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# **THE BLACK SEA GRAIN INITIATIVE**

## **ANALYSING THE EMERGING, IMPLEMENTATION AND CHALLENGES**

**MARIAM KAKABADZE**

A dissertation submitted to the World Maritime University in partial fulfilment  
of the requirements for the award of the degree of Master of Science in


Maritime Affairs 2023

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## Declaration

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

(Signature): 

(Date): **09/26/2023**

Supervised by: **Aref Fakhry**

Supervisor's affiliation: .....



## Acknowledgements

I would like to dedicate this dissertation to my uncle that served maritime industry for decades and passed away in Ukraine later this year, without being able to witness his homeland regain peace.

I want to express my deepest gratitude towards the ITF Seafarers' Trust for allowing me to embark on this beautiful, exceptional journey and giving me a chance to improve professionally. It is a great honour for me to be a part of ITF Seafarers' Trust fellowship.

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## Abstract

Title of Dissertation: **THE BLACK SEA GRAIN INITIATIVE: ANALYSING THE EMERGING, IMPLEMENTATION AND CHALLENGES**

Degree: **Master of Science**

On July 22, 2022, UN, Ukraine, Russian Federation and Turkiye signed a unique agreement in order to allow the swift and secure transportation of Ukrainian grain, fertilizers and foodstuff to the rest of the world.

The Black Sea Grain Initiative (BSGI) serves as a remarkable example of international cooperation to enhance maritime trade in the challenging geopolitical region during wartime.

Consequently, together with the Black Sea Grain Initiative, a second lesser-known agreement was signed between UN and Russian Federation to secure the export of Russian fertilizers and raw materials to the global markets as well.

These two agreements create a unique example of cooperation and were hailed as a solution to the ongoing global food crisis as well as safety and security of neutral shipping in the challenging region of the Black Sea as a result of Russia's invasion in Ukraine.

The research aims to analyse and comprehensively review the initiative, its background, legal framework and structure as well as the involvement of all parties and gaps and challenges it has been facing to assess the effectiveness of the initiative as a tool against global food crisis and safe neutral shipping.

**KEYWORDS:** Assessment, Review, Grain, Black Sea, Analysis, UN, Ukraine, Russia, Turkiye, food security, maritime security

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## List of Abbreviation

BSGI – Black Sea Grain Initiative

JCC – Joint Cooperation Centre

IMO – International Maritime Organization

FAO – Food and Agriculture Organization

WFP – World Food Programme

MENA - Middle East and North Africa

VCLT – Vienna Convention of the Law of Treaties

## Chapter 1 – Background

In order to fully understand the Black Sea Grain Initiative with its genesis to its suspension and background, it is important to first explain the dynamics of the Black Sea Region and mention the conflict that led to this unique deal that would further be hailed as a "tool to help end world hunger". The Black Sea and its region are considered to be one of the most important strategic points from ancient to modern times. The Black Sea uniquely combines the east and the west, which apart from serving as a beneficial socio-economic and strategic factor, also resulted in up to ten armed conflicts in the region (NATO, 2023). One of such armed conflicts included Russia's invasion of Ukraine starting from Crimean annexation in 2014 and culminating in a full-scale war in February 2022 (NATO, 2023).

It is also important to mention, that the regional cooperation platforms in the Black Sea region got significantly strained with previous conflicts (NATO, 2023), which only underlines the fact that The Black Sea Grain Initiative served as a breakthrough in regional cooperation in many ways. One of the main actors in the Black Sea region was and remains Turkiye, with access to controlling the Black Sea straits according to the Montreux Convention (Hodges et al, 2022). Turkiye's approach to the Black Sea security and cooperation has always been perceived as a Black Sea state issue (NATO, 2023), therefore Turkiye tried to limit the outside parties' involvement in the Black Sea Region as much as possible (Hodges et al, 2022).

Unlike Turkiye's approach, two Black Sea countries that are a part of the European Union: Romania and Bulgaria have a significantly contrasting outlook on Black Sea cooperation advocating for deeper security related ties with NATO in Black Sea (Hodges et al, 2022). However, large military and naval capacity undoubtedly lets Turkiye have a leadership role in the region (NATO, 2023). Turkiye's leadership role got even bigger after engaging in the Black Sea Grain Initiative as a main peacekeeper (NATO, 2023).

Furthermore, it is crucial to analyze why the Ukrainian grain was given so much importance to begin with. After Russia's invasion of Ukraine in February 2022, signs of the global food crisis started to show (Stewart, 2023). It has been widely argued that Russia and Ukraine are breadbaskets for the world (Stewart, 2023), taking into consideration that 34% of global wheat exports come from Ukraine out of which, 12% of food calories are traded and consumed globally. Russia on the other hand, is the biggest exporter of mineral fertilizers (Caprile et al, 2022). Only in 2021, the EU, Russia, Ukraine, the US, Canada, Australia and Argentina produced more than 80% of global wheat sold internationally, making Russia an exporter with a total number of 33 million tonnes and Ukraine with a total of 19 million tonnes (Stewart, 2023). When it comes to maize and corn exports, according to (Stewart, 2023) Ukraine takes the fourth place globally while Russia follows at seventh place. Suspension of maritime routes and an unpredictability in global trade and food supply posed a great threat for the non-EU countries Such as: Yemen, Sudan, Nigeria and Ethiopia as well as Sub-Saharan Africa, Asia-Pacific region, Near east and North Africa (Caprile et al, 2022). Mentioned countries heavily rely on basic commodity imports and are strongly dependent on food supplies originating from Russia and Ukraine (Caprile et al, 2023).

The military blockade of the Black Sea ports meant that 95% of Ukrainian exports shipped by sea were halted completely (European Parliament, 2022). In addition to the already existing food crisis in eastern Africa, global market disruption caused by the conflict made already vulnerable nations practically powerless before rising food prices and ongoing global food crisis (Caprile et al, 2022).

It became clear that Ukrainian and Russian agricultural exports in the African region have been crucial. However, according to (Stewart, 2023) the impact of war in general has been very limited. Despite the above, the UN has decided to come up with a rather mitigating measure: The Black Sea Grain Initiative (BSGI), to reopen Ukrainian ports and allow safe exports of food and fertilizers (Stewart, 2023).

It is important to note, that the International Maritime Organization as well as the European Union have been actively engaged in brokering small peace deals in the Black Sea region after the invasion. The International Maritime Organization (IMO) came up with an initiative to help over 2.000 stranded seafarers safely exit the blockade through safe corridors shortly after the invasion (IMO, 2022). However, before the BSGI the European Commission came up with the establishment of the so-called "Solidarity Lanes Initiative" (Caprile et al, 2022). In May 2022, the European Commission released the statement in regards to the establishment of Solidarity Lanes (European Commission, 2022). These lanes would further expedite both imports and exports of agriculture products to/from Ukraine and included railways and roads transportation (Caprile et al, 2022). Mentioned initiative mostly concentrated on land and railway connectivity within Ukraine and the EU (Caprile et al, 2022). However, it soon became evident, that the impact of war on maritime logistics and connectivity was crucial, according to (UNCTAD, 2022) the shipping costs have already been on the rise since the global Pandemic, but with war in Ukraine the prices of transportation of grains via dry bulk carriers has increased by nearly 60% between February and May 2022.

Taking into consideration that it was practically impossible to ship grain and foodstuffs to the world, Turkiye with the help of the UN brokered a deal that would soon become known to the world as the Black Sea Grain Initiative. The aim of the initiative was to facilitate secure and safe navigation from Black Sea ports in order to export grain, fertilizers and related foodstuffs (Caprile et al, 2022). It is important to underline the separate agreements have been signed between the UN, Russia, Turkiye and Ukraine. Initially, the Black Sea Grain Initiative was known as "Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports" signed on July 22nd, 2022 in Istanbul, Turkiye (UN, 2022). However, the UN and the Russian Federation signed an MOU, which is known as the "Memorandum of Understanding between the Russian Federation and the Secretariat of the United Nations on promoting Russian

food products and fertilizers to the world markets” (UN, 2022). Both agreements were signed on July 22nd, 2022 in the city of Istanbul.

