Introduction

In accordance with a general principle of the law of international inter-governmental organisations, these institutions are in principle of coordinative character. The result of this characteristic is that the acts of international organisations only exceptionally affect the constitutional process of their member states. For this reason it is worth examining the impact of the activities of the Organisation of the Black Sea Economic Cooperation (BSEC) in the field of institutional renewal within the member states, with particular focus on the special issue of promoting constitutional reforms through the endeavours of the BSEC. The constitutional reform under scrutiny concerns the establishment in each and every BSEC member state of an entity responsible for the reform of the national administration. The understanding of this trend requires, first, an insight into the membership and functioning of the BSEC and its cooperative activities in the field of the institutional renewal, good governance and administrative reform. Equally important is the presentation of the ever increasing ties between the BSEC and the European Union (EU), because it sheds light into the administrative reform drive in the BSEC and its member states.

A Brief Insight into the BSEC

The BSEC was established 15 years ago as an informal diplomatic forum, with periodic meetings of ministers and other state officials. After a five-year test period it was decided by the heads of state and governments of the participating states that the cooperation forum proved its utility, and that the time was ripe to transform the BSEC to an organisation endowed with distinct legal personality and the power to adopt resolutions and decisions binding, under specific conditions, upon the member states. Following this political decision at the highest possible level, the member states negotiated the Charter of the Organisation of the BSEC and signed the relevant international treaty at a summit meeting in Yalta, in June 1998. The Charter, duly ratified by the parliaments of the BSEC member states entered into force one year later, in May 1999 ushering a new period in BSEC’s activities, with new legal and political opportunities and potentialities.
Before presenting the organisational structure of the BSEC, it is useful to make a short observation on the geographic coverage of the Organisation. Since its inception the BSEC was conceived as a cooperation structure larger than the six Black Sea coastal states. It is believed that the aims of stability, economic prosperity and progress could not be realised in such a narrow geographical area and that there are economic, social, political and other links that require larger participation. For this reason, since the beginning the BSEC encompassed a geographic area from the eastern coast of the Adriatic to the western shore of the Caspian Sea, or in another formula the Balkans, the Caucasus and the countries in-between. Its present membership contains twelve states (Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Serbia, Turkey and Ukraine).

According to its Charter, BSEC is defined as a regional economic organisation, thus spelling out the main focus of its policies and activities, while setting certain limits to its involvement in other matters of regional importance (e.g. conflict resolution, peace keeping and peace building, arms control and disarmament, etc). In practice, the scope of BSEC activities has expanded over the years, branching out into new areas, more or less related to its principal economic concerns. The considerable progress achieved so far is the result of solid commitments and work, considering the Organisation’s and its Member States’ overall capacities.

Over the years, BSEC has successfully developed policy documents and legal instruments establishing its aims, mechanisms and operational procedures as well as fostering cooperation in specific areas. They include the BSEC Charter, summit-level and ministerial political declarations, intergovernmental agreements, sectoral action plans, memoranda of understanding as well as strategy documents such as the BSEC Economic Agenda for the Future (2001).

The adoption and implementation of such documents is made possible through a developed institutional framework. On the top of the structure there are Summit Meetings, held whenever the need arises to take stock of the work done in BSEC and to set policy guidelines for the future performance of the Organisation. To date, seven such Summit meetings have been held, with the last one held in June 2007, in Istanbul, to mark the 15th anniversary of BSEC. The Council of Ministers of Foreign Affairs (CMFA) is the main decision-making authority in BSEC, meeting in ordinary sessions every six months to debate policy issues and to adopt resolutions, decisions

