SECURITY AND STABILITY ARCHITECTURE IN THE BLACK SEA[*]

Bülent KARADENİZ[**]

Abstract

The Black Sea constitutes a region where the interests of four geopolitical entities intersect, namely, the EU with its "Neighbourhood Policy of the EU", the USA in search of a gateway to Eurasia, "Broader Middle East", and North Africa, the Russian Federation, and lastly Turkey; all having potential contradictory geopolitical interests which may lead to conflictual situations in this area. Nevertheless, the Organisation of the Black Sea Economic Cooperation, as a platform, provides harmonisation of interests among political entities and establishes complementary relations between member states.

In this sense, this paper contains several propositions which may help enhance the role of the Organisation of the BSEC due to its geopolitical strategic location that has special importance at the heart of Eurasia. It will be argued that in addition to strengthening its main functions as an organisation for economic cooperation, the Organisation of the BSEC may also offer a structural basis in the fields of combating asymmetric risks and threats as well as organised crime.

Moreover, Turkey's security concept of the Black Sea is pictured as embracing a clear distinction between the maritime domain and the lands of the Black Sea Basin in relevance to the Montreux Convention of 1936, which imposes limits to the ships of third parties on their numbers, tonnage, and duration of their stay. In this line, the Black Sea Naval Cooperation Task Group (BLACKSEAFOR-a regional on-call task force), the Operation of Black Sea Harmony, and the Coordination Centre (among the coastguard units of the littoral states established in Bourgas) are evaluated as regional maritime domain security arrangements. Furthermore, the new interests of the EU in the Black Sea after the accession of Bulgaria and Romania and the Wider Black Sea strategy of the USA are also examined.

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[*] The author, in this article, strictly expresses his personal opinions in an academic capacity. Nothing written here is to be construed as necessarily reflecting the views of the Ministry of Foreign Affairs of the Republic of Turkey.

[**] Acting Chairman, Center for Strategic Research of the Ministry of Foreign Affairs of the Republic of Turkey

This article concludes that the security arrangements in the Black Sea Basin, particularly in the maritime area, must be based on making use of the existing regional mechanisms that constitute substantial confidence building mechanisms for the region. But most importantly, they prove as efficient security-providing tools. The article summarises the key words of the regional cooperation policy as regional ownership, transparency and inclusiveness. It also emphasises that Black Sea maritime security must rely on three principles: contribution and the will of the costal states, effective sharing of intelligence and information between the regional mechanisms and Euro-Atlantic security mechanisms, and respect for the regime of Montreux Convention.

Key Words

The Organisation of the BSEC, Ctrengthening, Core countries, Observer Status, the EU, Local Authorities Congress, Permanent Bodies, Transnational Networks, Trade and Development Bank, Regional Identity, Maritime Domain, Trilateral Consultation, Confidence Building, Wider Black Sea Strategy, NATO, Regional Ownership, Transparency, Montreux Convention.

Introduction

The topic to be analysed in this article concerns with the role and importance of the Black Sea region in the new international security environment which has begun to take shape after the September 11 events.[1]

The article will begin by examining the Organisation of Black Sea Economic Cooperation and BLACKSEAFOR which are the two local elements of the Black Sea security architecture and will be followed by the two external initiatives originating from the EU and the USA.

Geopolitical Outlook

Nowadays, the Black Sea region is essentially the intersection point of four different geopolitical dynamics. The first two of these dynamics are based on the interests of the two major countries in the region; namely

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[1] Orhan Babaoglu, "The Black Sea Basin: A New Axis in Global Maritime Security", Harvard Black Sea Security Program Publications, para. 2 (24 August 2005), available at: http://www.harvard-bssp.org/bssp/publications/109

Turkey and the Russian Federation.[2] Besides, a considerable number of the states included in the EU's Neighbourhood Policy are located in the Black Sea region.[3] The US, however, regards the region as more of a gateway in the framework of its Eurasian and Greater Middle East policies. Thus, the Black Sea has begun to resemble a quadrangle game board, occupied by a quartet comprising Turkey, the Russian Federation, the EU and the USA.[4] In this respect, the security and stability environment in the Black Sea Basin has reverberations in the whole Euro-Atlantic Region and Eurasia.

Moreover, the Black Sea has historically been a crossroad of many geopolitical formations as well. Basically, in the past, the powers that have controlled Central Asia, Anatolia, the Balkans and the Caucasus and the Ural geopolitics, which covers most of Eastern Europe, have confronted each other on lands over the Black Sea. However, despite the fact that the Black Sea has been a multidimensional geo-strategic stage, the powers that have acted on this scene have embraced each other peacefully in "sacred waters" of the Black Sea throughout every period of history. In other words, all along history, peace and stability has prevailed in the maritime domain of the Black Sea.

Turkey's Black Sea Security Concept

In Turkey's security concept of the Black Sea the maritime domain and the land of the countries in the region are treated separately. In a broader sense, twelve countries form the Organisation of the BSEC,[5] but only six of these countries are littoral states.[6] The problems and challenges these two areas (land and maritime) harbour are distinct from each other in nature and scale; hence, they each require separate frameworks for solution.

If the clear distinction between these two dimensions is not taken into account, defining and analysing the challenges and needs of the Black Sea, and developing the best way and means to cope with these challenges in a cooperative manner would become even harder.

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[2] For detailed discussion of this matter see Oleg Serebrian, "Some Considerations About Reactivation of the Black Sea Geostrategic Ensemble," *Conflict Studies Research Centre- Security in the Black Sea Region: Perspectives and Priorities*, G93 (March 2001): 3-7; also see Mustafa Aydın's Summary of "Black Sea Cooperation: The Real World Difficulties of a Good Idea," available at www.fes.rolengl/html_files/docs/summary_Aydin.doc.

[3] Iris Kempe, Kurt Klotzle, "The Balkans and the Black Sea Region: Problems, Potentials, and Policy Options", Policy Analysis No.2 (April 2006), Center for Applied Policy Research, p.10-12

[4] Iris Kempe, Kurt Klotzle, "The Balkans and the Black Sea Region: Problems, Potentials, and Policy Options", Policy Analysis No.2 (April 2006), Center for Applied Policy Research, p.5

[5] For the full list of the member countries see: http://www.bsec-organization.org/main.aspx?ID=About_BSEC

[6] Albania, Armenia, Azerbaijan, Greece, Moldova, and Serbia do *not* have a coastline on the Black Sea.

