. 1925.

weapons and powers of transport, to what extent and with what rapidity a demilitarised Straits could be made so dangerous as to necessitate the withdrawal of naval forces sent into the Black Sea. The risk involved would also depend on the observation that could be kept on the demilitarised area so that any dangerous move by Turkey could be parried. Nevertheless, the fact remains that a fortified Straits could be closed *instantly*, a demilitarised Straits could not.

From the above mainly military arguments, it is considered that fortification of the Straits still possesses, to a great extent, the disadvantages pointed out by the Chiefs of Staff in 1922.⁶ Moreover, the question confronting us now is not one of forcing a treaty on an unwilling Turkey but of holding Turkey to her treaty obligations.⁷

Throughout this period the British kept a close watch on the position in the Straits zone, in order to ensure that, as far as possible, the demilitarization clauses of the Lausanne Convention were observed. A number of contraventions were reported. In October 1925 - May 1926 the British Ambassador in Constantinople reported that the Turks had constructed gun emplacements and a hydroplane hangar in the zone, and restricted the free passage of foreign aircraft over it.⁸ In 1930, British Intelligence intercepted a report, believed to have been received by the General Officer Commanding Constantinople, containing information concerning the installation of artillery, believed to be mobile, at Kilid Bahr and Nagara.⁹ A similar report, received in the same year, confirmed the existence of Turkish plans for the immediate closure of the Straits in the event of war, and for the storage and laying of mines within and without the Straits zone.¹⁰

In 1933 Turkey felt sufficiently assured of a favourable response to raise the question of the remilitarization of the Straits. By then she had established

6. At the 166th meeting of the Committee of Imperial Defence, on 4 Dec. 1922, the Chiefs of Staff had pointed out that, during the first critical days of war, fortification would prevent a fleet forcing the Straits and bringing pressure to bear on the Turkish government at Constantinople: see Adm. 116 2877, 'Straits Convention, Demilitarised Zones,' memo. by the Chief of the Naval Staff, undated, circa June 1933.

7. Adm. 116 2877, 'Straits Convention, Demilitarised Zones,' memo. by the Chief of the Naval Staff, undated, circa June 1933.

8. F.O. 424 264 No. 24, Chamberlain to Lindsay, 26 Feb. 1926, No. 173, and No. 77, Lindsay to Chamberlain, 5 May 1926, No. 218, enclosure.

9. Adm. 116 2877, Report on Defence Measures by Turkey, Contravention of Straits Convention on demilitarised zones (undated).

10. Adm. 116 2877, Report on Defence Measures by Turkey (Capt. Macdonald, 31 Sept. 1930).

good relations with most of the European powers: in June 1926 she had concluded a treaty of friendship with Britain; in May 1928, February 1930, and October 1930, respectively, she had signed similar treaties with Italy, France and Greece; in July 1930 she had renewed her treaty of friendship with Russia; and in July 1932 she had been elected a member of the League of Nations.^{10a} At the Geneva Disarmament Conference of 1933, therefore, Tevfik Rüştü Aras, the Turkish Foreign Minister, arguing that the draft disarmament convention would adversely affect Turkey's capacity to maintain freedom of passage and to defend the Straits zone, proposed that the Conference should appoint a committee of riverain powers of the Black Sea and the Mediterranean to consider the possible abrogation of the demilitarization clauses. This proposal the British rejected on the grounds that, despite Turkish assertions to the contrary, Turkey was under no obligation to keep the Straits open. Nor could she argue that the convention would adversely affect her capacity to defend the demilitarized zone. The Lausanne conference had considered this contingency and provided, in article 18, a guarantee for their security. This guarantee, far from being, as the Turks had suggested, "academic," remained adequate to ensure that "the demilitarisation of the Straits would not constitute an unjustified danger to the military security of Turkey."¹¹

