



THESSISMUN



20TH EDITION

Council of International Maritime Organization (IMO)

Topic Area B

Black Sea and the Sea of Azov: Ensuring safe navigation and the protection of civilians during the Russo-Ukrainian War.



COUNCIL OF THE INTERNATIONAL MARITIME ORGANIZATION (IMO)

STUDY GUIDE

Topic Area B:

“Black Sea and the Sea of Azov: Ensuring safe navigation and the protection of civilians during the Russo-Ukrainian War.”



Table of Contents

1. Welcoming Letter	3
2. Introduction to the Committee	4
3. Introduction to the Topic	5
4. Key Terms and Definitions	5
5. Legal Framework	11
5.1. The Montreux Convention (November 1936)	11
5.2. International Convention for the Safety of Life at Sea (November 1974)	12
5.3. The United Nations Convention on the Law of the Sea (December 1982)	13
5.4. The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (March 1988)	14
5.5. International Ship and Port Facility Code (July 2004)	15
5.6. Marine Labour Convention (February 2006)	15
5.7. Circular Letters of the Maritime Safety Committee (MSC 105) April 2022, Legal Committee (LEG 109) March 2022 and the outcome of the Council Extraordinary Session (C ES 35) March 2022	16
5.8. The Black Sea Grain Initiative (July 2022)	17
6. Historical Background	19
7. Topic Analysis	20
7.1. Aggression against Commercial Vessels	20
7.2. Marine Insurance Challenges and Profit Loss for Shippers	21
7.3. The Black Sea Grain Initiative Advancements	22
7.4. Innocent Passage	23
7.5. Treatment of Seafarers	24
7.6. Rebuilding of Ukrainian Maritime Infrastructure	25
8. Conclusion	27
9. Points to be addressed	27
10. Bibliography	28



1. Welcoming Letter

Distinguished Delegates,

We are delighted to welcome you to ThessISMUN 2023 and more specifically to the International Maritime Organization. As members of the Board, we are expecting a very fluid debate that will include passionate speeches and fiery exchange of viewpoints.

In this year's edition of ThessISMUN, the IMO will conduct its proceedings centered around the maritime security and safety in the Black Sea and Sea of Azov. The ongoing armed conflict between the Russian Federation and Ukraine presents a serious and immediate threat to the safety and security of crews and vessels operating in the region. IMO is continuing to liaise closely with all key stakeholders in the region to contribute to efforts to address the safety and security of seafarers and carriers. With regards to humanitarian support for maritime personnel, the IMO has been facilitating discussions with Ukrainian port administrations, charities and the International Labour Organization to support workers and seafarers directly impacted by the crisis.

We hope that this guide will serve as a starting point for your own research which might lead you to discover many interesting aspects about the member states that you will be representing. Nevertheless, this effort is not exhaustive and we rely on you to find intriguing questions and points that will make our conference even better.

On behalf of the Board, we would like to thank you for being a part of ThessISMUN 2023 and we are looking forward to seeing you at the proceedings. Until then, we are available at all times for any questions and inquiries that you may have about our committee or the conference in general.

At your disposal,

The Board of the International Maritime Organization,

Christos Kaltsas, President

Kostas Manikas, Vice President

Maria Mougiantsi, Vice President



2. Introduction to the Committee

The International Maritime Organization is a specialized agency of the United Nations with authority on matters related to international shipping such as safety, security and transparency in the maritime sector. It was founded in 1948 and its mandate is to promote an effective regulatory framework which states from all round the world will implement in their respective shipping industries. The aforementioned framework includes various aspects of international shipping such as ship design, maritime equipment, and adequate manning with the aim of creating a better maritime sector with more safety measures and environmentally friendly principles.¹

Shipping is an essential component of any programme for future sustainable economic growth. Through IMO, the member states, civil society and the shipping industry are already working together to ensure a continued and strengthened contribution towards a green economy and development in a sustainable manner. The promotion of sustainable shipping and sustainable maritime development is one of the major priorities of IMO in the upcoming years. Energy efficiency, new technology and innovation, adequate education and training, maritime security, maritime traffic management and the development of necessary infrastructure are required today by the international community. The IMO sets the global standards covering these issues with the aim of providing a solid institutional framework that is required for a green and sustainable maritime transportation system.²