History seems to vindicate the validity of this very distinction. Throughout history, the lands surrounding the Black Sea have been the scene for many battles while no serious conflict has ever erupted on the maritime surface. The only serious war that ever took place in the Black Sea Basin was the Crimean War of 1852-1856. In this case, the interference of external powers in the region played a major role in the outbreak of the war.[7] Likewise, during the Cold War Era, despite the fact that NATO and Warsaw Pact countries shared borders in this region, no military exercise by either side took place on the Black Sea maritime surface. Turkey also has not performed any military exercises in the Black Sea during this period. In the future, the Black Sea will remain as the sea of peace, stability and security as long as its control rests with the littoral states.

The underlying factors for this are the semi-closed sea character of the Black Sea and the fact that the only access to open seas is through the Turkish Straits. Consequently, the control of the maritime transport requires the control of Istanbul. However, historically, the only way to control Istanbul was to lay a siege from land, rather than a battle in the sea. This reason has kept the Black Sea maritime area isolated from military conflicts.

In history, the states that had control over the Turkish Straits were all imperial powers. This has deterred extra-regional powers from aiming to establish their naval forces in the Black Sea to use it for their own strategic interests. In other words, as long as the passages through the Turkish Straits were ruled by a stable regime, the Black Sea has remained as the "Water of Peace".[8] Today, this kind of regime is established by the Montreux Convention of 1936. As commonly known, this Convention precludes extra-regional powers from establishing permanent naval forces in the Black Sea by imposing limits on battleships with regard to their tonnage, number and the duration of their stay in the Black Sea,[9] while it sets up a fully liberalised passage regime for merchant vessels.[10]

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[7] For detailed information about the Crimean War, see: Bamgart, Winfried. "*The Crimean War, 1853-1856*", Arnold Publishers, 2002. ISBN 0-340-61465-X; Pottinger Saab, Anne (1977). "*The Origins of the Crimean Alliance*", University of Virginia Press. ISBN 0-8139-0699-7; Royle, Trevor (2000). "*Crimea: The Great Crimean War, 1854-1856*", Palgrave Macmillan. ISBN 1-4039-6416-5; Schroeder, Paul W. (1972). *Austria, "Great Britain, and the Crimean War: The Destruction of the European Concert"*, Cornell University Press. ISBN 0-8014-0742-7; Wetzel, David. (1985). "*The Crimean War: A Diplomatic History*", Columbia University Press. ISBN 0-88033-086-4

[8] Orhan Babaoglu, "The Black Sea Basin: A New Axis in Global Maritime Security", Harvard Black Sea Security Program Publications, para. 7 (24 August 2005), available at: http://www.harvard-bssp.org/bssp/publications/109

[9] Montreux Convention Regarding the Regime of the Turkish Straits, Arts. 8-21

[10] *Ibid*., Atcs. 1-7

Security Architecture of the Black Sea

Security and stability in the Black Sea is important not only for the littoral states, but also for the Euro-Atlantic community.[11] In addition to the wide range of natural resources available, the potential energy transit routes have also added to the strategic importance of the region.[12] In this regard, Turkey attaches special importance to the effective performance of bilateral or multilateral regional cooperation initiatives and mechanisms with littoral states. In doing so, Turkey endeavours to strengthen the trust environment in a wide region which can be named as the BSEC geography.

Today, the Black Sea security and stability architecture is built upon two main pillars. First of these pillars is the Organisation of Black Sea Economic Cooperation (BSEC) and the second is BLACKSEAFOR, which is a regional on-call naval task force.

The Organisation of the BSEC and the BLACKSEAFOR are the two successful examples of Turkish foreign policy abilities to take proactive initiatives.[13] Undoubtedly, the success inspired by these initiatives belongs to Turkey's credit. These initiatives have aimed to fill in the strategic void which came forth in the region following the collapse of the Soviet Union and prior to the NATO and the EU reaching Central and Eastern Europe. Both initiatives are based on the understanding of constructing regional peace through regional cooperation.[14]

In today's globalised world, the importance of regional cooperation in providing peace and stability is unanimously accepted. Nevertheless, as far as Turkish foreign policy is concerned, neither the search for peace nor the synergy[15] between peace and regional cooperation are new concepts.

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[11] Paul Ciocoiu, *"New Security Role Emerges for Black Sea Region"*, Southeast European Times 8 November 2006, published on SETimes, avalable at: http://www.set.mes.com/cocoon/setimes/xhtml/en_GB/features/2006/11/08/feature-03

[12] Iris Kempe, Kurt Klotzle, *"The Balkans and the Black Sea Region: Problems, Potentials, and Policy Options"*, Policy Analysis No.2 (April 2006), Center for Applied Policy Research, p.9

[13] Orhan Babaoglu, *"The Black Sea Basin: A New Axis in Global Maritime Security"*, Harvard Black Sea Security Program Publications, para. 9 (24 August 2005), available at: http://www.harvard-bssp.org/bssp/publications/109

[14] See, The Blackseafor Establishment Agreement signed on 2 April 2001 in Istanbul, Artc. 1 Para. 3

[15] The term 'synergy' was origionally used in European Commission's Communication on *Regional Cooperation in the Black Sea: State of the Play, Perspectives for EU Action Encouraging its Further Development*, Brussels (1997): 12-13.

These concepts were laid down by Atatürk, the founder of modern Turkey, as the cornerstone of Turkish foreign policy. In his time, while the international political landscape was being shaped by enmity and the looming prospect of the Second World War, Mustafa Kemal Atatürk put forward the principle phrased as "Peace at Home, Peace in the World". In this day and age, we see that Atatürk bequeathed this principle not only to the Turkish people, but also to the international community as well.

In line with this understanding, ever since the inception of the Turkish Republic, initiatives for regional cooperation and solidarity have come to guide Turkish foreign policy. In this context, Turkey played a leading role in the formation of the Balkan and Sadabad Pacts during the Atatürk era, and the establishment of Baghdad and Balkan Pacts during 1950's.

In an environment of ambiguity and anxiety which came out in the aftermath of the Soviet Union's collapse, Turkey, with a proactive approach, has launched its conception of "regional cooperation for peace" in the Black Sea and pioneered the establishment of the Organisation of the BSEC and also BLACKSEAFOR.