Further, The Black Sea Grain Initiative was agreed to be coordinated and implemented by the Joint Coordination Centre (JCC), based in Istanbul (UN, 2022). The centre would include representatives from all involved parties: Russia, Turkiye, Ukraine and the UN (UN, 2022). Ships engaged in the Black Sea Grain initiative were to be inspected by the JCC, further to be guided into international waters using safe maritime corridors (UNCTAD, 2022). The JCC was also responsible for monitoring the safe passage of the vessels and any possible deviations from safe corridors (Caprile et al, 2022). It is noteworthy that the BSGI does not specify the destination of the cargo because of the fact that food exports are managed by commercial operators (Caprile et al, 2022).

The duration of the initiative according to the agreement that the initiative would remain in force for 120 days from the date of signature and would renew automatically for the same duration, unless involved parties want to modify or suspend it (UN, 2022).

The BSGI’s dynamics and success has been measured by many international organizations such as: IMO, FAO, WFP etc. According to the data released by FAO the Food Price Index has shown a steady decline over the year since its peak in March 2022 (FAO, 2023). Moreover, the Black Sea Grain Initiative ensured the export of more than 725.000 tonnes of grain and wheat to Afghanistan, Kenya, Ethiopia, Sudan, Somalia and Yemen (WFP, 2023). Overall, over 32 million tonnes of food commodities have been exported from three Ukrainian sea ports to 45 countries worldwide (UN, 2023). The Black Sea Grain Initiative has been suspended in July 2023 by Russian Federation without further negotiations planned to expand the deal further.

## Problem Statement

Despite the undeniable success of the Black Sea Grain Initiative and exceptional cooperation of involved parties to properly enforce and monitor the Initiative, many challenges and gaps still exist.

It became clear, that besides political will and rocketing volumes of cargo serious roadblocks have been identified such as: Logistical difficulties in regards to inspections of inbound and outbound vessels, the seafarer crisis, floating mines and complexity of marine insurance covers in the Black Sea Warzones and sanctioned vessels as well as limited port capacities of Ukraine and high demand of exports.

The issue in regards to ship inspections served as the most challenging logistical aspect for JCC, as of December 4<sup>th</sup> of 2022 in total 1.046 inspections have been conducted since the launch of the Initiative (ICS Shipping, 2022). The number of inspections seems high taking into consideration that JCC remained the only body responsible for conduct of all inspections. However, it became clear that JCC had to further investigate ways to enhance and permanently increase the number of inspection teams beyond three since the daily capacity for inspections was limited to six and seven per day while approximately 91 vessels awaiting inspections in Turkiye's territorial waters (ICS Shipping, 2022).

Another threat posing for vessels passing through the Black Sea turned out to be the complexity of marine insurance in war zones, lack of will for maritime insurance coverage from insurance companies and floating naval mines. Statistical data shows that whilst standard premiums were on 0.25 per cent of hull value, war caused the insurance value in the Black Sea to rise to as much as 5 per cent, almost twenty-fold increase (IAI, 2022). Moreover, premiums further increased to 10 per cent showing one of the most dramatic increases in previous years with insurers refraining from giving a quote at all (Olser, 2023). Consequently, with Ukraine imposing a martial law

it became practically impossible to handle containers and container ships in Ukrainian ports causing two thousand seafarers to be stranded on boards of 94 vessels at the outlets of war (Pedrozo, 2023).

## Aims and Objectives

Firstly, the main objective of this paper is to comprehensively analyse and explain the Black Sea Grain Initiative through gathering existing official and academic data in regards to the topic. The research will focus on the legal framework on the BSGI and JCC and analysis of the operational side of the Initiative as well as break down and analyse cargo turnovers and general impact of maritime safety and security on the global food market. Secondly, the research will emphasize and investigate the importance and the impact of the involvement of the UN and IMO in given armed conflict and the overall effectiveness of the BSGI as a tool to overcome disruptions in maritime trade during a wartime.

## Research Questions

The study will focus on the research questions as follows:

- i. Analyse, review and break down conventions as well as the legal and regulatory frameworks of the Black Sea Grain Initiative and Joint Cooperation Centre;
- ii. Demonstrate how the regulations have been enforced in practice and point out gaps and challenges;
- iii. Demonstrate the overall effectiveness of the BSGI as a tool to overcome global maritime and food crisis;



## Methodology

In order to answer the research questions proposed, the study is designed to comprehensively analyse and bring together the regulatory and legal frameworks, as well as IMO, UN, USAID, UNCTAD and other existing significant documents, books and peer-reviewed articles. The research employed the analytical qualitative approach to bring out the relevant points to address the main aspects of the research questions.

## Limitations of the research

It is important to mention, that conducting a comprehensive study on the Black Sea Grain Initiative might have potential limitations as follows:

- i. Data availability – Since the Initiative carries a significant geopolitical and strategic importance, the relevant data in regards to the initiative might be limited, classified or restricted, especially the sensitive information regarding ship inspections and numbers making the research process challenging.
- ii. Political sensitivity and data reliability – As mentioned, taking the factor of global importance of the BSGI into consideration, the research might face the issue of political sensitivity which could further affect the reliability and of existing data;
- iii. Vastly changing dynamics – Another relevant obstacle that the research might face is a constantly changing geopolitical situation and regional dynamics in the Black Sea.

For the reasons mentioned above, the research will mainly focus on existing documents, texts and data provided by international organizations and relevant authorised agencies, as well as governmental orders and documents connected to the BSGI.

## Chapter 2 – Deals Brokered by the UN

### Importance of Ukrainian Grain and Russian Agricultural products

As Discussed in the first chapter of this paper, it is important to understand the series of events that had underlined the need for an instrument such as the Initiative. As this thesis aims to put together and analyse the Black Sea Grain Initiative, it is noteworthy to discuss in detail why was the shipment of Ukrainian grain so important to the rest of the world.

One of the biggest concerns after Russia's full-scale invasion of Ukraine in February 2022 happened to lead to the warnings of a global food crisis (Stewart, 2023). The number of agricultural commodities produced in The Russian Federation and Ukraine puts these countries among the most important agricultural producers in the world (UN, 2022). Before the war in Ukraine, the situation in Middle East and North Africa in regards to food insecurity was already concerning after the COVID-19 (Stewart, 2023). A clear fear, that the region of Africa will face a severe food crisis was voiced in March-June 2022, when the Black Sea blockade took place (Stewart, 2023).

In order to clearly understand the volume of Ukrainian wheat and Russian fertilizers in the Middle East and North Africa (MENA), it is important to highlight, that Egypt and Turkey are considered to be two top importers of both Russian and Ukrainian wheat (Stewart, 2023). It is further estimated, that 80% of wheat imported to Lebanon is Ukrainian and the rest 15% is estimated to be of Russian origin (FAO, 2022). It is noteworthy, that states such as Syria, listed as "Low-income Food-Deficit Country" (LIFDC), receives wheat and grain from Turkey, which is imported from Ukraine and Russia as well (Stewart, 2023).

Apart from the ongoing food crisis in MENA, the food prices and the inability to harvest and export Ukrainian grain has become a major concern in both economic and environmental sense (Stewart, 2023). Taking into consideration, that 90% of

Ukrainian Grain and foodstuffs were exported via Ukrainian Black Sea ports, it became clear, that blockade would bring grain trade around the world to an end (Stewart, 2023).