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2 Relevant examples are the Agreement on Combating Organised Crime and the Agreement on Cooperation in Emergency Situations, both signed in 1998, with their subsequent Additional Protocols, including one on the fight against terrorism. The Organisation gradually enhanced its project-oriented character by generating concrete proposals for regional undertakings (e.g. interconnection of electric grids, identification of obstacles to trade, etc.) and by creating functional networks (e.g. liaison officers for combating organised crime and for emergency situations). In a most significant new development concerning region-wide multilateral projects, two memoranda of understanding were finalized and opened for signing in 2006: on a Black Sea Highway Ring and on the Motorways of the Sea. Furthermore, two regional projects concerning the increase of intraregional trade as well as investment promotion were agreed upon to be implemented in cooperation with the UNDP and OECD, respectively.
and recommendations that are binding to the Member States and the BSEC institutions. The Chairmanship-in-Office is assumed by the Member States, in alphabetical order for a half-year term. It is assisted by a Troika mechanism including also the past and the next Chairs. The Committee of Senior Officials (CSO), consisting of authorised representatives of the Member States, prepares the meetings of the Council, represents it in current activities between the sessions and acts on its behalf. The Permanent International Secretariat (BSEC PERMIS), headed by a Secretary General, operates under the authority of the Chair-in-Office, reports to the CSO and the Council on the performance of its executive and administrative responsibilities, and is based in Istanbul.

The institutional structure of the BSEC is rounded off by the Subsidiary organs, established by the Council and operating according to a specific mandate given by the same organ. Most of the practical activities in various fields of cooperation are performed in sectoral Working Groups (WG) under the guidance of a Country Coordinator appointed for a two-year term. Currently, there are 17 permanent WGs, plus several ad hoc Groups of Experts for specific assignments. In recent practice, the more important draft policy documents prepared in the WGs are submitted for approval to special Meetings of Ministers responsible for that specific domain and forwarded for further endorsement by the Council.

Next to the inter-governmental structures, BSEC has four other dimensions: inter-parliamentary, the Parliamentary Assembly of the BSEC; business, Business Council; banking, the Black Sea Trade and Development Bank (BSTDB); and academic, the International Centre for Black Sea Studies (ICBSS), which are called Related Bodies. The Related Bodies perform their functions in accordance with their respective founding documents, structures and operational procedures, have their own budgets and operate with due respect of the BSEC Charter and political declarations.

**Institutional Renewal in the BSEC**

The cooperation in the field of institutional renewal, administrative reform and good governance was not a BSEC area of cooperation from the beginning. It was introduced first in the *BSEC Economic Agenda for the Future* in 2001, which anticipated a number of cooperative activities that could be developed in the BSEC framework: legality, legitimacy and confidence in law and institutions, effective partnerships, policy integration, responsible budgeting, investing in government capacity, anticipating crisis management and building key networks.

The exact configuration of the cooperation in this field was assigned to the BSEC think-tank, the ICBSS, which after holding a series of brainstorming meetings that brought together experts form the BSEC member states, the EU institutions and

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member states as well as from other competent international organisations, came up with the recommendation to establish a BSEC WG on Institutional Renewal and Good Governance with the task to provide the standing institutional framework for regional cooperation in these fields. This recommendation was welcomed by the BSEC member states and the CMFA established the proposed WG (12th meeting, Komotini, 23 April 2005).

The terms of reference of the WG on Institutional Renewal and Good Governance comprise the mission, inter alia, to promote cooperative activities in the BSEC region in the field of institutional renewal and good governance taking into account the priorities of the Member States and the global challenges; to facilitate the establishment of a regional network for public policy dialogue and enhancing capacity for policy reform among the BSEC Member States, especially in the vital sectors of public administration, trade and investments, energy, transport, communications, environment, tourism and agriculture; to organise training activities for civil servants in innovating practices, the use of technology and communications to foster e-government, and with a view to improving the quality and delivery of public services and the simplification of the administrative procedures; to submit recommendations and guidelines in formulating policies, strategies and create action plans for specific aspects of building government capacity; to share experience on regulatory reform and management, and on managing the policy implications of designing independent institutions in relation to the rest of the governance system.

**BSEC – EU Interaction**

The expansion of the BSEC cooperative activities in the field of institutional renewal and good governance are part of a larger project of the Organisation, namely the strengthening of its ties with the EU. The interest to develop a meaningful relationship between the BSEC and EU institutions dates back several years and has been reflected in their respective policy documents.