The Organisation of Black Sea Economic Cooperation (BSEC)

In the Organisation of the BSEC, along with economic cooperation as a common denominator, the idea of making the peace, stability, democracy and most important of all, culture of reconciliation prevalent throughout the region in the long run has dominated the minds of its founders.[16] The Organisation of the BSEC has accomplished a very valuable task of playing a confidence-building role in the framework of the post-Cold War.[17] Today, the Organisation contributes indirectly to the peace and stability environment, as well as to the culture of reconciliation in the region by establishing economic interdependence and cooperation among member states.[18]

The region covered by the Organisation of the BSEC embodies a population of 350 million people living on a vast geography which is

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[16] See: the Preamble to the Charter of the Organisation of the Black Sea Economic Cooperation

[17] Lev Voronkov, "Regional Cooperation: Conflict Prevention and Security Through Interdependence," *The International Journal of Peace Studies*, vol. 4, no. 2 (1999). Available at http://www.gmu.edu/academic/ijps/index.htm.

[18] Dimitrios Triantaphyllou, "The Black Sea Region and Its Growing Influence", Speech on the occasion of the celebration of the "BSEC Day" (18 July 2006), Harvard Black Sea Security Program Publications, para. 15, available at: http://www.harvard-bssp.org/bssp/publications/120

highly rich in terms of natural resources. This offers substantial advantages for development of regional cooperation based on mutual benefit.[19] Thus, intergovernmental cooperation and dialogue processes within the Organisation have been launched in areas of telecommunication, transportation, tourism, statistics and data collection, and financial mechanisms for project feasibility studies, banking, harmonization of commercial and customs procedures, cooperation in times of natural disasters.[20] Recently, opinions are being voiced about the possibility of cooperation in energy sector. In addition, it is also noted that the Organisation of the BSEC members are carrying out effective work on environmental protection under the Bucharest Agreement.[21]

Despite success in all these areas, it would not be realistic to state that Organisation of the BSEC has kick-started a genuine dynamic for economic integration covering commerce and investment relations.[22]

Among the causes of why the Organisation of the BSEC has not proven to be fully efficient in the area of economic integration is the impression of the smaller member states that they would fall weak vis-à-vis the larger countries within the Organization. However, this perception does not appear to reflect the reality. As common to all, the Organisation of the BSEC mechanisms were constructed in a manner whereby the Organization operates on principles based on equality, mutual benefit and trust, regardless of the size of its members.[23]

Another reason for the Organisation's low performance in the economic integration stems from the fact that member states perceived the Organisation of the BSEC as a substitute for their visions of the European Union membership.[24] Today, this perception is no longer relevant. A group of the Organisation of the BSEC countries have acceded to the EU; another

[19] Valeri Chechelashvili, "Astride Two Continents, The Heart of Eurasia," interview by Caglar Unal, *Black Sea Trend Review*, vol.1 (Summer 2002): 32.

[20] Charter of the Organisation of the Black Sea Economic Cooperation, Chapter II, Art. 4

[21] Ercan Ozer, "Black Sea Economic Cooperation: A Test Case" (NATO Colloquim on Economic Developments and Reforms in Cooperation Partner Countries: External Economic Relations with Particular Focus on Regional Cooperation, Brussels, 25-27 June 1997), available atwww.nato.int/docu/collogq/1997/97-2-2.htm; also for active working groups see "Black Sea Economic Cooperation" available atwww.die.gov.tr/uid/bsec.html; for further information about BSEP see "Black Sea Facts" available at www.blackseaweb.net/general/epp.htm.

[22] Marianna Assenova, *Economic Integration in the BSEC Region: Current State and Future Prospects* (Tbilisi: The Nineteenth Plenary Session of the PABSEC General Assembly, Economic, Commercial, Technological and Environmental Affairs Committee, 2002), 3-5, GA19/EC18/REP/02.

[23] Charter of the Organisation of the Black Sea Economic Cooperation, Chapter II, Art.3

[24] Melanie H. Ram, "Black Sea Cooperation Towards European Integration" (paper presented at the Black Sea Regional Policy Symposium, Leesburg, VA, March 29-April 2001): 3, available at www.irex.org/programs/symp/01/ram.pdf.

group has been incorporated into either the EU Enlargement Strategy or the European Neighbourhood Policy.[25] Therefore, the Organisation of the BSEC should neither be conceived as a substitute for the EU, nor should the countries see their BSEC membership as an alternative to their involvements in the EU.

One other factor that has induced deceleration in the performance chart of the Organisation of the BSEC are the obstacles and difficulties arising from legal responsibilities of the member states due to their memberships in other various regional, political or economic organizations. Among these organisations, particularly in the economic realm, the EU, the World Trade Organisation and the Single Economic Zone (derived from Commonwealth of Independent States) can be mentioned.[26] However, the efforts aimed to achieve harmonisation among the economic and commercial procedures of these establishments are playing a facilitating role to overcome the aforementioned obstacles and difficulties.[27] The EU's tendency to strengthen its presence in the BSEC geography and the new policies targeting to endow the EU with a BSEC-dimension appearing on the EU agenda[28] have especially strengthened the views on the need to either create a common economic area between the EU and the Organisation of the BSEC or harmonise different economic arrangements under the EU umbrella.[29]

In the light of these points, it can be argued that the conditions are flourishing in favour of the Organisation of the BSEC catching a new dynamism in the future. In this respect, some observations and suggestions aiming to strengthen the Organisation of the BSEC are presented below:

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[25] Marianna Assenova, *Recommendation 73/2003* (Bucharest: The Twenty Second Plenary Session of the PABSEC General Assembly, Legal and Political Affairs Committee, 2003), 2, GA22/LC22/REC73/03. For the Assemby debate see Doc.: GA22/LC22/REP/03, Report of the Legal and Political Affairs Committee "Black Sea region within the context of the enlargement of the European Union" discussed in Rostov-Don, on 15 October 2003; Rapporteur: Mr. Necdet Budak – Turkey). See also Berdal Aral, "Black Sea Economic Co-operation After Ten Years: What went wrong?," Alternatives: Turkish Journal of International Relations, vol.1, no.4 (Winter 2002), available athttp://www.ciaonet.org/olj/tjir/v1n4/tjir_v1n4arb01.html.

