



Black Sea, grain, and two humanitarian corridors: unblocking Ukrainian shipping amid the Russian invasion

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1. Introduction

[...]

The challenge of unblocking the operation of Black Sea ports remaining under Ukrainian control was twofold. First, methods needed to be found that would allow doing that without compromising Ukraine's ability to defend its coast from potential Russian landing operations, which remained a significant threat throughout the spring of 2022. At that time, the Ukrainian coastal defense relied primarily on sea mines, coast minefields, artillery, MLRS, and ships scuttled at the seaports' entrances.¹⁸ The Russian army still controlled Kherson and large areas on the western bank of the Dnipro River, which could be used as a bridgehead for an attack on Mykolaiv and Odesa in an attempt to occupy the entire Ukrainian Black Sea coast. In these circumstances, there was a real danger that the Russian navy could exploit any confirmed safe routes to the Ukrainian ports to gain a military advantage.

The second complicated issue was ensuring Russian compliance with rules granting freedom and security of neutral shipping to and from Ukrainian Black Sea ports. For example, on 25 February 2022, *Rossmorrechflot* issued a NAVTEX message stating that since the Russian Black Sea Navy initiated 'anti-terrorist operations at 4 a.m. on February 24, 'the area in the northwestern part of the Black Sea to the north of parallel 24°21' N would be prohibited for navigation, and 'ships and vessels in this area will be regarded as a terrorist threat'.¹⁹ Furthermore, in the first days of the invasion, Russian forces deliberately attacked at least three merchant vessels off Odesa, including the Marshall Islands-flagged merchant vessel *Yasa Jupiter* (IMO 9,848,132), which was struck by a Russian missile about 50 nm

South of Odesa on 24 February 2022, and the Panama-flagged bulk carrier *Namura Queen* (IMO 9,841,299) and Moldovan-flagged bunker vessel *Millenial Spirit* (IMO 7,392,610), which were both hit by missiles on 25 February 2022, at the anchorages of the Port Pivdennyi and Port of Odesa respectively.²⁰ These events completely halted merchant shipping in the northwestern part of the Black Sea. In April 2022, the OSCE Report on IHL violations emphasized Russia's indiscriminate and arbitrary measures against neutral merchant vessels, including the use of force.²¹

[...]

2. Black Sea Grain Initiative: when ambiguous language matters

As we mentioned earlier, the resumption of shipping to and from Ukrainian ports involved both military and organizational aspects. It's important to note that in both cases, the opportunity arose after significant changes in the course of hostilities in the Black Sea theatre. Furthermore, these changes were made possible by improving Ukrainian capabilities using both indigenous technological solutions and Western assistance.

The UN-sponsored negotiations on creating safe corridors for the export of Ukrainian grain, which eventually led to the signing of the BSGI, began in April 2022. This occurred at the peak of the period known as the 'Snake Island Campaign' for controlling the island, located just 20 nm from the Ukrainian coast and 77 nm from Odesa, and surrounding coastal waters. The campaign spanned from the Russian capture of the island on the first day of the invasion until the evacuation of Russian troops on 30 June 2022, and the retaking of the island by Ukrainians on 7 July 2022.²⁶ As for the BSGI negotiations, it took three months to reach an agreement against the backdrop of events that significantly degraded Russian ability to project force in Ukrainian coastal waters in the Odesa region.

During the Snake Island Campaign, Ukraine relied on the combination of Bayraktar TB2 UAVs, anti-ship cruise missiles (firstly indigenous 'Neptune' and later Denmark-donated 'Harpoon'), and French-donated 'Caesar' howitzers. The main milestones of the campaign included:

- Sinking the Russian Black Sea Navy flagship, cruiser 'Moskva', on 14 April 2022 with Ukrainian 'Neptune' anti-ship missiles.²⁷ This challenged Russian command of the sea and led to Russian warships pulling back from the Ukrainian coast.²⁸
- The deployment of Harpoon anti-ship missiles provided by Denmark, confirmed by the Ukrainian Ministry of Defense on 9 June 2022, significantly strengthened Ukrainian coastal defense.²⁹ Harpoon missiles were effectively utilized in mid-June 2022 to disrupt the supply to the Russian garrison on Snake Island³⁰ and to attack gas rigs off Crimea used by Russian forces for reconnaissance.³¹
- Finally, in late June 2022, Russian forces were driven out of Snake Island thanks to heavy artillery strikes from western 155-mm artillery, likely 'Caesar' self-propelled howitzers, which could target the island from the closest points along the coastline in the southern part of the Odesa Region.³²

[...]