The organization is also actively working towards the 2030 Agenda for Sustainable Development and its associated goals. Most of the elements of the agenda can only be realized with a sustainable transport sector that will in turn support world trade and facilitate the global economy. Through the IMO's Technical Cooperation Committee, it has been formally approved that the goals of the organization are properly aligned with the standards set by the 2030 Agenda.³

Currently, the IMO has 175 member states as well as three associate members. The main bodies of the organization are the Assembly, where all the representatives voice their opinions and the Council which governs the organization and consists of 40

¹ "Brief History of IMO." International Maritime Organization. Accessed January 6, 2023. <https://www.imo.org/en/About/HistoryOfIMO/Pages/Default.aspx>.

² "Strategic Plan for the Organization." International Maritime Organization. Accessed January 6, 2023. <https://www.imo.org/en/About/Strategy/Pages/Default.aspx>.

³ "Technical Cooperation." International Maritime Organization. Accessed January 6, 2023. <https://www.imo.org/en/OurWork/TechnicalCooperation/Pages/Default.aspx>.



member states, as elected during the proceedings of the Assembly. Both of these bodies contribute to the amelioration of the debate among the ranks of the IMO.⁴

3. Introduction to the Topic

The conflict in Ukraine has had a huge impact on shipping and global trade. Since Russia's invasion in February 2022 a wide range of sanctions against Russian cargoes and entities have been announced by the European Union, the United States and other countries, with further sanctions expected.⁵ The sanctions impact on a wide range of Russian goods including oil, petroleum products, steel and coal, and restrict the ability to transport and ensure ships carrying such goods. This situation impacts not only the well-being of maritime workers, but also the private and the public shipping sector. The consequences of the armed conflict in Ukraine do not limit to the disruption of supply chains but extend to the evacuation of ports as well as the demolition of maritime infrastructure. Throughout the conflict, many maritime industries have been dealt serious blows in their endeavors to continue their operations. Nevertheless, the lives of their workers and passengers are also in danger from the repercussions of war. The international community needs to show solidarity for their lives and their families. The establishment of safe routes and amelioration of measures regarding security needs to be on the top of the agenda in major involved organizations and states.⁶

4. Key Terms and Definitions

The following definitions come from various sources, to the highest possible approximate of validity, compliant to the provisions and principles of the Law of the Sea. These key terms will help us comprehend the discussed terms throughout the official procedures of the conference:

⁴ "Structure of IMO." International Maritime Organization. Accessed January 16, 2023. <https://www.imo.org/en/About/Pages/Structure.aspx>.

⁵ The impact of war in Ukraine on shipping, 5 July 2022, Britannia P&I, retrieved from: <https://britanniapandi.com/2022/07/the-impact-of-the-war-in-ukraine-on-shipping/>

⁶ "Maritime Security and Safety in the Black Sea and Sea of Azov." International Maritime Organization. Accessed January 8, 2023. <https://www.imo.org/en/MediaCentre/HotTopics/Pages/MaritimeSecurityandSafetyintheBlackSeaandSeaofAzov.aspx>.