[26] Berdal Aral, "Black Sea Economic Co-operation After Ten Years: What went wrong?," Alternatives: Turkish Journal of International Relations, vol.1, no.4 (Winter 2002), available at http://www.ciaonet.org/olj/tjir/v1n4/tjir_v1n4arb01.html.

[27] Marianna Assenova, *Economic Integration in the BSEC Region: Current State and Future Prospects* (Tbilisi: The Nineteenth Plenary Session of the PABSEC General Assembly, Economic, Commercial, Technological and Environmental Affairs Committee, 2002), 4, GA19/EC18/REP/02.

[28] Sergiu Celac, Panagiota Manoli, "Towards a New Model of Constructive Regionalism in the Wider Black Sea Area" (paper presented at the FES' and ISD's joint international conference, Constanta, Romania, June 11, 2005): 13, paper's summary is available at http://www.fes.ro/engl/html_files/docs/Summary_Celac.doc.

[29] Thanos Veremis, "The European Union and Black Sea Economic Cooperation Organization: A Meaningful and Structured Relationship, Introductory Presentation by the International Center for Black Sea Studies" (paper presented at the Extraordinary Committee of Senior Officials of the BSEC, Brussels, 11 April 2005): 4. Available at www.icbss.gr/index.php?option=com_docman&task=doc_download&gid=99.

1- The intra-regional trade diversion in favour of the EU could be avoided by achieving a harmony between the tariffs applied on bilateral trade among the Organisation of the BSEC members and the tariffs applied to the EU by the individual member states.[30]

2- Building regional networks of cooperation among various segments of civil society could endow the Organisation of the BSEC with new visions and ideas for its activities.

3- There may be areas of cooperation where the member states may not be ready to collaborate unanimously. For such cases, cooperation could be initiated by a core group of countries and be left open for the others to join, and this might help overcome the current stagnation.

4- Lessons could be drawn from the experiences of the Congress of Local and Regional Authorities of the Council of Europe to form a similar assembly composed of elected representatives of local governments from the BSEC region. The establishment of such an assembly would add a new dimension to the Organisation of the BSEC especially on issues including cross-border cooperation between the local authorities.

5- At present, the Organisation of the BSEC carries out its activities through prescheduled Ministerial meetings and meetings of the Experts Committees. In addition to these mechanisms, the establishment of a Permanent Committee composed of the Representatives of the member states may prove beneficial in enabling the activities of the Organisation to gain continuity and supervision on a daily basis.

6- The Organisation of the BSEC could both benefit from the cooperation project development capabilities of NGO's and consolidate the trust among the people by granting consultative status to these institutions working in the fields similar to the activities of the Organisation.[31]

7- As in the example of the Council of Europe, the number of agreements endowed with monitoring mechanisms could be increased in

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[30] In line with this proposal, BSEC has initiated the establishment of 'Euro-Black Sea Free Trade Area' to be realized by 2010. For further information, see M. Fatih Tayfur, "Turkish Foreign Policy Towards the Euro-Mediterranean Partnership and the Black Sea Economic Cooperation," *Foreign Policy*, no.1-4 (1999): 58.

[31] For detailed discussion see Ioannis Stribis, "Institutionalization of Cooperation Between Inter-Governmental Organizations and NGOs: The BSEC Experience," *Non-State Actors and International Law* 5 (2005): 21-57.

order to provide a binding framework for inter-state cooperation on various fields of cooperation, and, thus, strengthen the Organisation's vocation towards obligatory cooperation arrangements in the region.

8- The economic structure of the member states could be strengthened by broadening the activities of the Black Sea Trade and Development Bank to support Small and Medium-sized Enterprises as well as the projects of cooperation at regional scope.[32]

9- Building cooperative links between the Organisation of the BSEC and other institutions such as ECOSOC, the economic commissions of the UN, UNDP, OECD, UNEP, FAO, World Bank and the EU could enable these institutions to contribute to the activities of the Organisation of the BSEC. Such cooperation could be realised by granting an observer status to the Organisation to these institutions or vice-versa and also by developing joint projects.[33]

10- The Organisation of the BSEC contributes to the emergence of regional identity on the base of understanding of partnership and cooperation. It would be highly useful to materialise regional cultural, educational, social and sporting events which could come up to foster the Black Sea regional identity.

The suggestions brought up above are related to strengthening of the Organisation of the BSEC in economic terms. For an Organisation which will undertake to reinforce the regional economic cooperation activities, facilitating the consolidation of confidence among the members should be accepted as a natural consequence. This constitutes an indirect contribution to peace and regional stability by the Organisation of the BSEC. Furthermore, the Organisation of the BSEC Summits and Ministerial meetings indirectly contribute to the regional security by offering bilateral dialogue opportunities on the settlement of frozen conflicts. Indeed, it is easier to address bilateral problems on the platform offered by a regional cooperation framework. However, it is possible to endow the Organisation of the BSEC with the

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[32] Dan Nicolae Rahau, *Black Sea Trade and Development Bank:The Financial Pillar of Cooperation in the Black Sea Region* (Athens: The Twentieth Plenary Session of the PABSEC General Assembly Recommendation,2002), 2-3, GA20/EC19/REC65/02.

[33] For the organizations BSEC members are affiliated with, see Dimitros Kyrkilis, "Economic Performance, Regional Integration and Financial Collaboration in the Black Sea Region," *Agora without Frontiers,* vol.10 (4) (2005): 320-333.

necessary functions to play a direct role in combating with asymmetric threats and organised crime, in particular those hinder economic cooperation.

The Role of the Organisation of the BSEC in the Combat against Asymmetric Threats and Organised Crime

The Organisation is regarded to have reached enough maturity to provide a framework for cooperation against asymmetric threats such as terrorism, illegal trafficking of human beings, arms, nuclear materials, drugs, WMD's and oil smuggling in the region.[34] Some extra-regional powers have recently started to develop strategies to enable themselves to intervene in the region by claiming that an effective mechanism in combating asymmetric threats failed to exist in the region.[35]

The Organisation of the BSEC is a full-fledged organisation based on a Charter with functioning procedures and effective institutional structures and sets of rules. It is comprised of all the States located in the Black Sea Basin and represents the voice and will of the countries in this region.[36] In this respect, the establishment of a "Soft Security Centre" within the Organisation of the BSEC to combat the above mentioned risks and threats would invalidate the arguments put forward by extra-regional powers for their intervention and presence in the region.

