

The Istanbul Canal Project and Turkey's Increasing Assertiveness in Regional Politics

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The Istanbul Canal project has been a subject of intense debates in Turkey in recent years. This project has technical, environmental and construction aspects. This paper will put a specific emphasis on the Istanbul Canal's impact from a legal perspective, more precisely, its relevance for international law and power politics. Firstly, the paper aims to explain whether the Canal project is a violation of international law or not. Secondly, it discusses the reasons behind the explanation by applying the realist theory of international relations. Finally, it aims to foresee which changes Istanbul Canal might impose to the balance of power in the region.

Background

The Istanbul Canal project envisions constructing a new canal passing through the European side of Istanbul. This canal is planned to become an alternative to Bosphorus which at this moment is the only waterway ensuring the passage of warships and merchant vessels out of and into the Black Sea.

The Istanbul Canal project was first suggested in 1994 by then Turkish Prime Minister Bülent Ecevit, however, it was not topical until Recep Tayyip Erdoğan's official announcement in 2011. In 2019, President Erdoğan stated that the implementations will start taking place in 2020 and are expected to be finished by 2023.

As the project is sufficiently ambitious, apart from financial spending and geographical changes, its legal and political impact is also questioned. The Erdoğan government has been a target of criticism due to the initiative to revive the project. On the one hand, domestically, the opposition denounced possible damage to the ecosystem, city construction and waste of money. On the other hand, foreign criticism had more of a

political nature indicating that Turkey wants to bypass the Montreux Convention and turn the entrenched balance of power into its advantage¹. Most of the criticism coming from abroad derived from non-governmental sources such as scholars and journalists, meaning that no official reaction of any country has been stated.

In spite of the absence of official reactions, foreign criticism has a greater importance in our analysis as it is directly related to international law and power politics. Thus, the “crazy project” Istanbul Canal has even lunatic reasons behind it: a huge shift in geopolitics of the Black Sea region. And it can be understood from the perspective of a realist school of thought. However, in the first place, certain details of the violation of international law and the Montreux Convention should be mentioned in order to clear the way for a realist analysis.

Montreux and its violation

The Montreux Convention was signed in 1936 as a revision to the Lausanne Treaty of 1923, returning the rights over the Straits (Bosporus and Dardanelles) to the Turkish government. It is a multilateral treaty, its main aim is to ensure safety and security in the Black Sea by restricting the amount and the size of ships enabled to swim there. Section I of the Montreux Convention clarifies the regulations on merchant vessels which usually enjoy complete freedom of passage and face only tiny restrictions in times of war such as passing during the day and in certain cases having pilotage with no charges.

The Convention’s second section clarifies the conditions of passage for warships which is a more concerning issue. Thus, according to the Convention, Black Sea powers enjoy freedom of passage for their warships with some size and amount restrictions. Non-Black Sea powers face more restrictions and they cannot keep warships in the Black Sea more than twenty one days. In times of war, if Turkey is one of the belligerent sides or considers itself threatened by the danger of war, it has the right to close the Straits.

¹ Moscow Worried about Ankara’s Plans for Canal Bypassing Bosporus Strait Retrieved from <https://jamestown.org/program/moscow-worried-about-ankaras-plans-for-canal-bypassing-bosporus-straits/>

All of these are provisions of the Montreux Convention related to war vessels aiming to maintain the balance of power in the Black Sea region and secure the Turkish Straits.

Admittedly, this convention is very important for regional balance of power and apparently the Canal project puts it into obscurity because the convention regards only two canals: Bosphorus and Dardanelles, however, what about a third one? What if a warship decides to pass the Istanbul Canal and stay longer in the Black Sea? Will Turkey, in case of keeping the forthcoming Canal under national control, apply the same security rules or the policy will be changed? Before these questions are fully answered, it is difficult to forecast possible outcomes of the Canal project. However, there are some ways in which the events might develop and considering some concrete points, possible consequences can be visible.

