POLITICAL AND LEGAL FACTORS OF THE FUNCTIONING OF THE HUMANITARIAN CORRIDOR IN THE BLACK SEA

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Abstract. The article analyzes the prerequisites and factors of the functioning of the humanitarian maritime corridor in the Black Sea. New Ukrainian realities caused by Russia’s large-scale armed aggression against Ukraine. The blockade of seaports and ships caused the export of Ukrainian agricultural products and other goods from all ports of Ukraine to stop. The impossibility of exporting grain from Ukraine first of all had a painful impact on world food security. Therefore, the world community and the Ukrainian authorities faced the problem of unblocking sea routes and returning Ukrainian grain crops to foreign markets. Solving this problem required the development of economic, legal, political, and logistical components, taking into account the interests of the participating countries and other countries of the world. It became possible to settle the issue only within the framework of the «Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports», which, under the norms of International Maritime Law, established mechanisms for safe maritime commercial transportation, and allowed the creation of a humanitarian («grain») corridor in the Black Sea. The achievement of the «grain corridor» was the stabilization of the food market and the maintenance of food security. At the same time, Russia also received tactical, strategic, economic, and political benefits. Despite this, the Russian Federation continues to obstruct freedom of navigation in the Black Sea and the Danube for political
and military purposes to dominate the Black Sea region. In this regard, solving the problem of the effective functioning of the humanitarian corridor in the Black Sea is complex and requires a multilateral approach, which involves a reliable legal and regulatory framework, transparency, and international cooperation to develop political and economic mechanisms to counter Russian aggression and ensure free sea navigation for commercial ships.

**Keywords:** humanitarian corridor, «grain» agreement, sea transportation, blockade, food security, political and legal factors.

**INTRODUCTION**

New Ukrainian realities caused by the full-scale invasion of Russia on the territory of Ukraine. Large-scale armed aggression against Ukraine: war crimes, crimes against the civilian population, forced deportation of the population, abduction of children, crimes at sea, in particular the blockade of Ukrainian ports and theft of Ukrainian grain, destruction of civil infrastructure and cultural heritage - this is far from a complete list of the crimes of the aggressor country. The conditions in which Ukraine found itself directly and indirectly affected the security of other countries. A significant part of this impact is related to the sea and maritime logistics.

From the first day of the conflict, Russia’s war on Ukraine has dramatically affected commercial shipping in the Black Sea (Pedrozo, 2023:422). Immediately during the first week of hostilities, reports of attacks on neutral merchant vessels began to arrive, in particular, on February 24, 2022, in the Odesa port area, the vessel «Yasa Jupiter» under the flag of the Marshall Islands, which was on its way from Ukraine to Romania, was fired upon; On February 25, the aggressor attacked two foreign ships in Ukrainian waters - «Millennial Spirit» under the flag of Romania and «Namura Queen» under the flag of Panama. Such actions of Russia led to the fact that all Ukrainian Black Sea and Azov ports were illegally blocked from the sea. As of the first week of the war, 41 ships were blocked in the Black Sea, Odesa, and Pivdenny ports. Subsequently, such ports as Berdyansk, Mariupol, Skadovsk, and Kherson were closed altogether. Consequently, maritime shipping in the Black Sea was effectively stopped. This circumstance led to the suspension of the export of Ukrainian agricultural products and other goods from all ports of Ukraine, which immediately actualized the problem of international transport logistics and the need to develop mechanisms for the functioning of the humanitarian sea corridor. The solution to this issue was based on political, legal, economic, and other factors that require a holistic analysis to identify their effectiveness.

**MATERIALS AND METHODS**

When writing the article, the political factors and economic data of the functioning of the international humanitarian corridor in the Black Sea were studied, as regulatory and legal documents, in particular the «Initiative for the safe transportation of grain and food products from Ukrainian ports», and their practical application were considered.