If such arguments were valid in 1933, in the spring of 1936, when the Turks again reverted to the question, they could no longer be sustained. By then the invasion of Abyssinia, carried out by the Italians in violation of the League of Nations Covenant, had exposed the powerlessness, or at least the unwillingness, of the League to take immediate and effective action to resist aggression. As regards the possibility of joint action by the guaranteeing powers, this, too, had been vitiated by Japan's withdrawal from the League and by Italy's declaration that, so long as sanctions remained in force against her, she would refuse to be bound by any guarantees she had accepted. Moreover, since 1933, a number of events had diminished respect for, and confidence in, the sanctity of international agreements. Bulgaria, in violation of the Treaty of Neuilly, and Austria, in violation of the Treaty of Saint Germaine, had rearmed; Italy had remilitarized the Dodekanese; and Germany, in violation of the Treaties of Versailles and Locarno, had reoccupied the Rhineland. When, therefore, in the course of visits to London and Paris in March 1936, Tevfik Rüştü Aras once again raised the question, he was assured that, on this occasion, no ob-

10a. Routh, p. 599.

11. F.O. 424 278 No. 32, Simon to Clerk, 3 May 1933, No. 167; No. 50, Clerk to Simon, 1 June 1933, No. 201; No. 54, F.O. to Adm., 26 June 1933.

jection to a formal proposal for the revision of the Straits Convention in respect to the demilitarized zones would be raised.¹²

Not, indeed, that Britain's admission of Turkey's case for a revision of the Straits Convention was motivated merely by considerations regarding the sanctity and effectiveness of international agreements. By 1936 the British Government had come to realize that the growing power of Italy in the Mediterranean made it essential for Britain to find new allies. From this point of view, the Turkish proposal was to be welcomed. It would enable Britain to demonstrate her sympathy for, and confidence in, the new Turkish state, and open a road to better relations.¹³

On his return to Ankara, in April 1936, Tevfik Rüşü Aras was once again assured of British support for an initiative. It quickly transpired, however, that what the Turkish Council of Ministers had in mind was not a formal approach to the League of Nations or the signatories of the Lausanne Convention, but the simultaneous notification of the signatories of Turkey's intention to raise the issue and the dispatch of Turkish troops into the Straits zone. Sir P. Loraine, British Ambassador in Ankara, informed Sir A. Eden, Secretary of State for Foreign Affairs, of the arguments used to justify this procedure:

The Minister pleaded that the step that he proposed was the only way of forestalling a possible Italian *coup de main* on the Straits; that the interests of friendly signatories would clearly be compromised if Turkish action was taken too late; that if the guarantee provided by article 18 of the Straits Convention was, as he feared, actually inoperative, there remained nothing but the Turkish forces on which to rely; that the convention itself might be interpreted as warranting the reoccupation, without fortification, which was all that he contemplated, when there was a generally threatening situation. He argued furthermore that as the guarantee provided by article 18 of the Straits Convention was a "conjoint" guarantee, and as its implementation by Japan and Italy was more than doubtful, it was quite open to the other specially mentioned guarantors to interpret it as meaning that the defection of one or more of their co-signatories released them from their own obligation.¹⁴

12. F.O. 424 280 No. 23, Loraine to Eden, 10 April 1936, No. 202; Routh, pp. 603-5.

13. F.O. 371 20080, 'Narrative of the Negotiations of the Conference held at Montreux in June and July 1936 to consider the Amendment of the Convention signed at Lausanne on 24 July 1923 relating to the Régime of the Straits,' memo. by P.J. Henniker-Heaton July 1936; F.O. 371 20073, Loraine to Eden, 23 April 1936, No. 96; minute by Rendel, 27 April 1936.

14. F.O. 424 280 No. 23, Loraine to Eden, 10 April 1936, No. 202.

It may be that, in informing the British Ambassador in advance of the proposed "precautionary measures,"¹⁵ the Turkish Government hoped to receive Britain's tacit consent to the operation. If such were, indeed, the case, they were quickly disillusioned. Loraine lost no time in explaining that "the occupation of the zones would certainly be regarded by His Majesty's Government and by British public opinion as a breach of the Straits Convention, as connoting a unilateral prejudgement by Turkey of a situation which was the common concern of all signatories of the convention, and as a measure of compulsion on the other signatories to discuss the revision of the convention."¹⁶ As a result of these, and no doubt other, arguments presented, the Turks were finally persuaded to abandon their scheme for the immediate occupation of the Straits zone, and to opt for a negotiated settlement. In identical notes presented, on 11 April 1936, to the signatories of the Lausanne Convention, and to the representatives of Russia, Yugoslavia and the League of Nations, Tevfik Rüştü Aras formally declared that his government was ready to enter into negotiations "en vue d'arriver à bref délai à la conclusion d'accords destinés à réglementer le régime des Détroits dans des conditions de sécurité indispensables à l'inviolabilité du territoire turc et dans l'esprit le plus libéral pour le développement constant de la navigation commerciale entre la Méditerranée et la mer Noire."¹⁷

