



The Black Sea: A Sea of Conflicts

Cüneyt Gürer¹ and Pal Dunay²

¹ *George C. Marshall European Center for Security Studies*,
<https://www.marshallcenter.org>

² *OSCE Academy in Bishkek*, <https://www.osce-academy.net>

Abstract: The Black Sea and its shores have become choke points of hostilities, where Ukraine—largely without a fleet—has achieved superiority over the Russian naval forces. This is the theater of war where the situation appears more favorable than on land, where a noticeable stalemate persists. This dynamic affects military force ratios and the eventual outcome of the entire war, with spillover effects on freedom of navigation, as well as agricultural and energy trade. This article provides an overview of the special edition, offers background, and sets the stage for more specific and detailed articles in this volume, examining the situation in the Black Sea from various vantage points.

Keywords: Sea of Azov, Black Sea, grain agreement, NATO, Russia, Ukraine

Introduction

The Black Sea and its shores have had a turbulent history for several centuries, including the occupation of Crimea by Catherine the Great in the late 18th century, the 1853-1856 war between Russia and a coalition that included the Ottoman Empire, France, the United Kingdom, and others, and the Nazi occupation of the Black Sea shores in 1942 for nearly two years. These events cannot simply be regarded as part of the past. States along the shores have disappeared and reemerged in different forms. New states were established, some dissolved, and others merged, keeping the Black Sea region anything but uneventful and certainly not boring. In this respect, there is continuity in the present.

Before addressing the current developments that began in 2014 when the Russian Federation occupied and annexed Crimea, it is necessary to reflect on some key events of the 20th century. Notably, Crimea was part of the Soviet Union, more specifically, it belonged to the Russian Soviet Federative Socialist

Republic (RSFSR). In 1954, the leader of the Communist Party of the Soviet Union (CPSU) initiated a change in Crimea's status, transferring it to the Ukrainian Soviet Socialist Republic (Ukrainian SSR) in commemoration of the tricentennial anniversary of the Pereyaslav Agreement, in which the rada of the Cossack army submitted Ukraine to Russian rule.¹ Even though the initiative came from the CPSU General Secretary, an ethnic Ukrainian, the decision was not his alone, and it would be entirely misleading to regard it as a "gift."²

The plan was deliberated by the Presidium (as the Politburo of the CPSU was then called) and subsequently approved by the Council of Ministers of the Soviet Union. The Presidium of the Supreme Soviet then issued a decree, which was confirmed a month later by the Supreme Soviet, the USSR's legislative body. Since Crimea was considered an oblast' (a territorial unit), both the Presidium and the Supreme Soviet were constitutionally authorized to decide on changes to the borders of Soviet republics. Those not familiar with Soviet history may not know that the Presidium (Politburo) did not make decisions by consensus – the long-time Soviet foreign minister, Vyacheslav Molotov, opposed the transfer. After Stalin's death (and the arrest and subsequent execution of Beria), some degree of internal democracy emerged within the party leadership. Therefore, the argument that Crimea was transferred in 1954 as a mere "gift from Khrushchev" is unsustainable.

Furthermore, the claim that czarist Russia legally annexed Crimea in 1783 and that the territory, therefore, rightfully belongs to the Russian Federation today based on historical occupation faces several issues. First, Ukraine was part of czarist Russia, meaning that the argument could be made in both directions, as Russia itself was a state that included Ukraine within its borders. Secondly, the decree of the Presidium of the Supreme Soviet explicitly cited Crimea's geographical proximity to the Ukrainian SSR and its close economic and infrastruc-

¹ For the text of those two documents, which together form the accord, please see: "Ukrainian Draft Treaty of 1654, May 14, 1654" and "The Tsar's Charter Granted to Hetman Bohdan Khmelnytsky and the Cossack Army, Moscow, March 27, 1654." See Alexander Ohloblyn, *Treaty of Pereyaslav 1654* (Toronto/New York: Canadian League for Ukraine's Liberation; Organization for Defense of Four Freedoms for Ukraine, 1954), 77-89, <https://diasporiana.org.ua/wp-content/uploads/books/22567/file.pdf>.