The Summit Declaration of the Heads of States and Governments of the BSEC Member States (Moscow, 25 October 1996) affirmed their political will to cooperate with the EU in the fields of common interest and invited the EU institutions to work out a common platform for developing closer contacts and cooperation. The following year, the European Commission submitted to the EU Council a Communication on Regional Cooperation in the Black Sea Area: State of Play, Perspectives for EU Action encouraging its further development containing an assessment of the region’s potential and several pertinent observations such as the emergence of valid and promising synergies in the Black Sea region and also the possibility to identify concrete fields for constructive interaction between the EU and BSEC as a regional organisation. Based on this Communication, the EU Council included in its Conclusions (19 December 1997) a section on the Black Sea region highlighting its strategic importance for the

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5 COM(97) 597 final, Brussels, 14 November 1997.
EU, the role that BSEC could play in that respect and possible priority objectives for cooperation. The BSEC Summit Meeting (Yalta, 5 June 1998) welcomed the relevant Conclusion of the EU Council and instructed the CMFA to prepare an adequate response. The Platform for Cooperation between BSEC and the EU was adopted by the BSEC CMFA in Tbilisi, on 30 April 1999. During the following years, several BSEC-EU contacts at various levels took place, with mostly inconclusive results.

The Hellenic Chairmanship-in-Office of the BSEC (November 2004 – April 2005) adopted a more pragmatic approach. A special meeting of the BSEC’s CSO with representatives of EU institutions and Member States took place in Brussels on 11 April 2005, which was followed by the decision of the BSEC CMFA (Komotini, 23 April 2005) to establish an ad hoc Group of Experts charged with the task of preparing a Working Paper on BSEC-EU interaction. The Group was duly created under the coordination of the ICBSS and convened three times in the ensuing nine months (Mati, Greece, 6-7 September 2005; Istanbul, 1-2 March 2006; and Mati, 15-16 May 2006). Under the Moldovan Chairmanship-in-Office, the BSEC Council (Chisinau, 28 October 2005) adopted a Declaration on the enhancement of cooperation with the EU and decided to mandate the Hellenic Republic to proceed with exploratory consultations with relevant EU institutions with a view to the adoption of a declaration by the EU Council on an enhanced BSEC-EU partnership and the eventual formulation of a regional ‘Dimension’ which would include the coordination of the respective EU policies. In pursuance of its mandate, the Ministry of Foreign Affairs of the Hellenic Republic prepared a Working Paper entitled Towards an EU Regional Dimension in the Wider Black Sea Area, which was presented at the meeting of the Working Party on Eastern Europe and Central Asia (COEST) in Brussels on 25 January 2006. A second meeting of the CSO with representatives of EU institutions and member states took place in Brussels on 11 April 2006. The Secretary General of BSEC PERMIS made a presentation at COEST on BSEC expectations with regard to the EU on 29 May 2006. Following this proactive stance and with the assistance of Bulgaria and Romania, then members-to-be of the EU, and the assent of all the remaining BSEC member states, the strengthening of the BSEC-EU interaction became a top priority in the BSEC agenda.

In a significant new development, the EU General Affairs and External Relations Council at a meeting in Brussels at ministerial level on 14 September 2006 had a debate over the issue of strengthening the relations between EU and BSEC and put on record the indication given by the European Commission that it would present, before the end of the year 2006, a new Communication on the European Neighbourhood Policy which would also address the Black Sea region. The CMFA (Moscow, 1 November 2006) adopted a Declaration containing specific references to the progress made in the process of enhancing BSEC-EU interaction and decided to authorise the CSO to finalise the draft Working Paper on BSEC-EU interaction and to forward it to the EU institutions as an official BSEC document. The European Commission