In his reply to this communication Eden noted that the revision proposed by the Turkish Government referred only to the military clauses of the convention.¹⁸ When, however, towards the end of May 1936, M. Numan Menemencioğlu, Secretary General of the Turkish Ministry for Foreign Affairs, visited London to discuss the issue, he at once made it clear that his government intended to seek also changes in those articles of the convention which defined the rights of passage of ships-of-war and aircraft and the complete abolition of the Straits Commission.¹⁹

The Turkish government, "he declared," hoped to combine the principle of liberty of passage with the principle of security by finding a solution which would regulate the passage of warships from the Mediterranean into the Black Sea, and from the Black Sea into

15. *Ibid.*

16. *Ibid.*

17. F.O. 424 280 No. 18, Turkish Ambassador to Eden, 11 April 1936.

18. F.O. 424 280 No. 24, Eden to Bay Fethi Okyar, 16 April 1936.

19. F.O. 424 280 No. 29, Record of a Conversation (No. 1) with M. Numan Menemencioğlu, the Secretary General of the Turkish Ministry for Foreign Affairs, regarding the Proposed Revision of the Straits Convention of 24 July 1923.

the Mediterranean, in such a way that, while free passage would be assured in all ordinary circumstances, the security of Turkey and particularly of such Turkish warships as might be in the Sea of Marmora at the time would be assured and any sudden and undue accretion of the naval forces of any Power in either the Black Sea or the Mediterranean be prevented.²⁰

They would insist that any new arrangements should operate not only in time of peace and in time of war but also in case of "menace de guerre." Preferably, the passage of ships-of-war would be made subject to Turkish authorization.²¹

The stipulations the Turks had in mind M. Numan later communicated to the Foreign Office in the form of a memorandum, dated 23 May 1936, which read as follows:

1. Le nombre, la catégorie et le type des navires de guerre ayant à traverser les Détroits seront, un mois au préalable, notifiés au Gouvernement turc aux fins d'autorisation.

2. Les unités devant traverser les Détroits simultanément ne pourront dépasser en tonnage un chiffre égal à la moitié de l'ensemble des unités turques actives de toutes catégories.

3. Au cours de la traversée des Détroits et de la Marmara, les navires de guerre ne pourront faire effectuer des vols à leurs avions.

4. Un nouveau passage de la mer Noire à la Méditerranée ou inversement ne pourra être effectué qu'après qu'aura été accompli le passage du groupe précédent.

5. Les sous-marins ne pourront traverser les Détroits et la mer de Marmara qu'en surface.

6. Les navires de guerre ne pourront traverser les Détroits que pendant le jour.

7. Les navires devront signaler aux postes de signaux leur nom ainsi que le type et le nombre de tous les navires compris dans l'escadre opérant le passage.

8. Les navires de guerre ne sont pas autorisés à stationner dans les Détroits, la Marmara et les ports (Istanbul et autres).²²

The response of the British to the additional proposals put forward by the Turks was not enthusiastic. The line of argument they would, no doubt,

20. *Ibid.*

21. *Ibid.*

22. F.O. 424 280 No. 31, 'Turkish Proposals for Revision of Provisions of Straits Convention regarding Passage of Warships,' memo. communicated by Numan Menemencioğlu to Rendel, 23 May 1936.

have preferred to pursue was succinctly summarized by Rendel, the Foreign Office official who handled the talks with Numan Menemenciöğlu. This was that

the existing restrictions on the passage of warships were really a corollary to the demilitarisation clauses of the existing convention, and that, if the demilitarisation clauses were now abrogated, the logical sequel would be not that the passage of warships should be further restricted, but that the existing restrictions should be relaxed.²³