It will be possible for such a Centre to carry out joint analyses and determine the doctrines, concepts and methods to be used in combating these problems which could harm economic cooperation among the member states, while at the same time establishing a headquarters for the joint operations conducted by the police and judicial authorities. Considering the possible challenges in establishing such a structure in a short period of time, it is possible to scale this suggestion down to a more modest framework. Accordingly, it may appear to be more realistic to act in a more modest set of mind and build a regional network named as BLACKSEAPOL under the

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[34] Gennadiy Vassylyev, *Basic Principles of the Black Sea Convention on Combating Organized Crime and Terrorism* (Kyiv: Parliamentary Assembly of the Black Sea Economic Cooperation, Legal and Political Affairs Committee, 1996), 3-4, LC 2411/96.

[35] Ross Wilson, "Democracy and Security in the Black Sea", Ambassador's Remarks and Public Events, ARI Movement's 8th Annual Security Conference, Istanbul, 29 June 2006

[36] Orhan Babaoglu, "The Black Sea Basin: A New Axis in Global Maritime Security", Harvard Black Sea Security Program Publications, para. 10 (24 August 2005), available at: http://www.harvard-bssp.org/bssp/publications/109

Organisation of the BSEC which could be used for exchange of intelligence similar to INTERPOL.

Essentially, the current legal framework and political decisions existing at the Organisation of the BSEC could serve as the basis for the establishment of such a Centre. Some information on the legal framework and the political decisions of the Organisation[37] are as follows:

• At the Istanbul Summit in 1992 which resulted with the establishment of BSEC, the Bosporus Statement was issued according to which the participant countries had pledged to abide by the rules and principles of the Helsinki Final Act and the Organisation for Security and Cooperation in Europe (OSCE).

• Based on this decree, the "Agreement Among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in Particular in its Organised Form" was signed at the level of interior ministers in Corfu on 2 October 1998 followed by an Additional Protocol signed in Kiev on 15 March 2002.

> The kinds of organised crime and the means of cooperation against them, have been clearly specified in this Agreement. The participant countries have undertaken to cooperate in the fields of personnel training and facilitating communication.
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> In the Additional Protocol to this Agreement signed in Kiev in 2002, various co-operational activities such as the coordination and cooperation among the security forces and the establishment of a communication network amongst them to facilitate exchange of intelligence and in the execution of this cooperation the appointment of officers as well as the exchange of documents prepared by police and judicial departments have been clearly defined.
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> Following this, another Additional Protocol on Combating Terrorism was signed in Athens on 3 September 2004.

• By adopting the Organisation of the BSEC Charter in 1998, the member states have committed themselves to cooperate against organised

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[37] For further information about the aggreements of the Organisation of the BSEC agreements, see www.bsec-organization.org/documents.aspx?ID=Agreements.

crime, drug trafficking, trading of WMD's and radioactive materials, illegal migration and terrorism of all kinds.

• In the Summit Declaration of June 2002, the Council of Foreign Ministers was assigned to explore the means and methods in enhancing contribution of the Organisation of the BSEC to "Strengthening Security and Stability in the Region". In this context, a working paper on BSEC's contribution to security and stability was prepared in the light of efforts made during 2003-2004.

• Subsequently, a statement on "BSEC's Contribution to Security and Stability in the Region" was adopted in the Council of Foreign Ministers on 25 June 2004. In this statement, it was declared that the Organisation of the BSEC had no function for peacekeeping and crisis-management, but had been contributing to security and stability by developing regional economic cooperation and soft security measures. It is also stated that member countries will concentrate on preserving regional security and in this context, they have pledged to take part in the efforts to eradicate all kinds of hostility, conflicts, human rights violations and terrorism in particular.

Security Arrangements in the Black Sea Maritime Area

The Black Sea is a semi-closed sea with a 432.000km² area and 4340 km long coastline. When compared with other seas, it clearly covers a smaller area and, especially in the security sense, it is considerably easier to monitor. Turkey has the longest coastline in the Black Sea, with 2660 km's and has signed more than 50 agreements in the last 15 years on topics such as exclusive economic zone and sea frontiers to avoid any possible disputes with other littoral states.

The second pillar of the security architecture in the Black Sea region is the "Black Sea Naval Cooperation Task Group" named as BLACKSEAFOR. As it is known, BLACKSEAFOR was formed upon Turkey's initiative in 1998 to establish cooperation between the naval forces of the Black Sea littoral states and thus came into existence on the 2 April 2001 by the signing of the "BLACKSEAFOR Establishing Agreement" in Istanbul by the participating countries: Turkey, Bulgaria, Romania, Georgia, Ukraine, and the Russian Federation.

The aim of BLACKSEAFOR has been defined as strengthening the friendship, good relationship and mutual understanding in the Black Sea by improving the cooperation between the naval forces of the countries in the region.[38] BLACKSEAFOR was designed as a naval cooperation task group to be ready on-call, should the need arise. Since 2004, BLACKSEAFOR has been called for duty two times a year under the command of a member country appointed on rotational basis and is activated under military commands.[39] In periods of its activation, BLACKSEAFOR has taken the tasks of search and rescue operations in the sea, humanitarian aid, environmental protection and cleaning sea mines, goodwill visits as well as other tasks determined by the member states.[40]

BLACKSEAFOR has also participated in the "Exercise Black Sea Partnership" carried out in the context of NATO's Partnership for Peace Program and NATO has accepted this Exercise to be a confidence and security building naval activity in the region.[41]

In the aftermath of the September 11 terrorist attacks, the need for strengthened international cooperation became all the more urgent, especially for the cooperation in issues such as combating terrorism, proliferation of WMDs, and all forms of illegal smuggling and trafficking. In 2004, Turkey took an initiative in order to address the question.[42] Accordingly, upon a decision taken at Deputy Foreign Minister level, the objective of endowing BLACKSEAFOR with operational capabilities for combat against asymmetrical threats such as terrorism and weapons of mass destruction was adopted.[43] Furthermore, a serious piece of work was launched aiming at extending BLACKSEAFOR's activities as to include combating these risks and threats, and thus at transforming BLACKSEAFOR into a credible major force in the region.[44]