- **The Black Sea: Black Sea** (Russian and Bulgarian Chernoye More, Ukrainian Chorne More, Turkish Karadeniz, Romanian Marea Neagră) is a large inland sea situated at the southeastern extremity of Europe. The maximum east-west extent of the sea is about 1,175 km, and the shortest distance between the tip of Crimea and Cape Kerempe to the south is about 260 km. The surface area, including the Sea of Azov, is about 461,000 square km; the Black Sea proper occupies about 422,000 square km. A maximum depth of more than 2,210 meters is reached in the south-central sector of the sea. To scientists, the Black Sea is a remarkable feature since its lower levels are, to all intents and purposes, almost biologically dead—not because of pollution but because of continued weak ventilation of the deep layers. Odessa, together with the nearby port of Illichivsk, account for most of the sea's freight turnover. The ports of Novorossiysk and, to a lesser extent, Tuapse (both in Russia) and Batumi (Georgia) farther to the east specialize in petroleum. In Bulgaria, Varna and Burgas are the main ports. Constanța, in Romania, connects oil-bearing regions with foreign markets. Istanbul on the Sea of Marmara is Turkey's main port, while the Danube acts as a huge trade artery for the Balkan countries.⁷
- **Sea of Azov:** (Russian & Ukrainian Azovskoye More) is an inland sea situated off the southern shores of Ukraine and Russia. It forms a northern extension of the Black Sea, to which it is linked on the south by the Kerch Strait. The Sea of Azov is about 340 km long and 135 km wide and has an area of about 37,600 square km. Into the Sea of Azov flow the great Don and Kuban rivers and many lesser ones in the sea's western part lies the Arabat Spit, a 113-kilometre-long sandbar that separates it from the Syvash, a system of marshy inlets that divides the Crimean Peninsula from the Ukrainian mainland. With a maximum depth of only about 14 m, the Azov is the world's shallowest sea. Principal ports are Taganrog, Mariupol, Yeysk, Kerch and Berdyansk.⁸
- **The Kerch Strait:** A strait connecting the Black Sea and the Sea of Azov, separating the Kerch Peninsula of Crimea in the west from the Taman Peninsula of Russia's Krasnodar Krai in the east. The most important harbor, the Crimean city of Kerch, gives its name to the strait, formerly known as the Cimmerian Bosphorus. It has also been called the Straits of Yenikale after the Yeni-Kale fortress in Kerch. Since it is the only direct link between Russia and Crimea, it

⁷ Britannica.com. "Black Sea" retrieved from: University of Delaware - College of Earth, Ocean, and Environment - A Black Sea Journey <https://www.britannica.com/place/Black-Sea>

⁸ Britannica.com. "Sea of Azov" <https://www.britannica.com/place/Sea-of-Azov>

plays a major role in supplying fuel, food, and other key goods to Crimea, which hosts the port of Sevastopol – the historic home base of Russia’s Black Sea Fleet.⁹ On 8 October 2022, a fire broke out on the Kerch Strait (Crimean) Bridge-constructed in 2018 in order to oblige the Russian interests as a result of the Crimean annexation- as a result of an explosion, which occurred on the road bridge, on or under the westbound vehicle lanes running from Russia to Kerch in occupied Crimea. Two two-lane vehicular spans of the bridge collapsed into the water. Two adjacent eastbound lanes on independent structure survived. The railway bridge was also significantly damaged by fire on railway tanker cars. Four people were killed, and the Investigative Committee of Russia started an investigation.¹⁰ The Russian Federation announced plans for the reconstruction of the fractured sections of the bridge to be complete by July 2023.¹¹

- **Marine navigation:** Planning, managing and directing a vessel's voyage. The practice of marine navigation involves attributes such as, but not limited to, good seamanship, professional knowledge and judgement, and the application of science and technology;¹² E-navigation is an IMO led initiative that aims to harmonize marine navigation systems and provide information in electronic formats to a ship’s bridge team. It also aims to streamline the way maritime authorities, agencies and other stakeholders gather and exchange navigation-related information.¹³
- **Nautical Chart:** One of the most fundamental tools available to the mariner. It is a map that depicts the configuration of the shoreline and seafloor. It provides

⁹ Nextias.com. "Crimea bridge explosion: Putin signs decree to enhance security, guard gas pipeline", 09/10/2022 <https://www.nextias.com/current-affairs/10-10-2022/kerch-strait>

¹⁰ The New York Times. "Russia-Ukraine War Explosion on 12-Mile Crimea Bridge Kills 3», www.nytimes.com, 13/10/2022 <https://www.nytimes.com/live/2022/10/08/world/russia-ukraine-war-news>