3. BSGI implementation: when the notion of lawfare emerges

[...]

After the grain corridor's initial success, the BSGI started to face challenges due to its unclear language and lack of connection to the actual situation on the ground. These factors made the BSGI arrangement fragile, and the primary motivation for its continuation was the favorable cost-benefit analysis for the parties involved.⁶⁷ As the war continued and Russia adopted attritional tactics, the disruption of Ukrainian grain exports and the usage of increased food prices as leverage became increasingly important for Russia. The BSGI design allowed Russia to have the sole power of enforcing, interpreting, exceeding, violating, or threatening to discontinue the deal with impunity.⁶⁸ Or to put it differently, the said features of BSGI matched those attributed to the concept of lawfare in the literature. This includes non-attribution of aggressive actions and the use of legal ambiguity⁶⁹ to achieve operational goals.⁷⁰

We can highlight at least three aspects of Russia utilizing the BSGI in attempting to gain military advantages during the Russo-Ukraine armed conflict: (i) directly disrupting Ukrainian grain exports through abuse of the BSGI procedures, (ii) using the BSGI to legitimize its exports from the occupied Ukrainian territories and (iii) obtaining additional concessions from Ukraine and its Western allies.

[...]

4. Unilateral humanitarian corridor: from arrangements to enforcement

[...]

It's also important to note that the concept of creating a unilateral corridor, using LOAC exemptions for neutral shipping⁹⁸ and a ban on military actions in the territorial waters of neutral states,⁹⁹ was brought up during the final months of the BSGI's existence. This was when shipping through the grain corridor was severely disrupted due to Russian sabotage of inspections, and the prospects of the BSGI extension became unlikely. The main question was how to ensure Russian compliance with LOAC. The leading suggestions within the Ukrainian shipping industry and maritime authorities were twofold.¹⁰⁰ First, there was discussion about possible additional sanctions on Russia in the event of indiscriminate attacks on neutral vessels (such as denying access to foreign ports or further restrictions on maritime-related services). Second, the important factor appeared to be the involvement of vessels, shipowners, or consignees of particular nationalities that may prevent Russia from attacking for political reasons. Indeed, Turkey, Greece, and China, known for their special relations with Russia, later become among the leading vessels' shipowners and flag-States sailing through the Unilateral Humanitarian Corridor.¹⁰¹

Nevertheless, a new shift in the balance of power at the Black Sea theater was necessary for shipping to resume fully from Ukrainian Black Sea ports. Again, this occurred due to the emergence of new capabilities in the Ukrainian armed forces. This time the foundation for such capabilities was the new Ukrainian-manufactured uncrewed surface vessels (USVs)¹⁰² and the

transfer of Storm Shadow/SCALP EG cruise missiles from the UK and France.¹⁰³ Additionally, Ukraine took steps to strengthen air defense of its seaports with SAMP/T systems.¹⁰⁴ [...]

5. Conclusion

In each attempt to restore shipping from Ukrainian Black Sea ports, new Ukrainian military capabilities had to be developed to eliminate critical threats and limit the Russian fleet's combat operations. However, the security of neutral shipping was addressed differently in each case, either through arrangements or through enforcement via reciprocity.

The BSGI was an attempt to apply mediation methods from the hybrid stage of the Russo-Ukrainian conflict to conventional warfare. Thus, this instrument suffered from all the inherent shortcomings, including detachment from the real facts on the ground, different interpretations by the parties, lack of responsibility and dispute settlement mechanisms, and attempts to weaponize the arrangements as lawfare. The BSGI's design, on the one hand, allowed temporary relief for Ukrainian grain exports and mitigated the global food crisis, on the other, the BSGI legitimized Russia's claims to total control of the Black Sea.

In August 2023, Ukraine implemented a Unilateral humanitarian corridor. This, along with the increased capabilities of the Ukrainian armed forces, highlighted the significance of international cooperation in supporting freedom of navigation in conflict zones. Additionally, it is essential to acknowledge the maritime industry's resilience, enabling it to adapt to operating during wartime and find cost-effective solutions.

The experience of the BSGI and unilateral Ukrainian maritime corridor provides us with a unique opportunity to compare the effectiveness of indirect and kinetic impact in Russian attempts to hinder Ukrainian maritime trade. Notably in the maritime domain, the parties have demonstrated (at least so far) a greater willingness to adhere to the LOAC than in the land warfare. This can be explained by the greater vulnerability of belligerents' maritime transportation to possible reciprocal actions and the interest of third states in supporting the freedom of navigation.

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