The works to change the BLACKSEAFOR "Terms of Reference" in order to bring it to conformity with the new security environment and enable

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[38] See: "The BLACKSEAFOR Establishing Agreement" signed on 2 April, 2001, Art. 2 para. 3, Art. 4 para. 1

[39] See: "The Transformation of BLACKSEAFOR", available at: http://www.blackseafor.org/English/Transformation_Homee.asp

[40] *Supra* note 28, Art. 4 para. 2

[41] Black Sea Partnership-2006 Exercise hosted by Turkey was conducted between 5 May and 12 May 2006 in West Black Sea. Further information available at: http://www.tsk.mil.tr/eng/tatbikatlar/index.htm

[42] Orhan Babaoglu, "The Black Sea Basin: A New Axis in Global Maritime Security", Harvard Black Sea Security Program Publications, para. 8 (24 August 2005), available at: http://www.harvard-bssp.org/bssp/publications/109

[43] See, the Communiqué released on 7 July 2004 at the Moscow Meeting of the Representatives of the participating States to BLACKSEAFOR Agreement, para 3-5, available at: http://www.blackseafor.org/English/7TEM2004_HOME.asp

[44] *Supra* note 29

it to include combating illicit trafficking of WMD's and preventing terrorist activities has currently been underway. In this regard, in accordance with the decisions reached at the special meeting of the Political Representatives in Moscow on 7 July 2004, a Group of High Level Experts (HLEG) from the littoral states was established and given the task of assessment of the current risks and threats.[45]

In this regard, the High Level Experts Group has prepared a report on "The Use of BLACKSEAFOR in combating terrorism and proliferation of WMD's" with an annex document entitled "Maritime Risks Assessments". These documents have been approved at the meeting of the special Representatives of Foreign Affairs Ministers in Kiev on 31 March 2005.[46] In this meeting, HLEG has been instructed to complete the remaining three documents; Bilateral MoU, Terms of Reference and Sub-Concepts of Operations of BLACKSEAFOR. Consequently, the Sub-Concept Document on the "Legal Aspects Regarding BLACKSEAFOR's Task of Preventing Terrorism and Proliferation of Weapons of Mass Destruction, Their Means of Delivery and Related Materials" was accepted ad referendum at the 5th HLEG meeting held in Istanbul on 15th December 2005 with the view of submitting it to the Special Representatives.[47]

In the first stage of those works, the Risk Assessment Report on Black Sea was accepted in 2005.[48] In this report, it was stated that although the Black Sea Region is not immune from asymmetric risks and threats, currently no security vacuum could be detected which the terrorists could exploit in the region. It is also stated in the report that no information about illegal activities on the maritime area stemming from the frozen conflicts or terrorist organisations rooted in the geography of Black Sea Basin has been obtained. However, unless deterrent and effective measures and arrangements are adopted, the illegal tendencies which are currently at the risk level may turn into real threats. The document states that this requires, *inter alia*, combined efforts by the six littoral states in this vein to create synergy and BLACKSEAFOR is an instrument available to be used effectively for countering the risks, threats and challenges in the Black Sea. This was a crucial indication proving

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[45] *Supra* note 32, para 5,
[46] See, the Communiqué released on 31 March 2005 at the Kiev Meeting of the Representatives of the participating States to BLACKSEAFOR Agreement, http://www.blackseafor.org/English/31MAR2005_HOME.asp
[47] *Ibid*, para. 2
[48] *Ibid*, para. 3

that the littorals have had the means and capabilities to deal with their own region, particularly in the maritime domain.[49]

The Operation Black Sea Harmony

The Turkish Navy began to perform the Operation Black Sea Harmony (OBSH) on 1 March 2004 in accordance with the UN Security Council Resolutions[50] on combat against terrorism adopted following the September 11 events.[51] This Operation can be described as similar to NATO's Operation Active Endeavour[52] aim of deterring possible asymmetric threats and illegal acts in the region and contributing to the security of the Turkish Straits. The intelligence and data collected within the framework of the OBSH are transmitted to NATO Authorities in Naples on a 24-hour basis. The Centre for Permanent Coordination in Eregli, a province on the Black Sea coast in Turkey has recently been activated for this very purpose.

Turkey has invited all the littoral states to participate in Black sea Harmony. In this regard, the participation of Russia was confirmed through the exchange of notes between the two countries on 27 December 2006. Later on, Ukraine has also participated in the OBSH. The negotiations about the participation modalities of Bulgaria and Romania in the Operation Black Sea Harmony are still continuing. It is also noted that the naval capabilities of Georgia for participating in the operation are limited. Once this Operation becomes multinational, there will be a complete maritime picture of the Black Sea. Then, one will know exactly who is navigating, what the ships are carrying, where they come from and where they are going to.

This Operation is of continuous nature and once all other littoral states participate in it, it may be possible to transfer it under the responsibility of BLACKSEAFOR.[53] Consequently, there will be a multinational confidence

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[49] Although academic research conducted in the USA broadly states that the possibility of potential threats in the Black Sea prevails, it also recognizes that Black Sea and adjoining Caucasus region does not provide for a significant presence of global terrorist activities committed to the use of WMDs, thus leaving the relevance of the threats in the region highly precarious. *See* Patricia Taft, David A. Poplack, "The Sum of its Conflicted Parts: Threat Convergence Risks in the Black Sea Region", Fund for Peace publication, January 2008, available at http://www.fundforpeace.org/tc/images/Publications/ffp%20black%20sea%20report%20january%202008.pdf

[50] See: The UN Security Council Resolutions 1373, 1540 and 1566

[51] Orhan Babaoglu, "The Black Sea Basin: A New Axis in Global Maritime Security", Harvard Black Sea Security Program Publications, para. 13 (24 August 2005), available at: http://www.harvard-bssp.org/bssp/publications/109

[52] For further information about the Operation Active Endeavour see: http://www.nato.int/issues/active_endeavour/index.html, and http://www.afsouth.nato.int/JFCN_Operations/ActiveEndeavour/Endeavour.htm

[53] Orhan Babaoglu, "The Black Sea Basin: A New Axis in Global Maritime Security", Harvard Black Sea Security Program Publications, para. 13 (24 August 2005), available at: http://www.harvard-bssp.org/bssp/publications/109

and stability building tool available in the Black Sea and BLACKSEAFOR will be able to carry out its activities on a synchronised basis with the struggle against asymmetric risks at the global level. This way, the BLACKSEAFOR may also be able harmonize the efforts being made by individual littoral states in combating these threats.