¹¹ Sebastian Shukla and Jack Guy. "Putin visits key Crimea bridge damaged by huge explosion in October", edition.cnn.com,05/12/2022 <https://edition.cnn.com/2022/12/05/europe/putin-kerch-bridge-crimea-visit-intl/index.html>

¹² The Nautical Almanac. "Introduction to Marine Navigation", United States of America Naval Observatory (2002) <https://thenauticalalmanac.com/Bowditch-%20American%20Practical%20Navigator/Chapt01%20INTRODUCTION%20TO%20MARINE%20NAVIGATION.pdf>

¹³ International Maritime Organization, official website. "E-Navigation" <https://www.imo.org/en/OurWork/Safety/Pages/eNavigation.aspx>



water depths, locations of dangers to navigation, locations, and characteristics of aids to navigation, anchorages, and other features. The nautical chart is essential for safe navigation. Mariners use charts to plan voyages and navigate ships safely and economically.¹⁴

- **Maritime Safety:** all measures taken for the safety of ships and offshore installations, their crews and where appropriate, their passengers, the safety of navigation and the facilitation of maritime traffic, maritime infrastructure, maritime facilities, and maritime environment; Maritime Security: the prevention of and fight against all acts or threats of illicit acts against a ship, its crew, and its passengers or against the port facilities, maritime infrastructure, maritime facilities, and maritime environment.¹⁵
- **Commercial/Cargo Vessel:** any vessel used— (i) in transporting cargo by water for compensation or hire, or (ii) in transporting cargo by water in the business of the owner, lessee, or operator of the vessel. In general, the term “commercial vessel” does not include any ferry engaged primarily in the ferrying of passengers (including their vehicles).¹⁶
- **Infrastructure:** facilities, structures, systems, assets, or services so vital to the port and its economy that their disruption, incapacity, or destruction would have a debilitating impact on defense, security, the environment, long-term economic prosperity, public health, or safety of the port.¹⁷

¹⁴ National Oceanic and Aerial Association of the United States of America, official website. "Nautical Charts" https://oceanservice.noaa.gov/facts/nautical_chart.html

¹⁵ Cornell Law School, 33 CFR § 101.105 - Definitions. 2003 <https://www.law.cornell.edu/cfr/text/33/101.105>

¹⁶ Cornell Law School, 33 CFR § 101.105 - Definitions. 2003 https://www.law.cornell.edu/uscode/text/26/4462#a_4

¹⁷ Cornell Law School, Electronic Code of Federal Regulations (e-CFR) Chapter I - COAST GUARD, DEPARTMENT OF HOMELAND SECURITY <https://www.law.cornell.edu/cfr/text/33/101.105>



- **Carrier:** a corporation that transports goods for another person or company and is responsible for any possible loss of or damage to the goods during transport. A common carrier provides transportation services to the public in return for compensation. A contract carrier provides this service under special contracts, often for government clients.¹⁸
- **Container:** A truck trailer loaded with cargo that can be detached for loading onto a vessel or railcar. Different types of containers exist for different shipping needs. For example, a container may be ventilated, refrigerated, insulated, dehumidified, or equipped with special devices used to secure certain types of cargo. A container shipment is a shipment typically over 9.072 kilograms.¹⁹
- **Cargo:** any goods, wares, or merchandise carried, or to be carried, for consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel, facility, or OCS facility, except dredge spoils. Cargo vessel means a vessel that carries, or intends to carry, cargo.²⁰
- **Maritime Supply Chain:** It refers to the entire shipping industry, consisting of shipping lines, port terminal operators, freight forwarders and land-based logistic system. All these factors are part of comprehensive worldwide logistics systems of moving cargoes between places.²¹ There are several points of contact within the maritime supply chain. These include external suppliers, internal departments, external distributors, and consumers. All these are influenced by factors such as, but not limited to, customer expectations, technological

¹⁸ Arnesh Roy. "A Glossary of International Shipping Terms», shippingsolutions.com, 09/02/2022 <https://www.shippingsolutions.com/blog/a-glossary-of-international-shipping-terms>