There are different perspectives on the question whether the Canal project is a violation of international law, or it is a bypassing method cleverly thought by the Turkish government, or it is not a violation of any laws at all. One way to find an answer to this question is to figure out how the Turkish government intends to manage the Canal. According to President Recep Tayyip Erdoğan, the Canal will not be subject to Montreux Convention². Ultimately, the Canal will be under Turkey's control and it will be able to charge and oblige the countries passing the new canal. Although the Istanbul Canal will be national, due to Montreux Convention Turkey will not be able to enforce any kinds of vessels to pass the Canal instead of the strait of Bosphorus, as it remains a decision of ship owners, which eventually makes the passage through the new Canal. Therefore, if the rules of passage through Bosphorus are not changed then the Istanbul Canal is not a violation of international law per se.

However, as a rebuttal to this point, according to the second point of Article 18 of Montreux Convention, warships passing Bosphorus are not allowed to stay in the Black Sea more than twenty one days. However, passage through other canals is not envisaged in Montreux Convention due to their physical absence at the time of signing it. If a

² Cumhurbaşkanı Erdoğan: Kanal İstanbul, Montrö içinde olan bir şey değil Retrieved from <https://www.youtube.com/watch?v=YQVKBI8udZc>

warship passes through any other canal than Bosphorus, no obligations can be put on that vessel concerning neither the duration of stay nor the size of passing vessels on a lawful ground. Hypothetically, it means any vessel passing through the Istanbul Canal may ignore the provisions of Montreux Convention. Under these circumstances, Montreux Convention will be considered obsolete as it will not meet the security criteria set by countries-signatories leading to political crises within the West-Turkey-Russia triangle. Thus, apparently the Convention will be violated and repealed except the situation in which Turkey decides to utilize the Canal only for its own vessels that is at odds with the official statements³. As the Canal is officially supposed to be a way for vessels in order to lessen the burden of Bosphorus, the government may intend to use it to the maximum capacity.

Moreover, according to city planning manager Fatih Doğan⁴, the Istanbul Canal project will not generate benefits at all and can damage Istanbul in many ways. He argues that since 2006 there has been a slight fall in the number of vessel passages, particularly ones with environmentally harmful fuel. The canal is a construction project and contrarily will draw more costs from the state budget including more military spending and pilotage for the Canal. The construction also is going to take place on a location of agricultural fields and cause deforestation. Thus, the canal is an enormous project which is accompanied with numerous risks indicating there could be other reasons why it is intended to get constructed.

Realism and the Canal initiative

After getting familiar with the Montreux provisions and possible violation of them a question arises: Why would the Turkish government start constructing this Canal? Especially, when there are a lot of harmful aspects of it. Seemingly, the realist school of thought can provide a more nuanced explanation in this regard. It would be better to analyze the issue from a more systemic level rather than a sub-systemic one, meaning that placing more importance on the state as the main actor, not individuals.

³ Kanal İstanbul' Boğaz'ı kazalardan kurtaracak Retrieved from <https://www.milliyet.com.tr/ekonomi/kanal-istanbul-bogazi-kazalardan-kurtaracak-6096274>

⁴ Interview with Fatih Doğan, March 16th, Istanbul

From the perspective of realism, the international system is anarchic and any legal norms are obeyed by states if it is in their self-interests (E.H. Carr, 1939; Morgenthau and Thompson 1985). Accordingly, any changes in state behavior regarding international norms and law should be explained in the context of interests of that state. By applying the case to Turkey, a clearer image appears referring to the intentions of Turkey as a unitary actor to maximize its power in the region.

By constructing a second canal through Istanbul which will not be subject to the Montreux Convention, Turkey's position on the issue of which countries will pass via the new canal will have a huge significance. These conditions will boost Turkey's leverage over the Black Sea countries, in particular over Russia that considers the Black Sea strategically important to its security. Russia has historically been vulnerable to military attacks and political pressure from the Black Sea.⁵ For instance, shortly after the 8 day war between Russia and Georgia, the United States sent warships to put pressure on Russia and restrain it from further aggression towards Georgia⁶. The reason for this high vulnerability is Russia's relatively weaker navy in comparison with its ground forces. Therefore, Russia's political analysts are advocating for participation in this project by invoking the government to invest in the Canal initiative in order to have more influence on its management⁷. On the other hand, Turkey's NATO allies, especially the United States, will also attempt to have a larger say on the rights over the new canal. A freer passage through the Istanbul Canal means more power in the Black Sea which would increase NATO's power in Eastern Europe and South Caucasus. Accordingly, two countries hostile⁸ to Russia, namely Ukraine and Georgia which are also the Black Sea countries might get more American aid against making the conditions unfavorable for Russia.