Turkey's initiatives concerning the security arrangements on the Black Sea maritime domain are not limited only to BLACKSEAFOR and Operation Black Sea Harmony. Upon a Turkish initiative in 2003, the Black Sea Regional Command and Communication Centre established in Bourgas, Bulgaria in order to provide coordination and to facilitate exchange of information among the Coastguard Units of the costal States in the Black Sea region. To accomplish this task, this Centre ensures direct contact and communication among Coastguards and Border Police and integrates the information exchange activities at national and regional levels. In addition, Turkey actively contributes to the system of confidence-and-security-building measures which was proposed by Ukraine in 2004.

The Interests and Initiatives of the External Powers towards the Region

We are witnessing a new political approach towards the region called the "Wider Black Sea" in recent years especially in academic works and some political circles in the USA, as well as a reviving the EU interest in the Black Sea Region after the accession of Bulgaria and Romania. Without doubt, the reason for this tendency is the importance attached to the energy resources and the energy transport routes in the region.[54]

The area in the concept of the "Wider Black Sea" covers essentially the geography of the Organisation of the BSEC countries. In this case, a question which needs to be answered comes to mind: "Why is it necessary for a different definition of the same geography?" The problem possibly arises from the difference between the goals of the Organisation of the BSEC and the Wider Black Sea strategy. One may suggest that the Wider Black Sea concept aims to establish political and military presence of the USA in the region.

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[54] Ioan Mircea Pascu, "Now the EU must awaken to Black Sea security", Europe's World (Summer 2006), p.103

With its Wider Black Sea Strategy, the USA is conceived to be aiming to initiate new dynamics on democracy, market economy, energy security, commercial relations, and cooperation on security in line with its own interests in the region.[55] Amongst these, the topic of cooperation on security seems to be covering a wide spectrum of issues such as reforms on defence and integration with Euro-Atlantic institutions, solution of frozen conflicts,[56] improving the capabilities of the regional countries in air space control, maritime and border security as well as combating terrorism.

It can be seen that most of these topics are overlapping with the activities of the regional cooperation mechanisms and arrangements such as the Organisation of the BSEC, BLACKSEAFOR and the Black Sea Regional Command and Communication Centre established among the countries in the region. In addition to this, in 2002, the USA took initiatives within the NATO to extend the operational area of the Operation Active Endeavour (which began to be exercised in the Mediterranean after the September 11 attacks on base of collective security provision of Article 5 of the North Atlantic Treaty) to the Black Sea maritime domain.[57] However, no decision was reached on this subject within NATO, which acts on the principle of consensus.

Nevertheless, there has been a dramatic shift in the Wider Black Sea strategy of the USA in recent years. The US has begun pursuing to achieve her aims through the help of the existing regional cooperation mechanisms and through bilateral relations with the countries in the region.

In this context, the American authorities seem to appreciate the Operation Black Sea Harmony and BLACKSEAFOR as confidence building measures in the Black Sea and to have no intention to change the Montreux Convention and acknowledge Turkey as a regional leader in the field of maritime security in the region. The objections made by Turkey and certain other NATO allies against incorporation of the Black Sea into the operational area of the Operation Active Endeavour have an important effect on this considerable change in the attitude of the USA.[58] In this regard,

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[55] Ariel Cohen, Conway Irwin, "U.S Strategy in the Black Sea", Backgrounder No 1990 (13 December 2006) p.1, available at: www.heritage.org/research/Russia andEurasia/bg1990.cfm

[56] Dimitrios Triantaphyllou, "The Black Sea Region and Its Growing Influence", Speech on the occasion of the celebration of the "BSEC Day" (18 July 2006), Harvard Black Sea Security Program Publications, para. 10, available at: http://www.harvard-bssp.org/bssp/publications/120

[57] Orhan Babaoglu, "The Black Sea Basin: A New Axis in Global Maritime Security", Harvard Black Sea Security Program Publications, para. 18 (24 August 2005), available at: http://www.harvard-bssp.org/bssp/publications/109

[58] Ariel Cohen, Conway Irwin, "U.S Strategy in the Black Sea", Backgrounder No 1990 (13 December 2006) p.9, available at: www.heritage.org/research/Russia andEurasia/bg1990.cfm

three considerations seem to have influence on Turkish attitude. First, the extension of the Operation Active Endeavour to the Black Sea would lead to the undermining of the Monterux Regime, which has ensured harmony among the interests of littoral states of this region, and of external world for more than seventy years. Secondly, any cooperation mechanism which alienates the Russian Federation is destined to failure. And finally, since Operation Active Endeavour and NATO have a mechanism for exchange of intelligence with the Operation Black Sea Harmony, the extension of the Operation Active Endeavour to the Black Sea would be unnecessary.

On the other hand, it would be rational to conclude that a NATO fleet entering the Black Sea would cause the Russian Federation to also feel surrounded by the south in addition to the East, and thus lead this country to perceive threats from the Black Sea.[59] The result of such a perception would lead the Russian Federation to pursue a more assertive military and foreign policy rather than cooperating in the Black Sea.

However, BLACKSEAFOR and Operation Black Sea Harmony are unique formations which create mutual trust and cooperation among the naval forces of the countries representing different geopolitical interests and systems. This situation provides transparency and confidence in the Black Sea concerning the activities of the naval forces of the littoral states.

On the other hand, if the extra-territorial actors get the opportunity to establish their naval presence in the Black Sea, their strategic and political interests would adversely disrupt the security and stability balance in the Black Sea maritime area.