Taking into consideration, that a significant part of the world's low and middle-income countries highly depended on Ukrainian and Russian agriculture products, a quick action plan to mitigate further worsening of the global food crisis was urgently needed.

### Emerging of The Black Sea Grain Initiative

In order to fully understand the emerging of the Initiative, it is important to mention the IMO "Blue Corridor" Initiative that served as a first action plan to mitigate the severe effects of war on maritime trade.

On March 10-11, 2022, an extraordinary Council session has been convened (C/ES.35), in order to address the impact of the war on seafarers, international shipping and the overall safety in the Black Sea and the Sea of Azov (IMO, 2022). The essence of Blue Corridors and deeper discussion in regards to IMO's involvement will be discussed later in this paper. However, on the extraordinary session the council has decided to encourage the establishment of an urgent measure in the high-risk areas of the Black and Azov seas to allow stranded seafarers to leave (IMO, 2022).

Another idea behind the establishment of "Blue Corridors" was to ensure, that the safe commercial navigation was also available in the region securing the maritime domain (IMO, 2022). Moreover, to eliminate the life-threatening risks for seafarers and commercial vessels it was proposed to allow ships to complete voyages through Ukrainian ports at the earliest opportunity and without any threats of attacks (Pedrozo, 2023).

For vessels unable to depart immediately due to the existing threat of sea mines and other hazards, IMO proposed to set up humanitarian corridors to enable the safety of

the seafarers (Perdozo, 2023). For mentioned humanitarian corridors to be established, involved parties have to consent and mutually agree to the location, terms, conditions to use and the duration throughout which the corridor will be in use (Pedrozo, 2023). On March 27, the Russian Federation agreed to the IMO Secretary-General's proposal and safe passages were established in Ukrainian ports of: Kherson, Chernomorsk, Mykolaiv, Odessa, Yuzhne and Ochakov (IMO, 2022).

Proposed area for the humanitarian corridors was a 128 Km long, 4 Km wide maritime traffic route that began southwest of Odessa, outside the Ukrainian territorial sea and continued to the South until the exit in international waters (Pedrozo, 2023). According to Russian authorities, the corridor would remain open every day from 8am till 7pm and guaranteed the safety and security of neutral shipping and crews (IMO, 2022). However, Ukrainian side initially did not agree to proposed deal due to unspecified reasons, which resulted in failure of the IMO initiative of "Blue Corridors" (Pedrozo, 2023).

Mentioned above served as a reminder to international community that further action plan was needed to regulate the neutral shipping in the Black Sea Region.

### The Involvement of the UN

Following the failed initiative to establish a safe passage for both seafarers and commercial vessels the Secretary-General of the UN has travelled to Ukraine and Russia to propose a facilitation plan (Pedrozo, 2023). The proposal aimed to let Ukrainian food stocks and Russian fertilizers and food to access world markets (UN, 2022). Furthermore, after three intense months of negotiations, the representatives of Ukraine, Russian Federation, UN and Turkiye signed an initiative to establish a "mechanism for the safe transportation of grain, related foodstuffs and fertilizer from Ukrainian ports to global markets" (UN, 2022).

### The aim of the initiative

This paper concentrates on analysing the objectives and aims of the initiative and how did these aims got implemented and achieved in reality and for clearer comparison it is important to underline the initial aim of the initiative.

The deal brokered by the UN sought to “contribute to the prevention of global hunger, reduce and address the food insecurity globally and ensure the safe navigation of merchant ships entering or departing Ukrainian ports” (UN, 2022). It is also noteworthy, that non-food exports, as well as exports from other countries would not be covered by the initiative (UN, 2022).

### Separate agreement with Russian Federation

It is also important to mention, that besides the Black Sea Grain Initiative, UN has signed a separate agreement with Russian Federation in regards to Russian food and fertilizers.

The agreement was significant since it guaranteed the export of sanctioned Russian fertilizers (Pedrozo, 2023). According to the agreement, sanctions applying the Russian raw materials, foods and fertilizers would no longer apply (Pedrozo, 2023).

It is argued, that together, these two agreements were expected to have followed impacts (UN, 2022):

- a. Calm commodity markets;
- b. Lower food prices;
- c. Provide critical relief to vulnerable people and countries;
- d. Ensure safe navigation of commercial vessels;
- e. Ensure safe transportation of seafarers and crew;

In the upcoming chapters this paper will further investigate how successful the initiative turned out in practice, as a mitigation measure and review the challenges it has faced in achieving its objectives.

## The legal framework of the BSGI

This chapter will be dedicated to analysing an official document regarding the Black Sea Grain Initiative and explain the terms of an agreement.

As mentioned in previous chapters, the document that UN signed with Ukraine is named the “Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports” (UN, 2022). Parties to the Initiative are Ukraine, Russian Federation, Turkiye and the UN and it is based on parties’ agreements of the international conventions such as: SOLAS (Safety of Life at Sea) regulations XI-2/11 and ISPS (International Ship and Port Facility Security Code), Part B, Paragraph 4.26 (UN, 2022). The regulation XI-2/11 of SOLAS convention offers mandatory measures to enhance maritime security and consists of specific set of rules and obligations for companies, governments and all engaged parties (SOLAS, 1994).

For the purpose of this paper, it is vital to underline the aim of the initiative according to the original document. The official document on the BSGI states following: “The purpose of this Initiative is to facilitate the safe navigation for the export of grain and related foodstuffs and fertilizers, including ammonia from the Ports of Odessa, Chernomorsk and Yuzhny (“the Ukrainian Ports”)” (UN, 2022).

By nature, the original document recognizes the BSGI as a “humanitarian mission of the United Nations” and requests the Secretary-General of UN to assist with further implementation (UN, 2022). This puts UN in a position of a main facilitator. Furthermore, to enforce the safe navigation parties agreed to following terms:

All parties of the initiative will provide maximum assurances in regards to safety and security for all vessels engaged in the initiative (UN, 2022). Paragraph A of the primary aspects of the Initiative also suggests establishing a Joint Cooperation Centre (JCC) (UN, 2022). Since JCC has its own regulatory framework and consists of strict rules and procedures applying to vessels, its terms and conditions will be discussed thoroughly in the upcoming chapters of this paper. However, it is important to mention, that BSGI framework introduces JCC as a main regulatory body and backbone of the Initiative.

According to the framework, the JCC conducts the general oversight and has to consist of the representatives of all involved parties, with one senior official and personnel agreed upon (UN, 2022). This also applies to the inspection teams that would be set up in Turkiye and would also consist of all representatives. Moreover, it is stated in the document, that all vessels would enter Ukrainian ports in line with a schedule approved by the JCC (UN, 2022).

Vessels engaged in the BSGI would also be inspected by the inspection teams whose primary responsibility would be to check the absence of unauthorised cargoes and personnel of the vessels outbound or inbound (UN, 2022). The document also indicates, that all activities in Ukrainian territorial waters will fall under Ukrainian responsibility and authority (UN, 2022).

As one of the aims of the initiative was to ensure safe commercial shipping, document states, that parties will not conduct any attacks against merchant ships and other civilian vessels, as well as port facilities engaged in BSGI (UN, 2022). It is also noteworthy, that the official document mentions demining the waters, if necessary, with the engagement of a minesweeper from another country (UN, 2022).

The issue of floating mines has been very evident throughout the duration of war and will be discussed later in this paper. However, even though no action has been taken

in regards to floating mines yet, it is important to note that the original document advices to engage minesweepers.

Furthermore, vessels registered prior in the JCC shall verify the detail and confirm their loading port after having liaised actively with engaged port authorities (UN, 2022). It is important to state, that vessels had to be technically strictly monitored for the whole duration of their passage (UN, 2022).