During the research, such general scientific methods as descriptive methods were used to highlight the conditions and features of the operation of the humanitarian maritime corridor.
RESULTS AND DISCUSSION

Thanks to its fertile lands and hard-working citizens, Ukraine has always been one of the leading grain exporters in the world. In the pre-war period of 2019-2020, Ukraine became the second exporter of all grain crops in the world after the USA. This was stated by the Deputy Minister of Economic Development, Trade and Agriculture of Ukraine. During the 52nd session of the International Grain Council, he noted: «Ukraine is an important player in the international grain market, one of the guarantors of food security in the world, and has the potential to increase grain production and export. According to the results of the 2019/2020 marketing year, Ukraine became the «silver prize winner» in terms of the total export volume of all grain crops, ahead of only the USA» (Ministry of Economy of Ukraine, 2021).

In 2021, Ukraine received a record harvest of grain, leguminous, and oil crops - more than 106 million tons. The Ministry of Agrarian Policy and Food reported that 20 years ago, Ukraine fed only 40 million people in the world. Before the full-scale invasion of the Russian Federation on the territory of Ukraine, the state’s contribution was equivalent to feeding about 400 million people, not counting the Ukrainian population. The strategy of economic development until 2030 provided for the provision of food for 1 billion of the world’s population (Ministry of Economy of Ukraine, 2021). The bloody war of unfriendly neighbors against our country put the lives of these 400 million at risk.

With the beginning of the full-scale war of the Russian Federation on the territory of Ukraine, the export of food, in particular grain by sea, stopped. According to researchers, «the blockade played a significant role in the emergence of the grain crisis, and has been opined to be the main reason why vessels were not able to safely sail out of the Black Sea and deliver grain to areas in other parts of the world that were in much need thereof» (Fink, 2022: 411). The safety of the exit of ships from the ports of Ukraine to the Black Sea could not be guaranteed due to the constant shelling and presence of Russian aircraft carriers in the sea area under the jurisdiction of Ukraine, as well as the installation of anti-ship mines.

The closure of the Ukrainian ports and curtailment of maritime logistics throughout the region caused serious disruptions in global supply chains, raising fears of an international food crisis (Fink, 2022: 411). The issue of exporting products made countries in Europe, Africa, and Asia start to worry about ensuring food security (Gordiychuk, 2022). The impossibility of exporting grain from Ukraine has had a painful impact on both global food security and the economy of our country. Some countries of the world faced a real threat of famine, because our domestic grain and other products, as we showed earlier, fed hundreds of millions of people. And this is in addition to the population of Ukraine. Therefore, the world community and the Ukrainian authorities faced the issue of unblocking sea routes and returning Ukrainian grain crops to foreign markets.

As a result, the International Maritime Organization (IMO) convened an emergency session of its Council (C/ES.35) on 10 and 11 March 2022 to consider the impact of the Russian-Ukrainian war on international shipping and seafarers in the Black and Azov Seas. At this session, the IMO not only «expressed serious concern about the side effects of military
action in Ukraine for global shipping, logistics, and supply chains, including the impact on the delivery of goods and food to developing countries», and condemned Russia’s illegal activities to ensure security and the welfare of seafarers and the safety of international shipping, but also called on the parties to the conflict to establish a safe maritime corridor to unblock trade routes and seaports in the Black Sea and restore international trade (IMO Council decisions on Black Sea and Sea of Azov situation, 2022). This proposal was received positively, but not all of the mechanisms that were proposed by the IMO did not satisfy the parties.

It was possible to settle the issue of the humanitarian corridor in the Black Sea and reach an agreement only through the mediation of the UN.