² Prominent Cold War historian Mark Kramer summarized the reasons for the transfer in 1954 and published related documents. See Mark Kramer, "Why Did Russia Give Away Crimea Sixty Years Ago?" (Washington, D.C.: Wilson Center, March 2014), www.wilsoncenter.org/publication/why-did-russia-give-away-crimea-sixty-years-ago. The text of the law passed by the Supreme Soviet of the USSR confirmed the decree of the Presidium of the Supreme Soviet issued a month earlier. See "Law on the Transfer of the Crimean Peninsula from the Russian Soviet Federative Socialist Republic to the Ukrainian SSR," March 19, 1954, <https://www.jmhum.org/en/news-list/932-this-day-february-19-1954-a-decree-transferring-the-crimean-peninsula-from-the-russian-soviet-federative-socialist-republic-to-the-ukrainian-ssr>.

tural ties to it as justification for the transfer.³

It is open to question whether any changes that predated the dissolution of the Soviet Union are relevant here. Specifically, the Soviet Union was dissolved with the consensus of the leaders of the 12 former Soviet republics, in accordance with the international legal principle of *uti possidetis*. This principle required that the former republican borders of the 12 republics become state borders. Consequently, if Russia had found it unacceptable to establish a territorial settlement on that basis, it should have contested it at the time. On the contrary, Moscow actively promoted it. Ultimately, the agreement was initially reached and presented to the heads of the soon-to-be-independent states by three Soviet republics—Belarus, Russia, and Ukraine—in their so-called Belovezha Accords on December 8, 1991.⁴

In sum, the Russian leadership's claims to Crimea have neither historical nor legal foundations. In this volume, Sauryk T. Abirbek examines the international legal status of Crimea and argues that Russia's annexation of Crimea in 2014 violated international law and practices. It sets a precedent as the first forcible annexation of the territory of a European country since 1945, marking the first forcible change of a European border in the postwar era. The next section of this article will examine this period in greater detail.

The Period of Conflict: 2014–2022

When we move beyond pre-history and focus on developments in the Black Sea region since 2014, the discussion must begin with Russia's annexation of Crimea. Russia argues that the people of Crimea themselves decided the territory's status. Indeed, a local referendum was held on March 16, 2014, where, according to official (Russian-controlled) results, an overwhelming majority voted in favor of Crimea joining the Russian Federation. Although the reported majority—96.77% in favor and only 2.51% against—was impressive, the legitimacy of the referendum was questionable, as it was monitored only by “friends of Russia,” such as extreme right-wing European parties. Moreover, holding a referendum in an occupied territory presents a fundamental problem, as it cannot be considered a legitimate basis for peaceful territorial change. The fact that Ukraine's constitution did not permit local referenda on territorial issues further invalidates the results.⁵

³ See Decree of the Presidium of the Supreme Soviet of the USSR on the Transfer of the Crimean Region from the RSFSR to the Ukrainian SSR, *Vedomosti Verhovnogo Soveta USSR*, no. 4 (798), March 9, 1954. – in Russian

⁴ “Declaration by the Heads of State of Belarus, the RSFSR, and Ukraine,” December 8, 1991, *International Legal Materials* 31 (1992), 142; “The Minsk Agreement Ends the Soviet Union (1991),” *Alpha History*, <https://alphahistory.com/coldwar/minsk-agreement-ends-soviet-union-1991/>; Agreement on the Creation of the Commonwealth of Independent State (Minsk, 8 December 1991), www.cvce.eu/en/obj/agreement_establishing_the_commonwealth_of_independent_states_minsk_8_december_1991-en-d1eb7a8c-4868-4da6-9098-3175c172b9bc.html.

⁵ According to the Constitution of Ukraine in force on the day the Crimea referendum

Even though the majority (58-60 %) of Crimea's population was ethnic Russian in 2014, they were not subject to discrimination by Ukrainian authorities. They had access to education in Russian as the language of instruction and could use their mother tongue in local public administration and the judiciary. Therefore, invoking the right to self-determination as justification for the annexation is unconvincing. A separate issue is that more than a decade after the annexation, and with further changes in the peninsula's ethnic composition in favor of ethnic Russians, Kyiv's ability to regain control over Crimea has become even more challenging. The enduring occupation, along with other factors, may result in a contradiction between the illegality of the process that led to Crimea's annexation and the current reality on the ground. This presents a significant dilemma for those who oppose reverting to the pre-20th-century era when acquiring territory through force was not considered illegal.

The strategic situation around the Black Sea has already changed with the occupation of Crimea. Russia was better positioned strategically, controlled a longer stretch of the seashore, and enforced its control through repeated low-intensity confrontations with any country that violated its newly declared, unilaterally extended sovereignty. This resulted in repeated low-intensity collisions between Russia and Ukraine—including the so-called Kerch incident—and with other powers present in the Black Sea, such as the United Kingdom.⁶ In the latter case, tensions arose from Russia's claim to sovereignty over Crimea and its territorial waters, whereas the United Kingdom rightfully referred to the principle of innocent passage and the illegal nature of Russia's annexation. The parties should feel fortunate that the collisions did not result in uncontrolled escalation.