In view, however, of their determination to accommodate the Turks over the Straits, the British decided they had better admit discussion of the articles of the Convention governing the passage of warships in the hope that a compromise solution might be reached, satisfying, to some extent at least, British desiderata. On one issue alone did Rendel speak with any degree of firmness. The Admiralty, he declared, thought it important that the passage of the Straits should be independent of the choice of the riparian power. It was unlikely, therefore, that Britain would accept anything resembling the Turkish suggestion regarding "authorisation."²⁴

Thus assured of British support in principle for a substantial revision of the Lausanne Convention, the Turks, preparatory to a conference of the interested powers, which it had been agreed should be held at Montreux on 22 June 1936, drew up an outline agreement, a copy of which they gave to the British Ambassador in Ankara on 11 June 1936. This document elaborated the proposals put forward by Numan Menemenciöğlu in London. The demilitarization clauses of the Lausanne Convention were to be abrogated. The area of the Straits was to be forbidden to the passage of civil and military aircraft. Provision was to be made for the regulation of the passage of ships-of-war in time of peace, in time of war and in case of "menace de guerre." The maximum force to be permitted to pass at any one time was to be limited to 14,000 tons. Should the Turkish fleet, or part of it, be absent from the Marmora, then the force traversing the Straits should pass in two parts. The total tonnage of all non-riverain fleets assembling in the Black Sea at any one time should not exceed 28,000 tons. Warships should pass only for the purpose of paying courtesy calls. Turkey was to be informed one month in advance of

23. F.O. 424 280 No. 33, 'Record of a Meeting (No. 4) between Numan Menemenciöğlu and Representatives of the F.O. and Adm. to discuss the Proposed Revision of the Straits Convention of 24 July 1923.'

24. *Ibid.*

their intended passage. None was to remain in the Black Sea for more than fifteen days. The regulations governing the passage of the warships of riverain powers from the Black Sea to the Mediterranean were to be analogous to those governing the passage of the warships of non-riverain powers from the Mediterranean to the Black Sea.²⁵

On 22 June 1936, the first day of the conference, the Turks presented the delegations with a draft convention. This draft incorporated most of the proposals contained in the outline agreement handed to the British Ambassador on 11 June 1936. In time of war, should Turkey remain neutral, ships-of-war were to enjoy free passage; in time of war, should Turkey be belligerent, no warship was to pass without first obtaining the permission of the Turkish Government; in case of "menace de guerre," Turkey was to have a similar right to require ships-of-war to obtain permission, provided she informed the signatories of the Convention and the Secretary General of the League of Nations of her intention to do so. In one important particular, however, the Turkish draft differed from the outline agreement. Whereas the outline agreement had stated that the regulations governing the passage of the ships-of-war of riverain powers would be analogous to those governing the passage of the ships-of-war of non-riverain powers, the draft convention contained a clause granting the riverain powers privileged rights of egress.

Il est entendu que si une des Puissances riveraines de la mer Noire demande à faire passer à travers les Détroits un bâtiment de guerre de sa flotte existante, dont le tonnage est supérieur au maximum admis pour la traversée et va jusqu'à 25,000 tons, ce passage sera subordonné aux conditions suivantes: une autorisation préalable de la Turquie doit être obtenue et le navire doit effectuer la traversée isolément.²⁶

Subject to the detailed negotiation of particular provisions, the British had been prepared to support the Turkish proposals set out in the outline agreement. The Admiralty had advised that these would, in general, satisfy Britain's essential desiderata that, in time of peace, she should be able to send, at discretion, a small force into the Black Sea to pay courtesy calls and show the flag, and that, in time of war, she should be able, subject to such controls as might on the basis of reciprocity be agreed, to exercise her belligerent rights

25. F.O. 424 280 No. 40, Morgan to Eden, 12 June 1936, No. 328, enclosure, 'Outline for New Agreement regarding the Straits' (communicated by Turkish Government).