¹⁹ Arnesh Roy. "A Glossary of International Shipping Terms», shippingsolutions.com, 09/02/2022 <https://www.shippingsolutions.com/blog/a-glossary-of-international-shipping-terms>

²⁰ Electronic Code of Federal Regulations (e-CFR) Chapter I - COAST GUARD, DEPARTMENT OF HOMELAND SECURITY. <https://www.ecfr.gov/current/title-33/chapter-I>

²¹ Muhamad Fairuz Ahmad Jasmi and Yudi Fernando. "A Review of Future Energy Efficiency Measures and CO2 Emission Reduction in Maritime Supply Chain", IGI Global:2021 <https://www.igi-global.com/chapter/a-review-of-future-energy-efficiency-measures-and-co2-emission-reduction-in-maritime-supply-chain/263702>

innovations, globalization, competition, government regulation, and environmental sustainability.²²

- **Marine insurance:** A contract of indemnity. It is an assurance that the goods dispatched from the country of origin to the land of destination are insured. Marine insurance covers the loss/damage of ships, cargo, terminals, and includes any other means of transport by which goods are transferred, acquired, or held between the points of origin and the final destination. Despite what the name implies, marine insurance applies to all modes of transportation of goods. For instance, when goods are shipped by air, the insurance is known as the contract of marine cargo insurance.²³ Marine protection is additionally separated into three classes of protection; these are freight insurance, ship or hull insurance, and cargo protection.²⁴
- **Flag State:** The State under whose regulations a vessel is registered or licensed which has authority and responsibility to enforce regulations over vessels registered under its flag, including those relating to inspection, certification, and assurance of safety and pollution prevention documents.²⁵ Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.²⁶
- **Warship:** A ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name

²² Valentin. L. "What is the Maritime Supply Chain?", sinay.ai, 03/03/2022 <https://sinay.ai/en/what-is-the-maritime-supply-chain/>

²³ Avani Ghangurde. "Marine Insurance | Meaning, Types, Benefits & Coverage», dripcapital.com,13/07/2022 <https://www.dripcapital.com/resources/blog/marine-insurance-meaning-types-benefits>

²⁴ Avani Ghangurde. "Marine Insurance | Meaning, Types, Benefits & Coverage», dripcapital.com,13/07/2022 <https://www.marineinsight.com/maritime-law/different-types-of-marine-insurance-marine-insurance-policies/>

²⁵ Cornell Law School, 33 CFR § 101.105 - Definitions. 2003 <https://www.law.cornell.edu/cfr/text/33/156.405>

²⁶ Article 6 of the United Nations Convention on the High Seas (1958). https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXI-2&chapter=21



appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline.²⁷

- **Outer Continental Shelf Facility:** Any artificial island, installation, or other device permanently or temporarily attached to the subsoil or seabed of the Outer Continental Shelf, erected for the purpose of exploring for, developing, or producing resources therefrom, or any such installation or other device (other than a ship or vessel) for the purpose of transporting such resources. The term does not include any pipeline or deep-water port.²⁸

5. Legal Framework

The status of navigation in the Black Sea has been shaped through the years by a series of legal documents and agreements, augmented by the principles of international law and the Law of the Sea. The legal framework is hereby presented into a chronological order:

5.1. The Montreux Convention (November 1936)

Although the Black Sea is international waters, only warships from the countries along its coastline- Ukraine, Russia, Türkiye, Georgia, Romania, Bulgaria- can remain more than three weeks under the Montreux Convention of 1936.²⁹ Nonresident countries may only send ships in for short stints and are limited by ship size. More specifically, non-riparian states may have a maximum aggregate tonnage of 45,000 tons in the Black Sea. Furthermore, warships from non-littoral countries are not permitted to stay in the Black Sea for more than 21 days.³⁰ The convention also sets limits on the passage of civilian vessels and military warships through the Dardanelles and the Bosphorus straits, which with the Sea of Marmara between them form the seagoing link between the Black Sea

²⁷ Article 29 of the United Nations Convention on the Law of the Sea (1982) https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