As the West reacted in a controlled manner, the turning point came with Russia's large-scale aggression in February 2022, which had a profound impact on the Black Sea region. The war affected military activities, freedom of navigation, trade, and energy supply across the sea. From February 2022 onward, it was no longer possible for any Black Sea state to stay out of the conflict—especially since six of the seven littoral states were either NATO members (Bulgaria, Romania, and Türkiye) or Western partners (Georgia, Moldova, and Ukraine), with the latter group seeking a future aligned with the West. At the onset of the war, Russia's military occupied Ukrainian territories, including the entire coastline of the Sea of Azov. With this, the bilateral Russian-Ukrainian agreement on the Azov

was held (16 March 2014) "Issues of altering the territory of Ukraine are resolved exclusively by an All-Ukrainian referendum." See European Commission for Democracy through Law (Venice Commission), "Constitution of Ukraine (text provided by the Ukrainian authorities on 13 March 2014)," Council of Europe, [www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2014\)012-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2014)012-e).

⁶ Peter Roberts, "The UK and Russia as Aggressor and Defender: Two Narratives, Similar Obligations," RUSI Commentary, The Royal United Services Institute for Defence and Security Studies, June 25, 2021, <https://rusi.org/explore-our-research/publications/commentary/uk-and-russia-aggressor-and-defender-two-narratives-similar-obligations>.

Sea was effectively terminated.⁷ However, despite the destruction—exemplified by the devastation of the Ukrainian port city of Mariupol—Russia’s early military successes remained only partial.

There is one critical (or, for the West, self-critical) conclusion to draw: between 2014 and 2022, NATO placed greater importance on the Baltic Sea region and worked harder on reinforcing the three Baltic states, complemented by the significant national efforts of Poland (also supported by NATO), than on the Black Sea. When the high-intensity war broke out, NATO had more work to do in the Black Sea region to catch up, shift the balance of forces, reassure allies, and, to some extent, its partners. The Black Sea became a theater of operations and a center of gravity for hostilities, while the Baltic region remained a zone where NATO’s deterrence proved effective.

These issues are explored in greater detail in this edition. Alim Clineanu, in his article titled “Murky Tides: Improving NATO’s Defensive Posture in the Black Sea Basin,” argues that improving trilateral cooperation among Bulgaria, Romania, and Türkiye will enhance NATO’s presence and counter Russian influence in the region. He outlines several policy recommendations to improve NATO’s naval presence in the Black Sea. His recommendations include practical short-term measures, such as establishing smaller cooperative initiatives among Romania, Türkiye, and Bulgaria. These initiatives would increase trust between the countries, foster political will, and enhance deterrent capabilities. Such close cooperation will also help address gaps in Romania’s and Bulgaria’s naval assets, ultimately contributing to NATO’s overall presence in the Black Sea and its South-eastern flank.

The Evolving Military Situation on the Black Sea

Ample evidence since the beginning of the war demonstrates how short-lived and unreliable predictions can be. Yet, it may still be helpful to draw some conclusions for the future based on facts. It is clear that those who focus on the operations on land in the east and southeast of Ukraine and those who analyze the war in the Black Sea do not see the same picture. While, after 850 days of war, there is a stalemate on land with piecemeal advances by the Russian armed forces, the situation in the Black Sea is fundamentally different.

Since the beginning of the war, the Russian Black Sea Fleet has lost more than one-third of its naval assets. This situation is aggravated by two key factors: (1) Türkiye, in accordance with the Montreux Convention of 1936, closed the straits, preventing Russia from replenishing its navy from outside the Black Sea,

⁷ Agreement between the Russian Federation and Ukraine on Cooperation in the Use of the Sea of Azov and the Kerch Strait, December 24, 2003. The upper house of the Russian Duma, the Federation Council, withdrew from the agreement, stating that the territories to which the agreement applied had come under its control. See Elena Teslova, “Russia Withdraws from Agreement with Ukraine on Sea of Azov and Kerch Strait,” *Anadolu Agency (AA)*, June 7, 2023, <https://www.aa.com.tr/en/europe/russia-withdraws-from-agreement-with-ukraine-on-sea-of-azov-and-kerch-strait/2916456>.

and (2) although Russia has shipyards around the Sea of Azov and the Black Sea—specifically in Crimea—and can also introduce smaller ships via the Volga and Don rivers, connected by the Volga-Don Canal and then the Sea of Azov, if Ukrainian forces destroy assets at a rapid pace, Russia may not be able to replace them.⁸ Furthermore, Ukraine is aware of Russia’s intentions and has already carried out sabotage operations, such as the attack on a ship in Kaliningrad to prevent its transfer to the Black Sea.⁹ Although Russia will take measures to better protect its naval assets and may slow the rate of losses, it is likely to be more successful against drone attacks than missile strikes. In sum, Russia has lost its dominance as the largest naval power in the Black Sea, and now that position belongs to Türkiye.