Turkey, in accordance with the principle of indivisible security, does not see the regional arrangements as an alternative to the Euro-Atlantic region and NATO systems, but furthermore pays special importance to establishing complementary links between regional arrangements and the NATO. In this context, being affiliated with NATO, the Operation Black Sea Harmony enables the security of the Black Sea maritime area to be integrated into that of the Euro-Atlantic regional security system. Thus, through the Operation Black Sea Harmony, Russia will be able to adopt a psychology for collective combat against global risks and threats, along with NATO, consequently

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[59] Ariel Cohen, Conway Irwin, "U.S Strategy in the Black Sea", Backgrounder No 1990 (13 December 2006) p.9, available at: www.heritage.org/research/Russia andEurasia/bg1990.cfm

reduce her doubts of NATO. With the help of the software developed by Turkey, a communication network was established between the different military communication systems of the fleets of the coastal states and also between Operation Black Sea Harmony and Operation Active Endeavour. This has made it possible to identify suspicious vessels through the cooperation of the two Operations and to transfer the data and information collected on vessels found suspicious during the examinations conducted by Operation Black Sea Harmony in the Black sea to the NATO fleet in the Mediterranean Sea and vice versa.

As a matter of fact, as indicated in the reports published by the military staff of NATO, the existing regional mechanisms are adequate to maintain security in the Black Sea and there is no need to extend the geographic scope of the Operation Active Endeavour to the Black Sea maritime domain.

The Risks and Threats not covered by the Regional Arrangements

The risks and threats not covered by the regional arrangements can be summarised as solving frozen conflicts and the shortcomings of the countries in the Black Sea Basin in democracy and market economy. These problems, however, do not reflect a risk or a threat in the Black Sea maritime area, but remain to be an internal problem of these countries. Turkey supports the efforts by institutions such as OECD, the UN, the EU or the OSCE playing a role in the solution of these problems. Nonetheless, Turkey believes that the "Wider Black Sea" strategies of the Western countries and institutions to establish peace and democracy should be implemented in such a way that it ensures the participation of and does not create new dividing lines.

In this context there is an impression that the EU is adopting a new Black Sea dimension in the recent years after the Bulgarian and Romanian accession.[60] However, the solely different legal mechanisms used by the EU in relations with the countries in the region renders it impossible for EU to adopt an all-embracing approach towards the Black Sea region. The countries in the BSEC region, Romania, Greece and Bulgaria are EU members; Turkey is in the accession process to join the EU; the Caucasian countries, Ukraine

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[60] Dimitrios Triantaphyllou, "The Black Sea Region and Its Growing Influence", Speech on the occasion of the celebration of the "BSEC Day" (18 July 2006), Harvard Black Sea Security Program Publications, para. 14, available at: http://www.harvard-bssp.org/bssp/publications/120

and Belarus are included in the EU's Neighbourhood Policy; Albania, Serbia, and Macedonia are the countries in the scope of the Agreements on stability and partnership of the EU and Russia has special ties with the EU based on a relationship named as strategic partnership.

In addition to all the different nature of benefits and obligations emanating from the various legal bases of these agreements and relationship, the advantages offered and conditions required are clearly incompatible with each other in nature.

In the context of the EU's orientation towards the region, a proposal was made and an unexpected initiative was launched by Romania in June 2006 to organize a Summit entitled "The Black Sea Forum for Partnership and Dialogue". The Romanian authorities have expressed that the motivation of their initiative was to create coherence between the activities of the different formations in the region such as the Organisation of the BSEC, BLACKSEAFOR, GUAM, SECI and the Stability Pact.[61]

The other arguments advanced by Romanian authorities were that integrating the Black Sea into the EU dynamics; providing a platform for direct contact between local authorities and academic-civil society circles; initiating dynamics of cooperation in many fields such as environmental protection, emergency assistance, security, and cultural diversity. These topics widely overlap with the functions of the Organisation of the BSEC. Moreover, this initiative seems to have an intention to create a new regional umbrella structure which is effectively assumed by the Organisation of the BSEC. Therefore, this initiative has given rise to the concern that it may lead to duplication with the Organisation of the BSEC.

However, Romania could not obtain the success she expected from this attempt. The Russian reaction to this Forum played an important role in this outcome. Russia limited its presence at this Summit Forum to only its Ambassador to Bucharest. It would not be plausible to expect the approval of Russian Federation in this Forum which envisaged engaging with the formations such as GUAM and Democratic Choice Group towards which the Russian attitude is not favourable. Although Turkey has participated at

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[61] See: "Joint Declaration of the Black Sea Forum for Dialogue and Partnership", available at http://www.blackseaforum.org/joint_declaration.html

the ministerial level taking into account her friendly bilateral relations with Romania, she has suggested to the Romanian authorities that this initiative should not be developed into any formation that would lead to duplications of the Organisation of the BSEC.

Conclusion

To make a general summary, we can say that the concepts such as the Wider Black Sea Strategy and the Broader Middle East Project all aim in these regions to achieve the interests of the Western states in this region in an integral framework. However, both the initiatives have shown that global approach and strategies bear no fruits in these regions. Development in this region depends on above all the revival of the local dynamics. The support given to these dynamics by the external powers will no doubt be an added value. However, in order for this support to yield positive results, it is essential that the USA and the EU act either through the local cooperation mechanisms in these regions or on bilateral bases as to respond to the local demands. It would be more realistic and result oriented approach to keep the foreign support in conformity with the local initiatives.

In a general sense, preservation of security and stability in Black Sea region is an issue of priority for Turkey. In its effort, Turkey's policy is to make use of existing mechanisms to extend the possibility since they contribute significantly to the climate of confidence not only among the littoral states, but also in the wider region.[62] And the key words of this regional cooperation policy can be summarised as regional ownership, transparency and inclusiveness. It is worth remembering that an initiative in the region which disregards Turkey and the Russian Federation has no chance of success.[63] On the other hand, the regional arrangements which constitute security architecture of the Black Sea must be linked to the Euro-Atlantic structures, in particular to the NATO through effective intelligence sharing. This will result in fruitful conformity between regional arrangements and Euro-Atlantic arrangements. And one must continuously keep in mind that the Montreux Convention has provided security and stability in the region for more than seventy years and promises to play its role for the future as well.[64]

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[62] Patricia Taft, David A. Poplack, "The Sum of its Conflicted Parts: Threat Convergence Risks in the Black Sea Region", Fund for Peace publication, January 2008, 3:16:21, available at http://www.fundforpeace.org/tc/images/Publications/ffp%20black%20sea%20report%20january%202008.pdf

[63] Ibid., 18:22.

[64] Ibid., 3:16:21.

In brief, the Black Sea maritime security is based on three principles: contribution and will of the coastal states, effective source of information and intelligence sharing between the regional security mechanisms and the Euro-Atlantic institutions respect of the provisions of the Montreux Convention.