⁵See: Crimean War (1853-1856)

⁶ U.S. warship docks in Black Sea port with Georgia aid Retrieved from <https://www.reuters.com/article/us-georgia-ossetia-warship/u-s-warship-docks-in-black-sea-port-with-georgia-aid-idUSLO35904220080824>

⁷Moscow Wants to Have It Both Ways on Montreux Convention Retrieved from

<https://jamestown.org/program/moscow-wants-to-have-it-both-ways-on-montreux-convention/>

⁸ Russia keeps Ukraine's Crimea and Donetsk district under illegal occupation. Georgia also lost two districts, namely Abkhazia and South Ossetia, to Russia during the 8 day war.

The realist school of thought states that when the distribution of power changes, so would the states' relation to the law (Waltz, 1979; Krasner, 2002). Obviously, Turkey could not have launched such an ambitious project several decades ago as it would not afford the pressure of Russia or the West concerning such geopolitically crucial issues. However, currently the world has become more regionalized and the United States switched to a more isolationist foreign policy. Therefore, Turkey seeks more power and security for itself. Thus, the Montreux Convention which has been a guarantee of Turkey's rights over the Straits has now become a hurdle on its way to adapt to the new world order. On this ground, Turkey sees no reasons complying with the Montreux provisions and international law while they do not fit with its national interests. The new canal will grant Turkey the power of counterbalancing the West and Russia by using one against another. This leverage strengthens Turkey's position, however, if it is used in a mono-vector way it may cause tensions with either Russia or the West. In other words, despite the fact that the Istanbul Canal will be a useful whip hand, if Russia or the West is fully deprived of the opportunities created by the Istanbul Canal, retaliatory measures can be taken by the ignored side against Turkey.

The main difference between the Istanbul Canal and other canals

Artificially constructed canals have been connecting important waterways for many centuries. For instance, Panama Canal's construction by different countries and companies took a long time. It was an important initiative to significantly reduce the trade route and establish a short waterway from the Atlantic to the Indian Ocean. The same can be told about the Suez Canal which connected the Mediterranean and the Red seas making the route from Europe to India way shorter than it had been before. Both the Suez and Panama canals belong to the countries in territory of which they are located; Egypt and Panama respectively. Although the ownership of the canals belonged to different entities in both cases, later on it was handed over to Egypt and Panama. Certainly, these countries also took responsibility not to hinder the passage of merchant vessels with some charges and regulations⁹.

⁹ Suez Canal Authority: rules of navigation
<https://www.suezcanal.gov.eg/English/Navigation/Pages/RulesOfNavigation.aspx>

Thus, the Istanbul Canal project is one among many other artificially built canals and its main difference is the presence of its natural alternative, the strait of Bosphorus. Suez and Panama canals were necessary due the absence of any other canals or straits in those areas. The motive, however, for Istanbul Canal is not a construction of a waterway but relieving the burden of Bosphorus from environmentally harmful fuel and secure Istanbul by decreasing the traffic in the straits¹⁰. Although some scholars state that the environmental impact of a new canal will be greater than if Bosphorus remains the only waterway, the government is ignoring these claims and actively engaged in the implementation of the project.

Accordingly, the official statements about the environment, supposedly, do not reflect the true motives behind the Canal initiative. Such a debated and uncertain project would not be put into action immediately without the approval of the majority of the population and a certain part of the opposition. Considering the fact that the nation-states are rational actors (Mearsheimer, 2001) and incessantly seek to increase their power, the Istanbul Canal is supposed to play a significant role in shifting the balance of power *in favor of* Turkey. In order to achieve this goal, Turkey will have to undermine the Montreux Convention that totally matches with the argument of realists about the efficacy of international law¹¹.