Türkiye’s other advantage in the region, as mentioned several times in this volume, is the rights granted to the country in the implementation of the regime regulating the passage of the straits (the Bosphorus and Dardanelles) during peacetime and wartime, as established by the aforementioned Montreux Convention of 1936. In her article titled “Russia’s War on Ukraine and the Montreux Convention as Türkiye’s International Law Instrument and Policy Tool for the Security of the Black Sea,” Aysegül Ketenci analyzes the Convention’s role in maintaining security in the Black Sea, focusing on the most recent Russian aggression in the region. She argues that Türkiye has traditionally sought to keep the Black Sea region out of larger geopolitical competition and that the Convention effectively supports this policy. The Russian aggression in 2022 elevated Türkiye to an important role in the Black Sea context, and Ketenci asserts that by pursuing a balanced policy between Russia and NATO in the context of the Russian war in Ukraine, Türkiye was able to implement the Montreux regime, which serves as a crucial policy tool for formulating balanced policies and guaranteeing security.

The favorable military situation for Ukraine in the Black Sea is significant if the war of attrition continues or it leads to an arrangement that interrupts or ends hostilities. In the former case, it may serve as a foundation to turn the situation in Ukraine’s favor militarily. In the latter, it can serve as a bargaining chip in formal negotiations or informal talks. The status quo on the ground is a critical element in the positioning of the parties and also contributes to public communication to various audiences, both domestically and internationally.

Disputes over Ukrainian Agricultural Exports

The Black Sea has long been an important trade artery for the states surrounding it. Russia intended to disrupt Ukraine’s trade in this region, with the primary goal

⁸ David Axe, “Ukrainian Missiles Are Blowing Up the Black Sea Fleet’s New Missile Corvettes Faster Than Russia Can Build Them,” *Forbes*, May 21, 2024, www.forbes.com/sites/davidaxe/2024/05/21/ukrainian-missiles-are-blowing-up-the-black-sea-fleets-new-missile-corvettes-faster-than-russia-can-build-them/.

⁹ David Axe, “Ukrainian Agents Sabotaged a Russian Warship in Kaliningrad, 250 Miles from Ukraine. They Chose the Ship for a Reason,” *Trench Art*, April 9, 2024. <https://daxe.substack.com/p/ukrainian-agents-sabotaged-a-russian>.

of contributing to the collapse of Ukraine's GDP. This could deprive Kyiv of the resources needed to continue the war, increasing its reliance on external assistance. Russia may have also hoped that severe economic contraction would lead to popular dissatisfaction in Ukraine. However, this was unrealistic, as people tend to unite when their country faces external aggression.

The challenge for Ukraine was that a significant share of its exports consisted of bulk commodities, such as grain, wheat, pesticides, and, before its eastern territories were occupied, coal. Rail transport could not compensate for the loss of maritime exports. After five months of war, Russia faced growing pressure to find a compromise solution for Ukrainian grain and wheat exports. Russia's concern was not driven by Western interests but by the potential loss of support in the developing world, which had largely distanced itself from the war and refrained from unequivocally condemning Russia's aggression.

The solution came from Türkiye, an important partner of Russia that also maintained good relations with Ukraine. It was endorsed by the United Nations. Türkiye proposed a regime where ships leaving Ukrainian harbors—specifically the three larger ports still under Ukrainian control: Chornomorsk, Odesa, and Pivdennyi—would be inspected to ensure they were not carrying weapons or ammunition. This was particularly important for ships returning to Ukraine through the straits.