26. F.O. 424 280 No. 42, Draft Convention communicated by the Turkish Delegation at Montreux to the Delegations of the other Powers, 22 June 1936, article 6,

in the Black Sea.²⁷ But the new Turkish proposal, which abandoned the principle of reciprocity in favour of Russia, they would not support. They considered that it would, in effect, turn the Black Sea into a Russian *mare clausum*. When, therefore, the British delegation at Montreux was called on to express a view on those clauses of the Turkish draft convention which concerned the passage of warships and their auxiliaries, Lord Stanhope, who led the British delegation during the early stages of the conference, declared them to be unacceptable and suggested that, if restrictions on the passage of ships-of-war were to be imposed, they should be imposed on a reciprocal basis.²⁸

As was to be expected, the Russians viewed the clauses concerning the passage of warships and their auxiliaries in a different light. M. Litvinov, head of the Russian delegation, argued forcibly that Russia had special interests in the Black Sea. Moreover, she had coasts in other parts of the world: a sudden threat of war might necessitate the immediate transfer of her Black Sea fleet to the Baltic or the Pacific. As for Britain's claims that equal treatment should be given to all, had not the principle been established in the Lausanne Convention that, while Russian ships-of-war should have complete freedom of passage into the Mediterranean, some form of limitation should be imposed on the warships of non-riverain powers entering the Black Sea?²⁹

Not that the Russians were content with the special privileges accorded to them in the Turkish proposals. They would have preferred to see a more severe restriction imposed on the passage of ships-of-war in time of war; and they would have preferred to see the convention make special provision not only, as in the Turkish draft, for the rights of powers executing their engagements under the League of Nations Covenant, but also for those executing their engagements under pacts, such as the Franco-Soviet Pact, concluded within the framework of the Covenant. In the course of his speech, therefore, Litvinov proposed that the article of the Turkish draft defining the position regarding the passage of ships-of-war be amended to read:

En temps de guerre, aucun des États riverains de la mer Noire n'étant belligérant, les bâtiments de guerre et les navires auxiliaires jouiront du libre passage dans les Détroits aux conditions prévues dans les articles précédents de la présente section. Toutefois, il sera

27. F.O. 371 20075, Adm. to F.O., 16 June 1936, 'Observations on the Turkish proposals regarding the passage of warships through the Straits.'

28. F.O. 371 20076, 'Compte rendu of the 4th meeting of the Montreux Conference, 24 June 1936'; Routh p. 620,

29. *Ibid*,

interdit de passer à travers les Détroits dans la mer Noire à tout bâtiment de guerre des Puissances belligérantes.

Lorsqu'un État riverain de la mer Noire autre que la Turquie serait belligérant, le passage à travers les Détroits vers la mer Noire sera interdit à tous bâtiments de guerre des Puissances non riveraines.

Les dispositions du présent article ne pourront néanmoins porter aucun préjudice au passage des bâtiments de guerre en exécution d'engagements d'assistance découlant du Pacte de la Société des Nations et d'accords conclus dans le cadre de ce Pacte, ni au passage à travers les Détroits des bâtiments de guerre de l'État auquel cette assistance sera due.³⁰

This amendment the French and the Rumanians supported: they recognized that it would ensure the effective working not only of the Franco-Soviet Pact but also of the Franco-Rumanian treaty.³¹ Of the remaining delegations, the Greeks were mainly concerned with their commercial shipping interests; but in the discussion on warships they, and the Yugoslavs, as members of the Balkan Entente, in general supported Russia and France; and so, on the whole, did the Bulgarians, for whom the Conference became the occasion of a rapprochement with their Balkan neighbours. The Japanese, basing their attitude on the conclusions of a conference of naval experts held at Tokyo on 24 June 1936, were alone in supporting the British view that the Turkish draft was too favourable to Russia.³²

In seeking an alternative to the differential proposals contained in the Turkish draft convention, the British considered two possibilities: that there might be complete freedom of entry and egress for all states equally, and that a limited right of entry and egress, controlled by a sliding scale, might be de-

30. F.O. 371 20080, Stanley to Eden, 20 July 1936, No. 45, enclosure, report summarizing and analyzing main issues, annex B; F.O. 371 20075 H.M. Vice-Consul, Montreux, to F.O. 23 June, 1936, tel. No. 8.