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6 For the text see Stribis and Karabelas (2007), pp. 308-311.
7 Ibid, pp. 305-307.
8 Ibid, pp. 60-62.
Communication on Strengthening the European Neighbourhood Policy specifically mentioned the possibility of closer contacts with BSEC, assigning observer status, and announced the intention to produce a special Communication on strengthening the Black Sea dialogue in the course of 2007. A further mission of the BSEC Troika had working contacts with officials of the European Parliament and European Commission and participated in a dedicated meeting of the COEST (Brussels, 5-6 December 2006). In the same month a final draft of the Working Paper on BSEC-EU interaction, elaborated by the ICBSS and building on contributions and views expressed by the BSEC Member States also during the three meetings of the ad hoc Group of Experts, was presented to the CSO. Following endorsement by the CSO (Istanbul, 17 January 2007), the Working Paper acquired the status of an official BSEC document entitled BSEC-EU Interaction: The BSEC Approach and was presented as such to the EU institutions for consideration as a regional input to the preparation of the announced European Commission Communication devoted to the strengthening of the Black Sea dialogue. Another meeting between CSO and EU open Troika was held in Istanbul on 23 March 2007. Taking into account the proposals tabled by the BSEC, the European Commission published its Communication proposing a Black Sea Synergy – A New Regional Cooperation Initiative. The BSEC welcomed the Commission’s initiative and expressed its desire to develop concrete cooperation projects in the different areas of common interest, and working relations continued with a Joint BSEC Troika and EU COEST meeting (Brussels, 21 May 2007). In a renewed manifestation of the mutual interest in close cooperation, the European Commission applied for and was granted Observer Status of the BSEC on 25 June 2007 at the organisation’s 15th Anniversary Summit held in Istanbul. A first meeting of the CSO with an EU observer in official capacity took place in Istanbul on 27 September 2007, discussing inter alia the planned launch of the Black Sea Synergy, scheduled for February 2008.

Ministerial Declarations

In such a political environment the regional cooperation in institutional renewal and good governance became a key sector of interface between BSEC and EU policies. Against the background of the increasing BSEC-EU interaction and the strengthening of the mutual ties in concrete fields, we should inscribe the progress in the field of institutional renewal, good governance and administrative reform, as it has been materialising in the recent years through politically binding Declarations by the Ministers of the BSEC Member States in charge of public administration. Up until now, two such ministerial meetings took place. Both were in Athens, in February 2005 and the most recent one on 3 April 2007.

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In the paper the term ‘wider Black Sea area’ is used to describe the BSEC area, including Southeast Europe, littoral states of the Black Sea and the Caucasus.

Recommendations

It is at the most recent meeting that the Ministers in charge of public administration in the BSEC member states called upon the member states to take into account the policy recommendation to introduce in their internal legal order a Public Administration Reform Unit, which would require a constitutional guarantee. This recommendation was included in a “Study on the Process of Reforming the Public Administration”, elaborated by the ICBSS on commission by the country-coordinator of the WG, i.e. Greece. The coordination is entrusted with the Hellenic Ministry of Interior, Public Administration and Decentralisation.

In accordance with this proposal, the topic of public administration reform should be taken forward in each BSEC member state ideally under the highest possible authority within the administration. The planning, implementation, control and evaluation of a reform programme (strategic or operational) should be in the hands of the highest authority of the executive. Depending on the administrative system, it could be the Head of State, the Cabinet or the Prime Minister. Therefore, it was submitted that, at least, in some national systems it might be necessary to consolidate the function of such a Unit through a constitutional clause. The rationale for suggesting a constitutional consecration is that in this way not only the political will towards administrative reform would be highlighted, but it would also declare the responsibility of one and only Unit to design and to lead this reform. A final important reason for that is that this constitutionally Central Unit would have the power to initiate legislation and be able to ‘impose’ the administrative reform programme to the whole of the public sector. Though national variations exist, it has been noticed that if the responsibility for administrative reform is at a lower level such as a sectoral ministry (for example, Ministry of Interior or Ministry of Public Administration) problems are created in all public policies (health, education, labour marker, trade, justice, etc.) and at all phases of the reform programme (e.g. exploration of needs, planning, implementation, review, evaluation, and outcomes analysis). The main reason is that institutions that are at the same hierarchical level cannot impose reform policies to each other, but also because many differences exist between administrative units that often function as closed bodies under the authority of the Minister in charge.

Having established the reasons for the proposal for a constitutional amendment, the recommendation, which received the political backing of the Ministers in charge of public administration of the BSEC countries, provides general directions on the concrete modalities of the proposed constitutional reform, so that the member states can proceed to the required constitutional amendment in an informed way.

The main concrete aims of the Central Unit for Administrative Reform will be to devise and elaborate:
- A policy for the organisation, function, staffing and supervision of public administration;
- A policy for the organisation, function and soft supervision of the decentralised public administration and of local government;
- A policy for the development and promotion of Information Society and of Information Technologies (IT) and Telecommunications in the totality of the administrative spectrum;
- A policy for the design, management and evaluation of the administrative reform programme and innovations and more specifically for the management of operational programmes and of development / investment projects in the public sector; and
- A communication policy and public relations policy at the national and international level for the identification, recording, development and management of the relationships and co-operation with key partners (e.g. international organisations, NGOs, civil society and enterprises) that play a role in the reform process.