After three months of difficult negotiations with the participation of the UN, the governments of Ukraine, and Turkey, and representatives of the authorities of the Russian Federation, on July 22, the «Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports» was signed in Istanbul to establish a «mechanism for the safe transportation of grain, related food products and goods and fertilizers from Ukrainian ports [Odesa, Chornomorsk, and Pivdennyi] to world markets» (United Nations Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports, 2022). An important role in the adoption of this Initiative was played by the fact that it was created in compliance with the norms of international law and is based on agreements of parties of the International Convention for the Safety of Life at Sea, 1974, as amended, (SOLAS), Regulations XI-2 /11 and the International Ship and Port Facility Security Code (ISPS Code), Part B, paragraph 4.26 (United Nations, 2022). In addition to the document «Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports», as part of the agreement, a 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 was also signed separately (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, 2022).

The «Grain Agreement» (as it was later called) was valid for 120 days with the possibility of extension. Thanks to this agreement, three Ukrainian Black Sea ports were unblocked for the export of agricultural products, and Ukraine once again returned to the world trade arena.

In the first months of the full-scale Russian invasion and blockade of seaports, Ukraine managed to export from 200,000 tons of grain in March to 2 million tons in June. This is significantly less than the pre-war indicators, which were 5-6 million tons per month. But with the opening at the beginning of August of the ports of «Odesa», «Chornomorsk», and «Pivdennyi», the export of agricultural products reached a new level. According to the calculations of the Ministry of Agrarian Policy, in July 2022, our country exported about 2.8 million tons of agricultural products, and in August this indicator increased to 4.6 million tons, of which 1.7 million tons were exported through seaports. According to operational data, by the end of September 2022, more than 3.7 million tons of products have already been exported by sea transport (Ministry of Agrarian Policy and Food of Ukraine, 2022).

As part of the work of the grain corridor, the «Grain from Ukraine» program was introduced. «Grain from Ukraine» is a humanitarian food program launched by the President of Ukraine
Volodymyr Zelenskyi on November 26, 2022, and presented during the first founding International Summit on Food Security in Kyiv. Within the framework of this Initiative, Ukraine, partner countries, and donors from the private sector will supply Ukrainian grain to countries in Africa and Asia that are facing problems of malnutrition and extreme hunger. The goal is to provide at least 5 million people with grain by the end of spring. The initiative should contribute to overcoming the humanitarian and economic consequences of the global food crisis caused by the war of aggression of the Russian Federation against Ukraine. Austria, Belgium, Canada, Croatia, Czech Republic, Denmark, Estonia, European Union, Finland, France, Germany, Hungary, Italy, Japan, Korea, Latvia, Lithuania, Republic of the Netherlands, Norway, Poland, Qatar, Slovenia, Spain, Sweden, Switzerland, Great Britain, and the United States have already announced their commitment to allocate about 200 million dollars to support this humanitarian program.

Every country, public organization, or private company can join the «Grain from Ukraine» initiative. The goal is to raise $1 billion and make an important contribution to meeting the urgent humanitarian needs of countries currently on the brink of famine. The recipients of Ukrainian grain within the framework of this humanitarian program will be countries experiencing food shortages, in particular: Ethiopia, Somalia, Nigeria, Kenya, Sudan, Yemen, Afghanistan, Tanzania, Mozambique, Zimbabwe, and others. Ukraine planned to send at least 60 ships from Ukrainian ports to the countries most affected by the food crisis and in need of urgent aid.

The program is implemented in close partnership with the United Nations World Food Program (WFP). Three ambassadors of «Grain from Ukraine» on the African continent are actively involved in the promotion of the Initiative: Dr. Joyce Banda - the former president of Malawi, who currently works in some international organizations, including the Executive Committee of UN Women; Dr. Christopher Fomuñoh - Regional Director of the Central and West Africa Programs of the National Democratic Institute (USA); Dr. Obi Ezekwesili is a former Minister of Education in Nigeria and former Vice President of the World Bank, who is currently a Senior Advisor to the African Economic Development Policy Initiative and Regional Director of the National Democratic Institute in Africa. WFP, together with Ukraine and donor countries, will determine the recipient countries of Ukrainian grain among the countries experiencing the acute problem of food shortages. As of June 2023, 6 ships delivered more than 170,000 tons of grain from Ukrainian ports to Somalia, Ethiopia, Kenya, and Yemen.