31. Routh, pp. 623-4.

32. Routh, p. 624. Italy, having on the eve of the conference decided to refrain from sending a delegation to Montreux until such time as the situation had been cleared, which, in effect, meant until the sanctions imposed by the League of Nations had been lifted, remained unrepresented. Outside the conference hall, however, her views were, to some extent, made known. In an interview with the Turkish Ambassador in Rome, Count Ciano, the Italian Foreign Minister, declared that his government was strongly opposed to the remilitarization of the Straits. The Italian press represented the conference as a continuation of Britain's sanctionist policy against Italy: see F.O. 371 20075, 'Italy and the Montreux Conference,' memo. by Rendel, 18 June 1936.

vised.³³ As the conference progressed they became increasingly persuaded that the second scheme was the most practical, a conclusion borne out when the British delegation discussed the question with M. Numan Menemencioglu on 26 June 1936. In the course of this discussion M. Numan declared that, while he realized it might be difficult to restrict egress from and entry into the Black Sea for riverain powers on exactly the same basis as for non-riverain powers, Turkey certainly did not want what Russia was now aiming at, namely, severe limitation of non-riverain powers and complete freedom for herself to send unlimited forces through the Straits, including units up to 25,000 tons. The Turks did not want to be doorkeepers to a Russian lake, in which Russia could organize a powerful fleet either by building in the Black Sea or by transferring ships from the Baltic. By imposing a sliding scale, whereby increases in the tonnage of the fleets of riverain powers would be matched by increases in the tonnage of the units of the non-riverain powers allowed through the Straits, Russia might be persuaded not to build up her fleet in the Black Sea.³⁴

When, during a brief adjournment of the plenary sessions of the Conference, Eden met Litvinov in Geneva, he put the sliding scale proposal to him. Litvinov, who like Eden had no wish to see the controversy endanger the outcome of the conference, agreed that it might answer the case. Subject to his government's approval, he would consent to the insertion of an "escalator" clause, incorporating a sliding scale, in the proposed convention.³⁵

Litvinov's conditional agreement to the principle of escalation enabled the British to turn their attention to other aspects of the Turkish draft. Before returning to the conference table, they drew up, on the basis of the Turkish draft, a new draft convention which, besides including the points on which agreement had been reached in Montreux and Geneva, contained a number of new proposals. These were as follows: that a declaration affirming the principle of the freedom of the Straits, which had been included in the Lausanne Convention, but omitted from the Turkish draft, should be inserted in the preamble; that the maximum naval unit that might pass the Straits at any one time should be limited to one half of the tonnage of the Turkish fleet, or to 15,000 tons, whichever should be the greater; that such limits as were to be enforced should not prevent the visit of a fleet of any size to a Turkish port on the

33. F.O. 371 20080, 'Narrative of the Negotiations at the Conference held at Montreux,' memo. by P.J. Henniker - Heaton, July 1936.

34. *Ibid.*

35. F.O. 371 20080, Stanley to Eden, 20 July 1936, No. 45, enclosure, report summarizing and analyzing main issues.

invitation of the Turkish government, provided that fleet left the Straits by the same route by which it had entered; that the length of notification to the Turkish Government for the passage of warships through the Straits should not exceed fifteen days; that the tonnage which any one non-riverain power might have in the Black Sea should be limited to three quarters of the total tonnage allowed to all non-riverain powers; that if any power, having at the time no force in the Black Sea or a force of less than 10,000 tons in all, should wish to send a force into that sea "for humanitarian purposes," that power should have the right, subject to special authorization from the Turkish Government, to send ships or to increase its existing force in the Black Sea up to a maximum of 10,000 tons, notwithstanding all the provisions in the preceding articles; that such a force might remain in the Black Sea without limit of time; that forces sent into the Black Sea for any other purpose should not remain for longer than one month; that, in time of war, should Turkey remain neutral, the same conditions should apply to the passage of warships as in time of peace, subject to the provision that these conditions should not be applicable to a belligerent power to the detriment of its belligerent rights; that Turkey should undertake, on the occasion of "menace de guerre," not only to notify the League of Nations and the signatories of the convention of measures taken, but also, should the League decide by a two thirds majority that the measures taken were unjustified, to cancel them forthwith; that the Straits Commission should continue to exercise its functions; and that the new convention should remain in force for fifty years (as against fifteen years in the Turkish draft).³⁶

A clause, excluding from the definition of auxiliaries, ships specifically designed for the transport of inflammable liquids, was also incorporated in the British draft. This had earlier been proposed by the French delegation and was designed to ensure that France's supplies of oil from Russia and Rumania would be maintained in time of war.