The agreement had significant consequences on multiple levels: it contributed to global grain and wheat supplies, reduced the global price of these commodities from USD 1,360 to 800 per ton, generated income for Ukraine, freed up space in granaries for the next harvest, and demonstrated a degree of international cooperation despite the ongoing war. However, some of these outcomes were not favorable to Russia. Shortly after the accord was signed in July 2022, Russia expressed its dissatisfaction and made additional demands.¹⁰ Unable to substantiate claims that Ukraine had violated the agreement, Russia advanced a more nuanced argument, alleging that Ukraine was disproportionately exporting grain and wheat to developed countries while providing insufficient aid to the developing world. With this argument, Russia pursued two immediate objectives and a third longer-term one: (1) to undermine Ukraine's reputation, particularly in the developing world; (2) to demonstrate that Moscow is a genuine defender of the interests of developing countries; and (3) in the longer run, to create a narrative that could be used if and when Russia decided to abrogate the agreement.

It must be taken into account that, despite launching a large-scale and brutal aggression, Russia had an advantage against Ukraine in international communication, although not to the level of influence achieved by the West. In the spring of 2023, it appeared that forces within Russia advocating for discontinuing the accord had gained the upper hand. On March 17, 2023, the Russian Ambassador

¹⁰ "Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports," United Nations, Black Sea Grain Initiative Joint Coordination Centre, July 22, 2022, https://www.un.org/sites/un2.un.org/files/black_sea_grain_initiative_full_text.pdf.

to the UN, Vassily Nebenzia, stated in the UN Security Council: "... we will not object to the renewal of the deal after 18 March for the next 60 days, i.e. until 18 May. Further steps will depend on what progress is going to be achieved in resolving the problems that we pointed at."¹¹ A few months later, his colleague, Ambassador Gennady Gatilov, at the United Nations in Geneva, reaffirmed this stance, stating that there were "no grounds to maintain the 'status quo' of the Black Sea grain deal," which was set to expire on July 18.¹² In the end, Russia withdrew from the agreement a year after it was concluded. Additionally, Russia systematically attacked Ukrainian granaries and port infrastructure, aiming to reduce Ukrainian exports further.

The "story," however, was not over. Several countries offered assistance to Ukraine by shipping grain under various national flags. Although this was an important demonstration of solidarity with Ukraine, it proved insufficient. Rail transit was established through several of Ukraine's western neighbors, but soon, a conflict emerged. While some of these countries were willing to facilitate transit, they were not prepared to purchase Ukrainian grain. It quickly became clear that opening markets to competitive Ukrainian products harmed the interests of local producers in countries like Bulgaria, Hungary, Poland, Romania, and Slovakia. Moreover, rail transit was costly, and its capacity was insufficient. A solution was found by exporting Ukrainian grain and wheat through the territorial waters of Romania, Bulgaria, and Türkiye. Since all three states are NATO members and their territorial seas are part of their sovereign territories, it would have been risky for Russia to disrupt this transit. Grain exports resumed in October 2023 and have continued since.¹³ Although this solution falls short of being optimal, it is better than having no exports at all.

The Black Sea as an Energy Hub

The war over the Black Sea and along parts of its shores had a further spillover effect. The Black Sea is a crucial corridor for Europe's energy supply, particularly from Azerbaijan, Kazakhstan, Russia, and Turkmenistan. The importance of the region was expected to increase due to the volatility of Russian crude oil supplies to Europe via Ukraine. This aligned with Türkiye's long-standing aspiration to become a major hydrocarbon supply hub despite not being a large producer itself.

¹¹ "Statement by Permanent Representative Vassily Nebenzia at UNSC Briefing on Humanitarian Situation in Ukraine," Permanent Mission of the Russian Federation to the United Nations, March 17, 2023, https://russiaun.ru/en/news/170323_n.

¹² Evgenia Chukalina, "The Grain Deal Has Degenerated from a Humanitarian Project into a Commercial One – Permanent Representative of the Russian Federation to the UN in Geneva Gennady Gatilov on the future of the Black Sea initiative, negotiations with Kyiv and the likelihood of the denunciation of the New START Treaty," *Izvestiya*, July 3, 2023, <https://iz.ru/1538050/evgeniia-chukalina/zernovaia-sdelka-vyrodidilas-iz-gu-manitarnogo-proekta-v-kommercheskii>.

¹³ "All Three Key Ukrainian Black Sea Ports Reopen to Ships," *Ukrainska Pravda*, October 3, 2023, <https://www.pravda.com.ua/eng/news/2023/10/3/7422492/>.