The corridor for empty vessels for Ukrainian grain was protected by a buffer zone of 10 nautical miles. The military of Ukraine, Turkey, and the Russian Federation received information about the planned movement of ships through the maritime humanitarian corridor. This was reported by Reuters (Polityuk & Nichols, 2022). In the document «Procedures for merchant vessels,» it was stipulated that no military vessel, aircraft, or UAV would approach a merchant vessel transiting the maritime humanitarian corridor, except the territorial seas of Ukraine, closer than 10 nautical miles.

The agreement is monitored by the Joint Coordination Center in Istanbul. All ships must undergo inspection to «allay Russia’s fears that they may be transporting weapons to Ukraine».

The signing of the «grain agreement» and the unblocking of three Ukrainian ports reduced the risks but did not completely remove them. After all, according to researchers, the Black
Sea is the «heart» of the Black Sea region. A state that dominates the Black Sea dominates the entire region» (Ustymenko, 2022:113). This is one of the reasons why «the Russian Federation will not fulfill its obligations under the Initiative and will continue to obstruct freedom of navigation in the Black Sea and the Danube» (Ustymenko, 2022:113).

As a security guarantor of the Black Sea Initiative, Russia used the Grain Agreement to obtain concessions from Ukraine and the West. Each renewal date of the agreement gives Russia the opportunity «with minimal effort to raise the stakes whenever it wants to pressure the West through destabilization» (Pedrozo, 2023:448).

Using its military dominance, Russia blackmailed the participants of the treaty with the fact that «it can stop its participation. It is absolutely obvious that in the future the aggressor state will use its participation in the «grain agreement» to obtain new preferences or blackmail the participants of the agreement. < ... > In this regard, it should always be remembered that any agreements with the Russian Federation will be used by Russia against the signatories» (Surilova, 2023:203).

Confirmation of the fact that any agreements with an aggressive Russia do not guarantee their full implementation is the constant shelling by the Russian occupiers, in particular, immediately, starting the day after the conclusion of the agreement, of the seaport in Odesa, where Ukrainian grain was being prepared for export, and before that time.

On August 1, 2022, the grain corridor began to operate, when the first ship left the Ukrainian port. The grain truck «Razoni», which left the Odesa port after its unblocking, successfully passed through the «grain corridor». This was reported by the representative of Turkey in the Joint Coordination Center, General Ozcan Altunbulak, Anadolu Publishing House (Karadağ, 2022).

According to some analysts, the action of the Bread Agreement added certain political bonuses to the Russian Federation. «Despite the illegal invasion of Ukraine and repeated violations of the law of armed conflict, agreeing to unblock Ukrainian ports and allow the export of grain and other foodstuffs allows Russia to portray itself as a humanitarian player that cares about the needs of developing countries» (Pedrozo, 2023:447). But this is far from the real state of affairs. At the same time, as Raul (Pete) Pedrozo believes, Russia, however, received the greatest benefit — tactical, strategic, and political.

Tactically, the Black Sea Fleet does not need to go to any harm to ensure compliance with the restriction zone and prevent the transportation of contraband goods by a neutral vessel. In addition, these ships can be placed beyond the range of Ukraine’s land-based missile systems and used to launch offensive missile strikes on military facilities in Ukraine.

Strategically, Russia was able to negotiate a parallel agreement with the UN regarding permission to export Russian grain and fertilizers, which allowed Russia to take advantage of high grain prices on the world market. As we can see, the strategic goal is also directly connected with economic profit.

Finally, by allowing the export of Ukrainian grain and other food products, Russia has shown itself to be a benevolent state actor that cares about the needs of developing countries (Pedrozo, 2023:449).