Having completed all necessary procedures, vessels would proceed to be guided through the maritime humanitarian corridor with the JCC developing and disseminating an operational and communications plan in details, which also included the “identification of safe harbours and medical relief options” (UN, 2022).

The official document also touches the issue of possible provocations and incidents in regards to vessels engaged in the maritime humanitarian corridor and states, that in order to avoid mentioned above, the parties will remotely monitor the transiting (UN, 2022). Maritime Humanitarian corridors and warzones in relevance with this topic will be covered in a separate chapter of this paper. However, it is crucial to mention, that the document demands no military ships, unmanned aerial vehicles (UAV) and aircrafts approaching the maritime humanitarian corridor without the authorisation of the JCC, no closer than the distance agreed by the JCC and without a proper consultation with all parties involved (UN, 2022).

The BSGI framework also covers non-compliance and suspicious activities and offers solutions in case of an emergency on board of a vessel engaged of BSGI. If an emergency occurs on a vessel that’s transiting a maritime humanitarian corridor, upon request of the JCC, under the international maritime law and depending on the location, the parties “would have to provide required assistance and conduct an inspection against the security guarantees” (UN, 2022)



Furthermore, it is indicated in the document, that all vessels engaged in the BSGI are subject to inspection by the JCC in Turkiye at the entry or during a leave from the Turkish strait (UN, 202).

Finally, this document covers the original duration of the Initiative, which was originally set to be 120 days from the date of signature. However, it also indicates, that the initiative would be automatically extended for the same duration, unless one of the parties notified the other parties of the intent to terminate or modify the initiative (UN, 2022). The document ends with a clarification, that there will be no privileges and immunities of the UN and parties have to ensure that the deal will not entail any liabilities for the UN (UN, 2022).

From the information provided in this chapter, several aspects become clear. The official document of the BSGI provide all necessary measures to tackle the safety and security issue, making sure that all involved parties are equally represented and power balance is kept organized. It also became clear, that the JCC served as a main regulatory body for the whole procedural part of the initiative.

### Chapter 3 – Joint Coordination Centre

In this chapter, the structure and basis of the Joint Coordination Centre will be explained. In order to understand the backbone of the BSGI and its implementation as an instrument it is crucial to review its main facilitation mechanism, which in this case is the Joint Coordination Centre. Sub chapters of this part of the paper will also explain the procedures merchant vessels have to comply with, in order to be able to participate in the BSGI.

As mentioned in previous chapter, the Joint Coordination Centre has been set up by the representatives of involved parties (Russian Federation, Ukraine, UN, Turkiye) in

order to “Conduct general oversight and coordination” of the Black Sea Grain Initiative established by the United Nations (UN, 2022). The JCC was established to monitor the movement of the merchant vessels and to ensure the compliance with the procedures established through the BSGI for shipments both to and from Ukrainian ports (UN, 2022).

The monitoring and inspection process of the safe passage, as well as explanation of all necessary procedures under the auspices of the JCC is established in the official document developed withing the BSGI under the name “Black Sea Grain Initiative – Procedures for Merchant Vessels” (UN, 2022). Document consists of several chapters that explain the nature of the JCC.

The background of the document provides information in regards to the parties involved and refers to same conventions the BSGI legal document does: SOLAS and ISPS code and repeats the general instructions for the initiative that are explained in the previous chapter (UN, 2022). Furthermore, the document underlines once again that the JCC coordinates the BSGI by the representatives of involved parties: UN, Ukraine, Russian Federation and Turkiye (UN, 2022).

In order to understand how exactly are vessels protected in the Maritime Humanitarian Corridor, the JCC document states, that a vessel entering mentioned corridor is also protected by a buffer zone which is based on the centreline of the corridor (UN, 2022). It is also explained, that mentioned buffer zone moves along with a vessel as it proceeds towards/from the Ukrainian Ports and clarifies, that the buffer zone cannot extend outside the corridor (UN, 2022). The JCC also has a responsibility to provide vessel movement data to all parties involved after which, the representatives of the countries have an obligation to transmit information to all their military authorities in order to avoid incidents (UN. 2022).

It is also important to note, that according to the document mentioned military representatives can have objections in regards to the vessel movement within the

corridor and in case there are none, the JCC takes responsibility to acknowledge that all military aircrafts, ships or units in the area have been notified and the vessel shall proceed with a safe transfer (UN, 2022). Another important responsibility of the JCC consists of taking action to ensure the safety of a vessel in case the JCC representative informs the centre that there has been a threat posing to a vessel (UN, 2022).

The JCC document also points out a procedure for vessels that are not allowed to undergo inspection due to adverse weather conditions. In this case, Ukrainian authorities shall notify the JCC and the vessel will receive clear instructions from Istanbul Port Authority (UN, 2022).

According to the framework, the Initiative protects a route only between the Turkish Inspection Area and the Ukrainian Ports, which is divided into several segments (UN, 2022). Mentioned segments have different levels of protection under the Black Sea Grain Initiative (UN, 2022).

Route for vessels is divided into: The Turkish Inspection Area (the coordinates for which were provided by Turkiye), The Southern Waiting Area, The Maritime Humanitarian Corridor (MHC), The high Seas Transit Corridor (coordinates for which were developed by the JCC), Entrance to Ukrainian Territorial Seas, The Ukrainian Territorial Seas Holding Area, Entrance to the Port of Chornomorsk Waypoints, Entrance to the Port of Odesa and Entrance to the Port of Pivedennyi (UN, 2022).

For clearer comprehension of mentioned corridors and the territory in the Black Sea it covers, it is necessary to explain each area.

1. The Turkish Inspection area serves as specially designated anchorage areas for the vessels awaiting the JCC inspection that are temporary (UN, 2022). Vessels are further directed to designated inspection areas by VTS Istanbul (UN, 2022). In total, there were five inspection areas outlined for the BSGI vessels in Istanbul (UN, 2022).

2. Special designated Turkish Inspection Area S (Sea of Marmara) is an area, which vessels have to pass through while transiting to or from the Turkish Inspection Area and/or The High Seas Transit Corridor to the JCC inspection area (UN, 2022). In this case, vessels passing through are not restricted to hold a specific route. However, no port calls, stops or ship to ship transfers are authorized in mentioned area other than emergencies that the JCC is aware of (UN, 2022).
3. The Southern Waiting Area also serves as a designated waiting area for vessels of the BSGI (UN, 2022). This area is used only for inbound vessels engaged in the BSGI and must inform the JCC in case they want to use the area (UN, 2022).
4. The Maritime Humanitarian Corridor (MHC) includes the entrance to Ukrainian Territorial Sea and the High Seas Transit Corridors (UN, 2022).
5. The High Seas Transit Corridor was developed by the JCC and is an 83 nautical mile long and 3 nautical mile wide two-way route (UN, 2022).
6. Entrance to Ukrainian Territorial Seas is a continuation of the Maritime Humanitarian Corridor that widens to lead to the Ukrainian Territorial Seas Holding Area (UN, 2022). However, while vessels proceed to enter mentioned holding area the buffer zone does not extend to protect vessels, which means that vessels are being protected by the Initiative and Ukrainian authorities (UN, 2022).

7. The Ukrainian Territorial Seas Holding Area (Otherwise called “The holding area”) is only used for the information and the disembarkation of pilots as wells as disbandment of convoys (UN, 2022).
  
8. Entrance to the Port of Chornomorsk Waypoints from the mentioned Holding Area to the port of Chornomorsk (UN, 2022). Also, the same applies to the Entrance to the Port of Odessa and Pivdennyi (UN, 2022).

### Pre-Arrival Procedures for vessels

The JCC describes the procedures necessary to prepare a vessel for the arrival to Istanbul Port.

Paragraph 13 of the framework offers clear rules to follow for the vessels in the Ukrainian Ports. It suggests, that vessels shall follow their standard procedures upon the departure from Ukrainian Ports and requests Ukrainian authorities to notify the JCC by submitting their pre-arrival forms lo later than 8 hours after receipt (UN, 2022).