In the new British draft the so-called escalator clause was defined as follows: the total tonnage which non-riverain fleets might send into the Black Sea should not exceed 30,000 tons, unless and until the tonnage of the largest riverain fleet in the Black Sea should come to exceed that of the largest fleet in the Black Sea at the time of signature of the Convention by more than ten per cent. After that point the total tonnage allowed to non-riverain powers should rise *pari passu* with the excess up to a maximum of 45,000 tons. The special

36. F.O. 371 20077, U.K. Delegation, Montreux, to the F.O., 5 July 1936, No. 16, enclosure, 'Revised version of the Turkish draft convention submitted by the U.K. delegation.'

provision, contained in the Turkish draft, for the passage of the ships-of-war of riverain powers up to 25,000 tons maximum was omitted.^{36a}

On 6 July 1936 the conference considered the new British draft and adopted it as a basis for discussion. The Russians lost no time in pointing out its bias. They took strong exception to the suggestion that, in time of war, should Turkey remain neutral, no restriction should be placed on the ships-of-war of powers exercising their belligerent rights in the Black Sea; they considered the figures contained in the 'escalator' clause to be unduly favourable to the non-riverain powers; and they thought that the rights of access established elsewhere in the proposed convention made adequate provision for the passage of ships-of-war for humanitarian purposes. As for the clause concerning the rights of riverain powers to send capital ships through the Straits, on no account would they agree to its omission.³⁷

Of the points in dispute, that concerning the passage of ships-of-war and their auxiliaries through the Straits in time of war, should Turkey remain neutral, proved the most difficult to resolve. In an attempt to meet Russian objections on this score, on 8 July 1936, the British delegation moved a new amendment to the effect that, if Turkey felt herself menaced by the passage of a belligerent fleet, she might close the Straits to all belligerent powers without discrimination, and that if no Black Sea power were belligerent, she should close the Straits to all belligerent vessels.³⁸ To this amendment the Russians replied with a counter amendment, designed to ensure that the Straits would be automatically closed to belligerents during a war in which Turkey remained neutral, except in the case covered by article 23 of the British draft convention, which provided that no stipulation of the convention should prejudice the rights and obligations of the High Contracting Parties under the Covenant of the League.³⁹ The following day, when article 23 of the British draft itself came up for discussion, they proposed that it, too, should be amended, in order that freedom of passage might be provided not only for warships and their auxiliaries fulfilling their obligations directly under the League Covenant but also for those fulfilling engagements of mutual assistance under supplementary pacts within the framework of the League, whether Turkey was a party thereto or

36a. *Ibid.*

37. F.O. 371 20077, U.K. Delegation, Montreux, to F.O., No. 19. 'Compte rendu of the 6th, 7th and 8th meetings of the Montreux Conference,' 6-7 July 1936, and H.M.'s Vice Consul, Montreux, to F.O., 8 July 1936, tel. No. 27, message from Lord Stanley.

38. F.O. 371 20080, Stanley to Eden, 20 July 1936, No. 45, enclosing a report summarizing and analyzing main issues (annex D).