However, despite all the benefits for the Russian Federation, its compliance with all agreements was short-lived. The first violation occurred in October 2022, when Russian inspectors specifically delayed the inspection of ships arriving in Istanbul, leading to a
traffic jam in more than 165-grain ships. This entailed a reduction in the volume of exports of Ukrainian agricultural products to world markets by 15-18 million tons. There was also a danger of interrupting the «grain corridor» due to Russia’s accusation against the Armed Forces of Ukraine and the British electorate of «terrorist attacks against ships of the Black Sea Fleet and civilian vessels that were used to guarantee the security of the «grain corridor». Then the Russian Federation announced the termination of its participation in the Black Sea Grain Agreement. Instead, the Ukrainian side demanded the world community to prevent the closing of the «grain agreement», on which the food security of millions of people in the world depends (Ministry of Agrarian Policy and Food of Ukraine, 2023).

From April 10, 2023, the Russian side at the Joint Coordination Center (JCC) of the city of Istanbul, at its discretion, suspended the registration of ship inspection plans submitted by Ukrainian ports. Russia developed its inspection plans and chose vessels from the queue at its discretion. This completely contradicts the terms of the Initiative and is unacceptable for Ukraine (Ukrinform, 2023). On May 18, 2023, the stable operation of the grain corridor was again blocked by the Russian side. During the 41st week of operation of the grain corridor (May 8-14), no vessel passed the entrance inspection and no vessel that was not registered for inspection passed the entrance. In addition, 60 vessels were awaiting inspection. This was reported by the association «Ukrainian Club of Agrarian Business» (UCAB, 2023). As of July 17, the operation of the grain corridor was completely stopped, and Russia announced its withdrawal from the agreement.

The work of the «Grain Corridor» was and is critical to ensuring the world’s food security. Ukraine exported more than 30 million tons of grain for the 2022-23 season. Approximately the same amount of grain remains in storage in the country and currently cannot be delivered to recipient countries due to new Russian attacks. On the night of July 22-23, 2023, several missile strikes were carried out on port infrastructure, in particular on warehouses where tons of grain were stored awaiting shipment. To date, Russian terror continues, Ukrainian ports continue to be bombed, and ports in the cities of Izmail and Reni have recently been subjected to massive shelling.

Today, programs for the supply of Ukrainian grain crops are again under threat. Given that there is currently no suitable alternative to Ukrainian grain for transportation to world markets, Russia will continue to be able to exploit this vulnerability and use the agreement as leverage to obtain concessions from the West. (Pedrozo, 2023:449).

Russia seeks to influence the emotions, objective reasoning, and behavior of foreign governments, foreign industries, and foreign citizens in ways that favor Moscow’s political and military goals. (Pedrozo, 2023:449).

In this regard, the world community should «increase all possible types of pressure on the Russian Federation to force it to fulfill its obligations and restore the world order, which was violated by the Russian Federation, based on the norms of international law» (Surilova, 2023:203).

**CONCLUSIONS**

The review of the essence of the political, legal, and economic factors and the practice of the operation of the humanitarian corridor within the framework of the «Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports» allows us to draw the following conclusions:
• The humanitarian grain corridor in the Black Sea was created in compliance with all norms of International Maritime Law. The «Grain Agreement» is based on the agreements of the parties to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), regulation XI-2/11 and the International Ship and Port Security Code (ISPS Code), Part B, Clause 4.26;
• The achievement of the «grain corridor» is the stabilization of the food market and the maintenance of food security in countries, in particular in the countries of Africa and Asia;
• Despite the tactical, strategic, economic, and political benefits of the Russian Federation, it will continue to obstruct freedom of navigation in the Black Sea and the Danube for political and military purposes to dominate the region;
• Constant violation of the «Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports» and the termination of the «grain corridor» threaten food security, especially in countries in Africa and Asia.

Therefore, solving the problem of the humanitarian corridor in the Black Sea is complex and requires a multilateral approach, which involves a reliable legal and regulatory framework, transparency, and international cooperation to develop political and economic mechanisms to counter Russian aggression and ensure free sea navigation for merchant ships.

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