Furthermore, Ukrainian authorities have to submit their plan for vessel movement towards the Turkish Inspection Area approved by the Ukrainian authorities to the JCC (UN, 2022).

Finally, no later than 24 hours before the vessel arrives to the Turkish Inspection Area, Ukrainian authorities have an obligation to submit a plan approved by Ukrainian Ports to the JCC and the JCC further assesses and arranges an Inspection for cleared vessels (UN, 2022).

### Vessels outbound from the Ukrainian ports

This part of the JCC frameworks provides detailed rules and obligations in regards to the merchant vessels leaving Ukrainian ports engaged in the BSGI. It sets rules as to when and how Ukrainian authorities have to notify the departure plan to the JCC. Each day by 12:00 authorities shall submit the departure plan to the Joint Coordination Centre for the vessels leaving ports the following day, the JCC has an obligation to return clearance and approved plan back to Ukrainian authorities each day by 16:00 In case of a delay, Ukrainian authorities are also obligated to notify the JCC (UN, 2022).

Each vessel has to be technically monitored on its way to the Turkish Inspection Area by the JCC representatives and shall notify the Istanbul Port Authority to request the permission to enter the inspection area using normal procedures and await the inspection (UN, 2022). After the completion of the inspection, the inspection team will notify reports labelled as “Cleared/Not Cleared to Proceed” to the JCC (UN, 2022). In case a vessel fails to receive approval, it will further receive directions from the JCC in regards to further additional procedures or measures to follow (UN, 2022).

The framework also provides clear reasons for inbound vessels for which a vessel will not be cleared (UN, 2022):

9. A vessel submitted false information in regards to cargo, passengers or crew members;
10. A vessel is carrying unauthorized cargoes, passengers or crew;
11. A vessel failed to transmit AIS signal;

It is also noteworthy, that the JCC framework also provides strict set of cargoes that will be authorized as “Approved” (UN, 2022):

1. Grains;
2. Other foodstuffs authorized by the JCC;

### 3. Fertilizers, including ammonia;

The JCC framework also provides rules for vessels to follow in regards to the exact location of the Maritime Humanitarian Corridor and states, that any ship deviating from the mentioned corridor and conducting a ship-to-ship transfer and/or an unauthorized stop may be subjected to an additional measures by the JCC (UN, 2022).

#### [Procedures for vessels transferring to or from Ukrainian Territorial waters](#)

This chapter of the framework touches upon a very important issue in regards to one of the main concerns in the BSGI, floating mines.

Provision 26 of the framework gives detailed rules as to how and when vessels have to use the Maritime Humanitarian Corridor, it states, that in order for merchant vessels to avoid floating mines or misidentification in military activities zones, vessels have to plan their transit in the corridor in maximum daylight hours and suggests 05:00 and 21:00 (UN, 2022).

When it comes to the Ukrainian High Seas Corridor, all vessels shall remain inside the corridor at all times (UN, 2022). In case a vessel is unable to manoeuvre, the framework references COLREG Rule 27 (Vessels not under command or restricted in their ability to manoeuvre) and requests vessels to display the lights or day shapes in accordance with Rule 27 of COLREG (UN, 2022).

It is important to underline, that provision 28 also talks about inbound vessels transiting the High Seas Corridor in regards to floating mines and requests vessels to avoid any deviations while “Maintaining a sharp lookout for floating hazards” (UN, 2022). However, there is no clear rule or advice as to how should mentioned be done.

Furthermore, the framework provides a list of actions vessels must complete after which the vessels entering the Ukrainian ports will be subject to inspections (UN, 2022):

1. Bunkering;
2. Crew change;
3. Receipt of supplies;
4. Hull cleaning etc.

While for outbound vessels inspection will be performed before vessel clears the list provided above.

### Procedures for preparation for inspection

While explaining the procedures vessels have to go through, the framework provides the main requirements for the clearance to proceed with an inspection.

Provision 31.1 states, that a vessel should have the requirements for MARSEC Level 3 implemented (UN, 2022). MARSEC (Maritime Security) is a Maritime Security three-tiered system under ISPS code that offers three security levels and requirements for vessels (ISPS code, 2003). Usually, ships will fall under level 3 of MARSEC by a port or a flag state and will be provided by special advice and instructions by flag or port states (ISPS code, 2003). However, in this case all vessels engaged in the BSGI fell under the Level 3 of MARSEC automatically by the Ukrainian Government. In general, Level 3 is labelled as Exceptional (Attack Imminent), which means that there is a reliable intelligence that a ship or waters in which it is sailing are likely to be under attack (ISIS code, 2003). Mentioned level of security would apply to vessels starting from the Turkish Inspection Area to the Ukrainian ports both for inbound and outbound vessels (UN, 2022).

In case of bulk carriers, vessels must confirm if the confined spaces open for inspection are safe for entry (UN, 2022). Furthermore, Appendix A to Annex B of the framework



offers forms for vessel procedures such as: Vessel details, crew details, itinerary, contact details etc. (UN, 2022).

### Legal Nature of The Black Sea Grain Initiative – Is BSGI a treaty in accordance to VCLT?

As this paper aims to break down the nature of BSGI and explain how it works in practice, it is also crucial to touch upon the matter of its legal nature and base. The upcoming discussion whether the BSGI could be considered a legally binding treaty under the international law has been discussed widely between scholars and various experts and it is important to touch upon mentioned subject. Aforementioned discussion will also show the legal strengths and weaknesses of the Initiative, which is relevant to this paper.

Furthermore, this chapter will discuss the legal nature of the BSGI in relation to the law of treaties and will point out the structure and legal challenges that the BSGI had to face. Firstly, it is important to underline the basic legal context of the BSGI.

For better comprehension of the involved parties and their responsibilities it is crucial to note that when the Initiative was signed by involved parties, the UN has assigned a special role to the United Nations Secretary General while the UN wasn't a party to the Initiative (Novak, Aust, 2022). This is clearly seen in the first paragraph of the agreement which states: "...The parties are specified as the three states involved: Russia, Turkiye and Ukraine" (UN, 2022). Another important legal aspect is the involvement of international treaties such as: SOLAS and ISPS code that link the BSGI with an "established treaty regime" which governs the safe merchant shipping (Novak, Aust, 2022).

When it comes to the legal issues the BSGI has, it is noteworthy, that many scholars and experts claim that the BSGI lacks legal instruments and its vagueness doesn't make it a treaty (Novak, Aust, 2022). This discussion is based on the fact, that the

BSGI legal framework doesn't offer a mechanism for early suspension of the BSGI and it doesn't offer a clear mechanism for dispute resolution (Novak, Aust, 2022). Furthermore, the framework puts UNSG into a "special role" suggesting that UNSG has certain responsibility in guiding the discussions for the initiative and requests UNSG's assistance in implementation of the initiative (UN, 2022). However, there is still no clear explanation in regards to what the assistance and responsibility consist of (Novak, Aust, 2022).

It is also argued, that the parties chose not to clarify the nature of the initiative because of the political nature of the agreement, thus making it more flexible (Soldatenko, 2023). Many scholars argue if the matter of the BSGI can be discussed using the Vienna Convention of the Law of Treaties (VCLT) since VCLT can be considered to mirror customary international law (Novak, Aust, 2022).

Furthermore, as already mentioned earlier in this chapter, there is a wide discussion whether the BSGI can be called a treaty or not and if it carries the all the necessary elements to be considered one. If this subject is discussed using the VCLT, one of the provisions states, that a treaty is "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation." (Vienna Convention of the Law of Treaties, 1969). The BSGI clearly falls under the aforementioned explanation although the definition provided above is only given for the VCLT purpose (Novak, Aust, 2022). It is also important to mention, that the definition reflects customary international law and clearly serves as an authoritative definition of a legally binding agreement (Novak, Aust, 2022).