With regard to the concrete modalities of the introduction into the constitutions of the Central Unit of Administrative Reform, the recommendation submits that the responsible institution should not just provide auxiliary services to the Head of State, Prime Minister or Cabinet, but should have the full responsibility for the totality of the reform policy. The Central Unit of Administrative Reform in each BSEC country should have the institutional capacity to perform its work. Its role should be clear and parallel responsibilities with other units should be avoided. The autonomous action of the Unit will be achieved only if it has the responsibility of exercising vertical policies.

The recommendation provides guidelines also for the budgetary and management issues of the Central Unit of Administrative Reform. It is stated that the financial management as well as the economic resources of the Unit should normally have two axes for the successful implementation of the reform project. These are the financial resources of the Investment Budget (investments and projects) and the resources of the Functional Budget (function of the units that are responsible for the design and the implementation of the reform). The budget should be distributed, controlled and managed by the Central Unit according to the implementation needs of the programme in each operational unit. In this volatile sector, it would be advisable to strategically plan the investment budget (for a period of at least 5 years) keeping in mind the implementation of the whole reform programme. It is further suggested that the approved budget can be broken into operational activities (2 or 3 years planning) depending on the particular needs, goals, planning and expected outcomes.

Human Resources management is yet another aspect of the functioning of the Central Unit of Administrative reform, for which the recommendation contains rather detailed guidelines for state action. Staff recruitment for the units responsible for administrative reform in each BSEC country should be based on meritocracy and transparency. The framework of activity of the Unit and the specific public policies in which action will be taken will clarify the profile and the necessary expertise of the staff. In any case, it is suggested that in order to achieve a dynamic Unit a mix of specialisations and of working contracts is necessary.
Three are the main types of working contracts:

- Permanent staff that will be able to guarantee the continuation of public administration and its independent and unhindered function.
- Contracted personnel that will be appointed according to their experience on issues of public administration reform.
- Experts that have academic and research experience on public administration reform issues, on administrative improvement and on re-designing administrative procedures.

The fields of expertise that are necessary include:

- Public administration experts
- Economists
- Lawyers
- IT experts

Further specialisation will be required depending on the policy area where reform is attempted. The goal is to succeed creative co-operation between different types of experts in order to promote the reformist activity of the Unit.

The Basic Pillars of the administrative reform programme are also presented in a more or less detailed form in the policy recommendation under consideration:

1. Transparency - Good Governance

One of the most important goals of the BSEC member states in the field of administrative reform is the elimination of corruption and of maladministration. In order to achieve transparency and to apply the values of good governance, an effective institutional framework needs to be applied, the participation of citizens in governance should be enhanced and an effective system of internal and external control needs to be developed. A further measure for the guarantee of transparency is the establishment of an Independent Authority, such as an Ombudsman, for the protection of citizens against maladministration and corruption.

2. Electronic Governance

The use of IT at all levels of public administration can improve the services provided to the citizens as well as the functioning of democracy. It is proposed that integrated, lawful and secure systems of communication of the citizens with public administration should be organised. Some more concrete goals should be the establishment of certified web sites, the safety of electronic communications and the achievement of electronic intra-connection between public organisations.

3. Empowerment of Human Resources

Human resources is the most significant factor for the smooth functioning of administrations. In order to have an empowered human force, rational planning,
purposeful training, a recruitment system based on objectivity and transparency as well as a system of career opportunities should be in place.

4. **New Organisation and Management Systems of the Public Sector**

For a successful public administration reform, it is necessary to have a drastic change in the organisation of public agencies and to introduce new and more flexible systems of organisation and management. The introduction of strategic planning, performance measurement (e.g. Common Assessment Framework), total quality systems as well as ISO systems are necessary for the improvement of public agencies function.