This aspiration has been realized. There was a growing demand for hydrocarbons from sources other than Russia, and European importers recognized this. The European Union launched a charm offensive to Azerbaijan, including a visit by European Commission President Ursula von der Leyen to Baku in July 2022.¹⁴ Meanwhile, Kazakhstan faced a brief interruption in its oil exports via Novorossiysk shortly after it announced its readiness to increase exports to Europe, compensating for the shortage caused by Europe's reluctance to purchase Russian crude oil. However, this disruption was short-lived, as Russia had to tread carefully in its relationship with Astana, which assists it in various ways, including eventually accessing goods on the sanctions list. In summary, while the Black Sea's role as an energy hub experienced some instability, it was less severely affected than the region's grain, wheat, and fertilizer exports.

An important lesson from this situation is that the West must maintain sustained attention on the Black Sea area, ensuring that the favorable changes achieved in the military situation after two and a half years of war are preserved.¹⁵ This will signal that Russian dominance in the region has been permanently lost, regardless of the war's eventual outcome or the time it takes to reach that point. Leila Mansouri and Syuzanna Kirakosyan provide a detailed analysis of the energy dependencies in the region and how the war in Ukraine has altered the energy policies of the actors in the region and its extended area. By examining the EU's reliance on Russian energy and its efforts to diversify resources, they argue that these energy diversification efforts will provide opportunities for regional actors to play a more active role in the future.

Conclusion

This issue provides multiple perspectives on the Black Sea region, primarily focusing on developments following Russia's full-scale invasion of Ukraine. In addition to the articles mentioned in our introduction, other authors make significant contributions to understanding Russia's role in the region. Noela Mahmutaj explores how the region factors into the Kremlin's foreign policy, detailing why the Black Sea is strategically important to Russia. In his article "The Black Sea Power Struggle: Geopolitical Tensions in the 21st Century," Zoran Ivanov connects developments in the Black Sea region with broader geopolitical trends. He makes a similar argument to ours, asserting that the Black Sea will continue to play a significant role in global power politics and that ensuring long-term peace in the region requires nuanced, collaborative, and forward-thinking approaches. As Iulian Fota summarizes in his article, Western interest in the region should not only increase but also be grounded in institutional and long-term strategic

¹⁴ "EU Agrees Deal with Azerbaijan to Double Gas Exports by 2027," *Euronews*, July 18, 2022, <https://www.euronews.com/my-europe/2022/07/18/von-der-leyen-heads-to-azerbaijan-to-secure-new-gas-import-deal>.

¹⁵ Stephen Blank, "The Critical Black Sea Zone," *Connections: The Quarterly Journal* 21, no. 4 (2022): 115-128, <https://doi.org/10.11610/Connections.21.4.29>.

policies.¹⁶ He advocates for the creation of collaborative mechanisms among countries already members of the European Union and NATO. Integrating new members into these organizations requires time and careful implementation of the respective prerequisites. Nevertheless, the process and the ambition of joining the Western world must remain alive and should not be sacrificed for policies driven solely by “national interest.” Instead, a “collective interest” based on shared values should be promoted.

Disclaimer

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About the Authors

Dr. **Cüneyt Gürer** is a Professor of Transnational Security Studies at the George C. Marshall European Center for Security Studies in Garmisch-Partenkirchen, Germany. His research interests and areas of expertise include transnational security issues, regional security dynamics, democratic backsliding and security governance, and the role of non-state actors in contemporary conflicts. He is the author and co-editor of the book *Proxy Wars from a Global Perspective: Non-State Actors and Armed Conflicts*. Dr. Gürer lectures on the interaction between Türkiye’s domestic politics and its regional security policy process. From a scholarly perspective, he focuses on regime change structures and the interaction between state and non-state actors in this process, placing security at the center of his analysis. He is a member of the Editorial Board of the *Connections Journal*. *E-mail*: cueneyt.guerer@marshallcenter.org.

Dr. **Pal Dunay** is the interim director of the OSCE Academy in Bishkek, Kyrgyzstan. He is a former Professor of NATO and European Security Issues at the Marshall Center and an Academic Advisor for its PASS, ESS-E, and SES courses. Previously, he served as Director of the OSCE Academy from 2014 to 2016 and as Course Director of the International Training Course in Security Policy at the Geneva Centre for Security Policy from 1996 to 2004 and again from 2007 to 2014. Additionally, he was Director of the Hungarian Institute of International Affairs in 2007 and a senior researcher at the Stockholm International Peace Research Institute from 2004 to 2007. *E-mail*: p.dunay@osce-academy.net

¹⁶ Iulian Fota, “The Growing Western Interest in the Black Sea,” *Connections: The Quarterly Journal* 22, no. 3 (2023): 31-43, <https://doi.org/10.11610/Connections.22.3.01>.

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