Novak and Aust also point out an interesting question that is crucial while discussing the legal means of the BSGI, arguing if the initiative is governed by international law (Novak, Aust, 2022). Authors use the preceding of the Vienna Conference of the UN International Law Commission (ILC) and argue, that both the Vienna Conference and

the ILC conclude that the formulation “Governed by international law” means the intent of the involved parties of creating an agreement that is binding under the international law (Novak, Aust, 2022). In accordance with mentioned argument, it becomes clear, that an intent of involved parties determines the bindingness of the agreement on the basis of consent (Novak, Aust, 2022).

Furthermore, the fact that the instrument is named an “Initiative” may raise concerns in regards to whether it should be considered as a legally binding treaty or not (Novak, Aust, 2022). However, Article 2(1)(a) of the VCLT states, that designation of the title is of no importance (Vienna Convention of the Law of Treaties, 1969).

Another argument in defence of the BSGI being a binding agreement is the wording that is used in the legal framework. The BSGI refers to involved actors as “parties” while in most cases of non-binding arrangements a word “participants” is commonly used (Novak, Aust, 2022). Furthermore, the overall language of the BSGI such as: “Parties agrees as follows”, “shall”, “must” etc. are generally viewed as indications of obligations that are of binding nature (Novak, Aust, 2022).

If the BSGI’s legal language is analysed more precisely it becomes clear, that an agreement is more on legally binding side. The framework of the JCC offers clear examples in favour of aforementioned argument with wording such as: “the JCC shall be set up”, “shall conduct general oversight and coordination of this initiative”, “parties will not undertake any attacks against merchant vessels and other civilian vessels and port facilities engaged in this initiative...” (Novak, Aust, 2022). It is also noteworthy, that with its provisions in regards to the restriction of military aircrafts and vessels in maritime safe zones the BSGI also respects and safeguards the UN immunities and privileges (Novak, Aust, 2022).

Finally, one of the most evident examples of the BSGI’s legally binding nature could be considered a second agreement between the Russian Federation and the UN, The MoU that serves as facilitating mechanism to trade and export Russian foodstuff,

fertilizer and ammonium to world markets. The MoU exclusively states following: “...the present Memorandum is not an international treaty and does not establish any rights or obligations under the international law.” (UN, 2022). If the BSGI framework was to be compared to mentioned MoU, it becomes evident, that the issue of legal bindingness is addressed in the MoU, while no such provision is present in the BSGI agreement (Novak, Aust, 2022).

All arguments provided above suggest that in the sense of the law of treaties the BSGI is clearly a legally binding agreement despite of its rather vague and short legal framework.

## Chapter 4 – Challenges of the Black Sea Grain Initiative

Despite of the noticeable success of the BSGI, it is also important to discuss the clear issues and challenges it faced. From the very first stage of the implementation of the BSGI evident challenges appeared that posed as threat to the security of merchant vessels and safe shipping.

For the purpose of this paper, several issues in regards to the BSGI will be discussed in upcoming chapters such as: Marine insurance related issues and floating mines.

### The impact of war on maritime trade and shipping

For the purpose of this paper to create a general insight on why was the Black Sea Grain Initiative a necessary tool and to underline its importance for commercial shipping, it is also necessary to discuss the overall impact of war on maritime trade and global supply chain.

It is clear, that from the very first day of war commercial shipping was dramatically affected (Pedrozo, 2023). Only in first week of war Russian Navy suspended and prohibited navigation in the northwest area of the Black Sea (Pedrozo, 2023). In

general, establishing war zones and restricting navigation for commercial vessels is perfectly legal in accordance with the Law of Naval Warfare (Pedrozo, 2023). However, the establishment of such restricted war zone did not free Russian Federation from refraining from attacking merchant vessels (Pedrozo, 2023). During the first week of war, there have been numerous reports of military attacks against merchant fleet (Faulconbridge, 2023). This may suggest, that the principle of distinction might have been violated and a clear mechanism for avoiding such instances had to be implemented (Pedrozo, 2023).

Another obstacle was created when after the attacks on merchant ships Ukrainian authorities imposed martial law, which made the handling of cargo and container ships nearly impossible (Pedrozo, 2023). This also resulted in stranding of more than 2000 seafarers and 94 vessels in the Black Sea and the Sea of Azov (IMO, 2022). As a result of mentioned crisis, large shipping companies decided to suspend shipments both from and to Ukraine and Russia, which caused a clear disruption in global supply chain (Jacobs, 2022).

As mentioned in previous chapters, Ukraine and Russia can be considered as breadbaskets, accounting more than 12% of calories consumed globally (Jacobs, 2022). Taking into consideration, that over 90% of agricultural products is transported by sea and alternative rail and road as well as maritime routes did not provide a successful solution, the necessity of a stronger instrument became more evident (UNSG, 2022).

Another unavoidable issue following the war and restriction of maritime trade was increased shipping costs (UNCTAD, 2022). The UN conference on Trade and Development (UNCTAD) made a publication on June 28<sup>th</sup>, 2022, proving that Ukraine's trading partners had to turn to other means of transportation and countries in order to avoid the disruption of trade (UNCTAD, 2022). In addition, transport hurdles also affected the regional logistics and halted port operations (UNCTAD,

2022). Furthermore, altering the trade routes also resulted in higher fuel prices and loss of insurance, as well as increased costs of marine insurance (UNCTAD, 2022). Shipping time and overall cost as well as distance has also been significantly increased (UNCTAD, 2022).

It has been clear, that food prices around the world have also been on the rise due to COVID-19 global pandemic, grain prices have been especially affected as well (UNCTAD, 2022). The report published by the UNCTAD on may 2022 states, that after the war in Ukraine the price for carrying dry bulk goods increased by over 60% (UNCTAD, 2022). War has not only affected food trade but oil and gas prices also increased by 64% (UNCTAD, 2022). The reason for Aforementioned can be described with regional specifics since smaller-sized tankers are said to be the key for regional trading of oil in the Black, Baltic and Mediterranean Seas (UNCTAD, 2022).

With all arguments considered, the effect of war in Ukraine on global supply chain and maritime trade has been immerse and an immediate, urgent action to open Ukrainian ports and revive the Black Sea trade was crucial not only for the region, but for the rest of the world. Thus, the Black Sea Grain Initiative served as a positive preventive measure to resume maritime trade.

### [Operational challenges of the Black Sea Grain Initiative: Sea mines and Marine insurance](#)

Following chapter investigates one of the most important and widely discussed challenges of the Black Sea Grain Initiative in regards to the marine insurance coverage of the vessels engaged in the Initiative.

From the start of the BSGI, in addition to other political and strategic challenges, the issue of sea mines and marine insurance came to surface (IAI, 2022). The reports about

drifting mines in the black sea had a chilling impact on shipping sector (Pedrozo, 2023). According to the Russian authorities the total number of underwater mines reached 370 out of which ten were broken loose (IAI, 2023). In case of the Black Sea and the situation in Ukraine the minesweeping operation required a political will and very high accuracy (IAI, 2022). However, no such operation had been carried out and mentioned topic is still a matter of discussion (IAI, 2022).

Such high risk for vessels engaged in the BSGI rose concerns amongst marine insurance companies (IAI, 2022). In the beginning of the BSGI insurers seemed unwilling to insure the vessels engaged in the Initiative because of the level on uncertainty around the subject (IAI, 2022). Also, the perception of war risks in general have changed in the insurance market due to the number of vessels detained because of the conflict (Townsend, 2022).