5. **Territorial and Sectoral Decentralisation**

While the restructuring of central government takes place, the local and regional levels of governance, as well as the public bodies that function in the periphery of central government should also start to be restructured in order to be able to satisfy citizens’ needs and to respond to the changes in their external environment.

6. **Simplification and Codification of Regulations**

A prerequisite for the efficient function of the state is the simplification and effective codification of its regulations. Such an action will guarantee greater transparency in the functioning of public agencies and a more understandable regulatory framework for citizens and civil servants.

7. **Improvement of the State-Society Relationship**

The improvement of the quality of services provided to citizens should be one of the basic goals of the reform programme. Accordingly, the improvement of communication and co-operation between public administration and society will contribute to the effective functioning and to the legitimisation of public administration.

The recommendation covers also the implementation spectrum of the Public Administration Reform Programme.

In order to have a complete administrative reform programme and in order to achieve the best possible results, it should be implemented in the totality of the public sector. The state is organised in interdependent public agencies and the function of each of them affects the function of the totality. Nevertheless, a realistic Public Administration Reform Programme which is implemented in countries with many structural, organisational and functional problems and without an extensive experience of successful reforms, should be planned and applied in stages.

- The first stage should focus on the implementation of the reform in central government agencies (e.g. Ministries, important public organisations with a national spectrum of activities, etc.).
The second stage should concern the implementation of the programme in the decentralised agencies of central government that function in the regions.

The third stage would be the application of the reform programme in local and regional structures of governance.

Finally, the fourth stage focuses on the implementation of the programme in public agencies that work at arms-length from central government (e.g. welfare state agencies, public enterprises etc.).

The recommendation for the introduction of a constitutional provision on a Central Unit of Administrative Reform does not neglect the very important requirement of social support to the reform programme and the connected issue of an effective communication strategy.

Public administration is part of the society and affects it as well as being affected by it. Any reform programme will have immediate implications for the whole of the society and especially for some parts of it that are more affected by the functioning of public administration than others. For this reason, the planning, implementation, performance measurement and implementation of the public administration reform should actively include social actors. A mixture of social consultation techniques could be used such as information campaigns, social dialogue, assemblies, conferences, communication activities, negotiations, agreements etc. Some of the social actors that should participate in this process are:

- Formal political actors (e.g. political parties) would be in any case involved in the discussion because public administration reform includes parliamentary debates and voting of new legislation.
- Public servants trade unions should be included in the process as any reform strategies will be implemented by them. The participation of their representatives in the decision-making process can lead to a consensus about the reform programme and as a result in its successful implementation.
- Users of public services and their organisations (e.g. employer's organisations, citizens with special needs, NGOs etc.) is the third group that should participate in the process through the use of methods such as social dialogue, public debates, public opinion polls etc.
- The knowledge community through the participation of research institutes, think-tanks, academics and experts should also contribute to the debate.

A final dimension of a successful reform programme is an effective communication strategy which will use all types of mass media in order to convey the messages to all interested parties and target groups of the programme (e.g. public servants, users of public services etc.). The use of techniques such as seminars, conferences, publications and announcements should also be part of the communication strategy.
Conclusions

This brief overview of the impact that the activity of a regional inter-governmental organisation that aims at the cooperation among its member states is an evidence that even organisations of purely cooperative nature can, under specific circumstances and when the conditions for that are ripe, adopt recommendations that affect the core of their member states, that is their constitutional order. Though such phenomenon remains exceptional, it is a possibility that cannot be excluded ab initio but needs academic and practical consideration.

A second conclusion that needs to be underlined has to do with the powerful attraction that the EU exercises on its neighbouring countries, and which may be manifested though indirect ways. This soft power attraction conducing states to proceed with important normative changes, including at constitutional level, is perceptible also in the action of regional organisations, such as the BSEC, which try to align their actions with that of the EU.
The International Centre for Black Sea Studies (ICBSS) was founded in 1998 as a non-profit organisation under Greek law. It has since fulfilled a dual function: on the one hand, it is an independent research and training institution focusing on the Black Sea region. On the other hand, it is a related body of the Organisation of the Black Sea Economic Cooperation (BSEC) and in this capacity serves as its acknowledged think-tank. Thus the ICBSS is a uniquely positioned independent expert on the Black Sea area and its regional cooperation dynamics.

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