Ultimately, the Istanbul Canal is a unique case which is more clearly seen through realist lenses rather than liberal institutionalism that refers to economic and institutional factors as the primary drivers of state behavior in the international system. The Istanbul Canal is mostly about geopolitical influence as it will not be able to have obligatory power with more financial charges. However, while being out of the Montreux Convention it will have different rules in the matter of passage of warships. This is presumably the aim of the whole project.

¹⁰ KANAL İSTANBUL TÜRKİYE'NİN GELECEĞİDİR, ASRİN PROJESİDİR, İBB BAŞKANI İSTEMESE DE YAPILACAKTIR Retrieved <https://www.youtube.com/watch?v=Xct26wxufo>

¹¹ International law will be pursued when it benefits states, and undermined when it is against their self-interests.

A path fraught with danger

A realist analysis clearly concludes that the Istanbul Canal will serve Turkey's power maximization. Some may even praise Turkey and the current administration for its contribution to Turkey's increasing influence in the region. On the other hand, in case the Montreux Convention is suspended, some Black Sea countries, particularly Russia might disagree with the provisions set by Turkey.

If Russia and/or the West disagree with the circumstances spawned by the Istanbul Canal, not only the project itself but also the Montreux Convention can lose its actuality, that has been a solid guarantee of stability in the Black Sea. The Convention's nullification will ignite debates over the rights of the straits and the forthcoming canal. It will increase international pressure on Turkey and eventually may lead to a conflict of interests between Turkey and the second party. This conflict may result in direct confrontations such as military clashes, economic sanctions, and proxy wars. Also it may end up with indirect conflict such as bankrolling and supporting terrorist groups within Turkey.

Therefore, "rational actor" conception alone cannot be the only explanation of the actions of Turkish government. Both the leader (Morgenthau and Thompson; 1985) and the state (Waltz; 1979) might be rational; however the available information is the main determining factor of this rationality. If the information is insufficient, biased or its evaluation is incorrect, the rationality of the final decision will be flawed. This situation is called "bounded rationality", according to which the actions taken by states can be erroneous and unwittingly harm their interests. Bounded rationality does not question the rationality of political actors but indicates that it might be limited and out of their ability.

Thus, the new Canal may imperil Turkey's security and put it under huge international pressure. Based on that, we can assume that even if Turkey stays on its current stance on constructing the canal to maximize its power, this path is dangerous as it can make a military confrontation with Russia inevitable. If the pressure from second parties is

too heavy, an agreement which will eventually clarify the conditions for the Istanbul Canal might make Turkey worse off.

Conclusion

Generally speaking, the Istanbul Canal's planning and implementation process is complex. These processes require consideration of judicial, geopolitical and economic consequences which the Canal can bring along. Seemingly, Erdoğan is committed to this project and going to proceed its realization further. His official statements indicate a reluctance toward the Montreux Convention provisions, meaning that the violation of them is a matter of time if the implementation of the canal construction continues.

However, it is unclear whether the Erdoğan administration can precisely calculate the consequences and avoid direct confrontations with major powers over the straits and the Istanbul Canal. If it succeeds in a peaceful and stable transition from the Montreux Convention to another international legal agreement or document, Turkey will gain significant advantage over both the West and Russia. As discussed above, the reasons behind the canal initiative are a change in the balance of power in favor of Turkey. The best proof is the exclusive nature of this case that has no alternatives in the world.

It should be noted that the Istanbul Canal will be a contentious topic and its further implementation fully depends on the Erdoğan administration's prospects for staying in power as other political groups which can win the elections are opposing the Canal initiative. However, the current administration will go to election in 2023 which grants it enough time to keep the process of construction on. The only obstacle that can slow down this process is the recent COVID-19 crisis which is yet doubted.

Based on the arguments and evidence put forward in this paper, we may conclude that the Istanbul Canal will have a tremendous impact on Turkey's position in the international community and relations with other countries. Admittedly, this will be a turning point for Turkey to choose between the West and Russia, or maybe become more neutral and keep equal distance to both sides. The ability of Turkey to remain stable and prevent extreme inclination toward one side can be questioned as the

possibility of setting desirable rules for the new Canal may not be possible without the full support of either the West or Russia.

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