In general, the P&I Clubs (Protection and Indemnity) have standardized approach to war risks and offer various types of insurance in sectors like: Hull and Machinery, Detention and/or diversion expenses, other war risks etc. (The London P&I Club, 2022). However, the existence of such coverages and even the creation of grain deal still did not solve all the problems in regards to marine insurance (Denefle, 2023).

Furthermore, it is a fact that marine reinsurance market has been well experienced in situations such as hurricanes and droughts, risk areas and restriction zones (Denefle, 2022). However, it became clear that the reinsurance market was not prepared to provide the same war risk protection to direct marine insurers (Denefle, 2022). Aforementioned issue created a set of difficulties for direct marine insurers to find the needed support amongst the reinsurance stakeholders (Denefle, 2022). However, with the emerging of the Maritime Humanitarian Corridor and the BSGI the need of extra security measures was stressed (ICS, 2022).

The strict operational preciseness and the involvement of the UN as well as Turkish authorities made it easier to negotiate the proper insurance for vessels (ICS, 2022). Discussing the naval escorts for vessels and standard operational procedures under the scope of the BSGI opened the door for further negotiations (ICS, 2022). Moreover, the IMO played a crucial role in helping UN secure the agreement and coordinate with commercial operators (ICS, 2022).

The IMO has been carrying out meeting to assure the insurers and reinsurers that the agreement terms were reliable and sufficient enough for commercially viable trade (ICS, 2022).

Another breaking point in trying to stabilize the commercial trade in the Black Sea was the London Joint War Committee of Lloyds (JWC) on July 26<sup>th</sup> (ICS, 2022). Mentioned event was held to indicate whether the reinsurers would provide coverage for food and grain cargo intended to ship from the Ukrainian ports (ICS, 2022).

As a result, JWC managed to broker a first 50-million-pound facility that was placed by Marsh Insurance (ICS, 2022). Another issue that the emerging of the BSGI has relatively eased was the cost of the insurance (ICS, 2022). Due to the increased risk of cargo damage the cost of insurance had been on the rise since the beginning of war (ICS, 2022). Since signing of the BSGI there had been a significant 3% drop in the insurance costs from 5% to 2% (ICS, 2022).

With the involvement of the IMO and the UN, as well as private commercial organizations, the future for the BSGI fleet was more or less secured. It is evident from the information provided in this chapter, that the involvement of the UN and the IMO brought positive contribution in demonstrating the effectiveness and willingness to secure shipping in the wartime.



## Chapter 5 – Involvement of the International Organizations

From the beginning of the war in Ukraine international community was willing to find measures to overcome the logistical disruptions in the region to stabilize the shipping sector. Several International Organizations like the IMO, FAO etc. and the EU made important interventions and came up with important initiatives to try to stabilize the logistics complicated by the war.

Following chapters will discuss the contributions of the International Organizations before, during and after the launching of the BSGI and their impact on the Initiative.

### Specialized agencies of the UN

For better understanding of the topic, it is necessary to establish a timeline of events that led to the establishment of the BSGI. This chapter will portray the involvement of various International Organizations and the measures taken before the BSGI that were relevant in context of the Initiative. One of the first organizations to draw attention to the situation in the Black Sea even Before the emerging of the BSGI was the IMO. In fact, IMO's attempts to regulate and mitigate the impacts of war resulted in need to establish a more complex mitigating measure.

One of the IMO's first actions since the beginning of invasion was to establish an Emergency Task Force in order to avoid the safety and security risks (IMO, 2022). As mentioned before in this paper, IMO has been one of the first responders to the issue of stranded seafarers and fleet. Another important involvement of the IMO is in regards to over 60 merchant ships that were stranded until the early 2023 after the launch of the BSGI (IMO, 2023).

Mentioned vessels could not participate in the BSGI since they remained stranded across the Ukrainian ports (IMO, 2023). In November 2022, the decision was made by the IMO Council to encourage the Secretary-General to continue humanitarian work

to help evacuate all remaining stranded seafarers and vessels from the conflict area (IMO, 2022).

As indicated earlier in this paper, the IMO also urged for the establishment of the “Blue Corridors” for the evacuation of stranded seafarers and vessels (IMO, 2022). The decision for the establishment of the mentioned corridors was made on the extraordinary session of the IMO Council on March 10<sup>th</sup>, 2022 (IMO, 2022). The session addressed the security risks in regards to the situation in the Black Sea and the Sea of Azov (IMO, 2022).

The main priority of “Blue Corridors” was allowing ships to sail from the Ukrainian ports without the threat of attack at earliest possibility (IMO, 2022). This was accomplished through collaboration with the relevant stakeholders and the IMO’s engagement via reporting and keeping member states informed of every development (IMO, 2022). The extraordinary session also discussed the establishment of humanitarian corridors for the vessels and crew that were unable to leave immediately (IMO, 2022).

### European Union and Solidarity Lanes

In order to compare the BSGI to other mitigation measures and investigate its privileges in comparison to other initiatives to overcome threats and challenges that emerged due to armed conflict, it is reasonable to mention the EU’s involvement.

As mentioned in previous chapters, the European Union was quick to draw the attention towards the complications in the logistical part of exports. Following a blockage of Ukrainian ports, the European Commission established the “Solidarity Lanes” in order to help export Ukrainian agriculture products (European Commission, 2022). The main idea behind the “Solidarity Lanes” was to provide infrastructure means for faster exports, which included vessels and lorries, trains, faster customs operations and storage on EU territory (European Commission, 2022). However,

mentioned lanes mostly concentrated on land transportation (European Commission, 2022).

Despite of the fact, that “Solidarity Lanes” did not contribute as much in regards to better maritime transportation, Since the launch in May 2022, over 45 million tonnes of grain, other foodstuffs and oil has been exported (European Commission, 2022). “Solidarity Lanes” served as a positive contribution to securing safe exports from Ukraine reaching over 78 million tonnes of exports in agricultural products as of July 2023 via both BSGI and the “Solidarity Lanes” (European Commission, 2022).

### World Food Programme chartered vessels

Another important contribution to the BSGI has been made by the World Food Programme with help of USAID Bureau for Humanitarian Assistance, private sector stakeholders and the fundings of governments through chartering vessels to the horn of Africa.

WFP has purchased over 1,264,846 metric tonnes of cargo for UN chartered vessels (WFP, 2022). First WFP chartered vessel “Brave Commander” left the Ukrainian port on August 16<sup>th</sup>, 2022 to reach Ethiopia (WFP, 2022). World Food Programme has a long history of purchasing wheat and grain from Ukraine, in 2021 alone, the WFP has purchased over 880,000 metric tonnes (WFP, 2022). Thus, the disruptions in maritime domain and difficulty of shipments posed as a challenge for the WFP to provide to hungriest regions of the world as well (WFP, 2022).

The WFP was one of the first organizations to warn about the “ripple effects” of the war in Ukraine, as well as blockage of ports that made a humanitarian crisis in some parts of the world more challenging (WFP, 2022). One of such instances was Sri Lanka, where majority of population has been forced to consume less food due to the food price crisis caused by war in Ukraine (WFP, 2022).

Furthermore, the second vessel chartered by the WFP, SANA'A/ROME left the port of Yuzhny on August 30<sup>th</sup>, 2022 to Yemen (WFP, 2022). It is known, that 46% of grain imported into Yemen usually came from Ukraine and Russia (WFP, 2022).

The WFP has been active in advocating for the renewals of the BSGI and chartered 20 vessels in total carrying wheat to countries such as: Sudan, Ethiopia, Yemen, Kenya, Afghanistan, Somalia and Djibouti (UN, 2023).

### [Suspension of the Black Sea Grain Initiative](#)

As described earlier in this paper, the renewal of the BSGI depended on the involved parties will to proceed with the Initiative. However, after over three months of renewing the Initiative, Russian Federation decided not to extend the deal on July 17<sup>th</sup>, 2023, bringing the Black Sea Grain Initiative to an end (UN, 2023).