39. *Ibid.*, annex E.

not.⁴⁰ So serious, indeed, did the dispute become that at one stage it looked as if it might lead to the collapse of the conference.⁴¹ On 14 July 1936, however, the British proposed a compromise solution, which, not without considerable difficulty, they persuaded the Russians and the French to accept. This took the form of an amendment of the British draft article concerning the passage of the Straits in time of war, officially moved by the French delegation on 15 July 1936, whereby the relevant clause was altered to read:

Vessels of war belonging to belligerent Powers shall... not pass through the Straits except in cases arising out of the application of article 23 [article 25 in the final text] 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 with in the framework of the Covenant of the League of Nations.⁴²

Having, in a spirit of compromise, reached agreement on this most difficult and intractable issue, the powers were able quickly to resolve the remaining points in dispute. It was agreed that, in the preamble of article 1 of the final text, the principle of freedom of navigation should be maintained. In time of peace light surface vessels, minor war vessels and auxiliary vessels were to enjoy freedom of transit. The capital ships of riverain powers were to be exempted from this regulation, provided they passed singly, by day. Submarines constructed or purchased outside the Black Sea, in transit to a base in that sea, were also to be exempted, provided they passed singly, by day and on the surface. The period of notice required by the Turkish Government for the passage of warships should be eight days, "but it is desirable that in the case of non-Black Sea Powers this period should be increased to fifteen days." The maximum aggregate tonnage of all foreign naval forces in course of transit through the Straits (except in the case of the capital ships of riverain powers) should not exceed 15,000 tons. The upper limit of the aggregate tonnage of non-riverain fleets allowed in the Black Sea in peace time was to be 30,000 tons, unless and until the tonnage of the strongest Black Sea fleet had exceeded by 10,000 tons that of the strongest Black Sea fleet at the time of the signature of the Convention. This limit was to rise *pari passu* with any further excess up to a maximum of 45,000 tons. The proportion of that tonnage which any one power might

40. *Ibid.*, annex F.

41. F.O. 371 20080, 'Narrative of the Negotiations at the Conference held at Montreux,' memo. by P.J. Henniker-Heaton, July 1936.

42. *Parliamentary Papers 1900-1949*, 'Convention regarding the Régime of the Straits with Correspondence relating thereto; 1935-36,' Cmd. 5249, XXVIII, 697.

have in the Black Sea was to be limited to two thirds. The principle that forces might be sent into the Black Sea for humanitarian purposes was to be maintained, but any force sent should not exceed 8,000 tons aggregate; if the additional force should bring the aggregate tonnage in the Black Sea up to a figure in excess of the limit imposed in the "escalator" clause, it should only be sent into that sea on condition that the riverain powers raised no objection to its despatch. Vessels of war belonging to non-riverain powers were not to remain in the Black Sea for more than twenty one days, whatever the object of their presence there; Naval auxiliary vessels specifically designed for the carriage of fuel, liquid or non-liquid, were not to be required to notify the Turkish government in advance of their passage, nor to be counted in the calculation of total tonnage; they were, however, to be subject to all the other regulations laid down for the passage of warships through the Straits. The Straits Commission was to be abolished. The Convention was to remain in force for twenty years.⁴³

The British delegation were well content with the results of their work at the conference. P. J. Henniker-Heaton, who attended the conference as private secretary to Lord Stanley, summed them up thus:

The principle of freedom of the Straits has been reasserted without limit of time. The Straits Commission has only been abandoned in return for an undertaking by Turkey, in form proposed by the British delegation, that Turkey will furnish signatory Powers with even more information than was formerly supplied by the commission... Though the conditions for warships passing through the Straits are much more stringent in the new convention, the conditions obtained for peace-time are far better than those proposed by the Turks at the beginning of the conference, and attempts to convert the Black Sea into a *mare clausum* have been successfully resisted. The Soviet Union has been prevailed upon to accept reciprocity of limitation, and, although the United Kingdom delegation were obliged to abandon their claim for full belligerent rights as normally recognised by international law (viz., that in time of war, Turkey being neutral, the Straits should be open until Turkey took it upon herself to close them), the delegation has gained what is probably a far more important point in securing acceptance of the principle that the only overriding obligations entitling Turkey to discriminate

43. *Ibid.*

between belligerent shall be those deriving from the League Covenant, or pacts within the framework of that Covenant, to which Turkey is a party. Finally, the excellent atmosphere in which agreement was eventually obtained cannot be without good effect in international relations in a wider sphere.⁴⁴

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44. F.O. 371 20080, 'Narrative of the Negotiations at the Conference held at Montreux,' memo. by P.J. Henniker-Heaton, July 1936.