Russia's Foreign Ministry had notified the UN, Ukraine and Turkiye that without participation of the Russian Federation the Initiative would cease to function starting from the following day (UN, 2023).

The reason behind Russia's suspension of the BSGI are known to be as follows: Russian Federation has stated, that the demands they had were not met and the pace of inspections for the vessels to be checked clear for further exports was slow (Decorne, 2023).

Mentioned issue of the inspection capacity has been a matter of discussion since the launch of the Initiative. Based on the reports provided by the JCC, as of December 4<sup>th</sup>, 2022, the JCC has conducted over 1,046 voyages since July 2022 (ICS, 2022). However, 91 vessels had been waiting for the inspection out of which, 65 vessel's export capacity consisted of around 2.2 million tonnes of foodstuffs (ICS, 2022). Moreover, the process of approvals has been said to be stretched in time and the JCC has actively been discussing the possibility of increasing the number of inspection

teams beyond the existing three teams (ICS, 2022). However, despite of the JCC's attempts to tackle the challenge, the number of inspections carried out per day remained to be six to seven (ICS, 2022).

Moreover, the mentioned issue with the number of inspections has also been emphasized by the Ukrainian authorities. According to senior authorities of Ukraine, the efforts and dialogues have been held in order to expand and increase the number of inspections rather than looking for other alternatives (Polityuk, 2023). Furthermore, there has been a significant decline in the number of exports starting from 7 million tonnes in September and October, 6 million tonnes in November and the drop of shipments to less than 4 million tonnes as of December 2022 (Polityuk, 2023). Ukrainian authorities have also attributed the drop of shipments to the slowdown of inspections (Polityuk, 2023). However, the reason behind complications in securing more inspection teams has been unclear.

The suspension of the BSGI stirred a set of discussions in regards to the challenges it would bring to the international community in regards to uncertainty of maritime logistics, trade, food prices and food security in general (Glauber et.al, 2023).

Furthermore, a week later after the suspension of the BSGI, Russian Federation released a statement in regards to possible targeting of merchant vessels due to potential military threat (Jacobs, 2023). Aforementioned further complicated the future of safe, secure commercial shipping. However, the following chapter will discuss the aftermath of the BSGI and Ukraine's resumed tries to export grain to the rest of the world.

### [The aftermath of the BSGI – Alternative routes for grain shipments](#)

It is clear, that without an instrument like the BSGI the shipment of goods through the Black Sea will be a sensitive topic. However, in recent months Ukraine has been actively involved in trying to resume the shipments despite of obvious security threats.

This chapter will discuss the latest developments in regards to grain shipments in the Black Sea.

On August 10<sup>th</sup>, 2023, Ukraine has declared a Temporary Humanitarian Corridor for vessels stranded in Ukrainian ports since the beginning of war (Marine Insight, 2023). The vessels allowed to sail through mentioned corridor, however were not previously covered by the BSGI and consist of container and bulk carriers (Marine Insight, 2023).

Furthermore, the Ukrainian authorities stated, that in order to eliminate any suspicion in regards to commercial vessels, the corridor will be transparent (Marine Insight, 2023). The vessels ready to sail through mentioned corridor will be equipped with cameras and non-stop broadcast to underline that the voyage does not have a military purpose and is completely humanitarian (Marine Insight, 2023). Ukrainian authorities have also proposed the channels of the new corridor to the IMO directly (Marine Insight, 2023). In the letter sent to the IMO in regards to establishing a temporary corridor, Ukrainian authorities stated to “provide guarantees of compensation for damage” (Bonnel, 2023). However, further details as to how such safety measures will be guaranteed are yet unknown.

Despite of uncertainties of the new Temporary Humanitarian Corridor in regards to safety, the first out of two vessels scheduled for voyages (Smaller cargo vessel called “Resilient Africa” and a full-size cargo vessel “Aroyat”) left the port of Chornomorsk, Ukraine, carrying 17,600 metric tonnes of Grain towards Egypt (Reuters, 2023).

Moreover, a new possibility has emerged to allow Ukraine to safely ship grain to the world market with the engagement of Croatia. On July 31<sup>st</sup>, 2023 Croatia and Ukraine agreed to discuss the possibilities of using Croatian ports of the Adriatic Sea and Danube to export grain (Reuters, 2023). Furthermore, on September 7<sup>th</sup>, 2023, after a round of negotiations Ukraine has announced the shipment of grain via Croatian ports (Polityuk, 2023).

It is also important to mention, that Ukraine is close to securing an important marine insurance deal with global insurers to provide insurance coverage for the upcoming grain shipments (Ganguangco, 2023). The insurance deal aims to cover 30 merchant vessels and is awaited to be finalized by the end of September, 2023 (Ganguangco, 2023). As it was mentioned previously in this paper, one of the first insurers to announce the support to the upcoming grain shipments from Ukraine since the suspension of the BSGI has been Marsh McLennan (ICS, 2023). Marsh has also been active in proposing to help develop a risk data platform for insurers to gain more confidence while discussing the coverage of the Ukrainian grain exports (Ganguango, 2023).

It is clear, that logistical details are yet to be discussed in regards to new Temporary Humanitarian Corridor established by Ukraine. However, in context of shipping, global food security and supply chain, attempts of resuming the grain shipments is a positive sign.

## Summary and Conclusions

As the purpose of this paper was to describe the Black Sea Grain Initiative in context of a mitigating measure in global crisis situations and describe its nature, as well as challenges, several conclusions can be made.

Firstly, it became clear, that global food security has been heavily affected by the war in Ukraine. Ukrainian grain and Russian fertilizers have been a crucial part of imports for countries suffering with humanitarian crisis. Other than a pending global food crisis, the reopening of Ukrainian ports and resuming the commercial shipping in the Black Sea has been one of the most important steps to mitigate further complications and chain events both in maritime and global trade.

This topic touches upon many aspects that are important to mention. Both before, and after the implementation of the BSGI the international community proved to act quick in global crisis situation.

To answer the questions asked in this paper, it is important to summarize the facts provided above. Firstly, if we discuss the BSGI in context of a mitigating measure during a global crisis it is important to mention its inevitable success in stabilizing the food and transportation prices. The positive impact of the BSGI in this context was also seen in rapid rise of food prices in certain regions since its suspension. In total of 725,000 tonnes of grain and wheat have been distributed to the horn of Africa, which was the initial humanitarian aim of the Initiative besides reopening the Ukrainian ports, ending the blockage and keeping the maritime trade stabilized. Based on the facts provided in this paper, the BSGI managed to successfully meet its objectives throughout the year.

However, it is also important to underline the issues and operational challenges, some of which, served as a crucial factor of the suspension according to government officials of the countries involved in the initiative. On one hand, the BSGI has met the objective of establishing a safe, secure corridor for commercial vessels, since there hasn't been a case of merchant vessels being targeted in the Black Sea. However, there have been obvious difficulties in regards to providing quicker inspections for ships.

The BSGI also contributed to wide international collaboration between the states and international organizations, allowing the WFP to carry out humanitarian missions without disruptions, which was a crucial aspect for global food security.

It has also underlined the importance of safe maritime trade and showed the significance of the existing trade routes, as well as finding the alternatives in times of armed conflict and global crisis. The operational issues the BSGI had to overcome also



pointed towards the challenging areas of shipping and maritime industry that need to be addressed.

It is evident from the facts provided in this paper, that the enforcement of the regulations provided in the framework of the BSGI have been implemented and followed thoroughly.

In conclusion, the Black Sea Grain Initiative could be considered a precedent of a successful mitigating measure during the times of conflict and global crisis through a successful international cooperation and engagement of wide spectrum of parties.

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