²⁸ Electronic Code of Federal Regulations (e-CFR) Title 33 - Navigation and Navigable Waters CHAPTER I - COAST GUARD, DEPARTMENT OF HOMELAND SECURITY SUBCHAPTER N - OUTER CONTINENTAL SHELF ACTIVITIES PART 140 General § 140.10 Definitions <https://www.law.cornell.edu/cfr/text/33/140.10>

²⁹ Caitlin M. Kenney. "Black Sea Incident Shows Russia's Determination to Claim Waters Illegally ", defenseone.com, 24/06/2021 <https://www.defenseone.com/threats/2021/06/black-sea-incident-shows-russias-determination-claim-waters-illegally/174959/>

³⁰ Megan Eckstein and Tayfun Ozberk. "What makes the Black Sea so strategically important", defensenews.com, 25/02/2022 <https://www.defensenews.com/naval/2022/02/25/what-makes-the-black-sea-so-strategically-important/>



and the Mediterranean.³¹ This means that in wartime, Türkiye is required by Article 19 of the treaty to close the straits to belligerent warships; warships of belligerent states “shall not ... pass through the Straits” except if (a) one of the belligerents is acting under lawful collective defense rights obligations or (b) any belligerent warship must pass through the straits to return to its base.³² These provisions shall be the reasoning that, upon such a request by Ukraine, Ankara responded negatively in the light of political pressure from the Russian Federation, who claim the right of nonbelligerent warships to transit (Article 19.1). That is why Türkiye has cautioned-claiming total implementation of the Convention- all countries against warships going through the Turkish Straits, with the exclusion of warships recurring to their bases alongside Ukrainian and Russian coastal areas.³³

5.2. International Convention for the Safety of Life at Sea (November 1974)

The Safety of Life at Sea (SOLAS) Convention in its continual forms is commonly deemed as the pinnacle of all international treaties concerning the safety of commercial ships. Key objective of the SOLAS Convention is to specify minimum standards for the construction, equipment, and operation of ships, compatible with their safety. Flag States are responsible for ensuring that ships under their flag comply with the conventional requirements. More specifically, Chapter V of the SOLAS Convention conditions requirements on all vessels regarding voyage and passage planning, expecting a careful assessment of any proposed voyages by all who put to sea.³⁴ Every mariner must take account of all potential dangers to navigation, weather forecasts, tidal predictions, the competence of the crew, and all other relevant factors.³⁵

³¹ Alpaslan Ozerdem. "What the Montreux Convention is, and what it means for the Ukraine war", theconversation.com, 01/03/2022 <https://theconversation.com/what-the-montreux-convention-is-and-what-it-means-for-the-ukraine-war-178136>

³² Cornell Overfield. "Turkey Must Close the Turkish Straits Only to Russian and Ukrainian Warships", lawfare.com, 05/02/2022 <https://www.lawfareblog.com/turkey-must-close-turkish-straits-only-russian-and-ukrainian-warships>

³³ Mumin Atlas. "Türkiye warns all countries against warships going through Turkish Straits", aa.tr.com, 28/02/2022 <https://www.aa.com.tr/en/russia-ukraine-crisis/turkiye-warns-all-countries-against-warships-going-through-turkish-straits/2518827>

³⁴ official text of the International Convention for the Safety of Life at Sea (1974) http://library.arcticportal.org/1696/1/SOLAS_consolidated_edition2004.pdf

³⁵ International Maritime Organization, official website, "International Convention for the Safety of Life at Sea" [https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-\(SOLAS\),-1974.aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx)

5.3. The United Nations Convention on the Law of the Sea (December 1982)

The United Nations Convention on the Law of the Sea (UNCLOS) permissiveness a comprehensive regime of law and order in the world's oceans and seas.³⁶ It exemplifies in one instrument traditional rules for the uses of the oceans and simultaneously introduces new legal concepts and regimes and addresses new concerns.³⁷ It has to be noted that according to the International Court of Justice, the guidelines of the UNCLOS are applicable, as a part of international customary law, even to non-parties to the Convention.³⁸ Some key principles of the UNCLOS relevant to the maritime safety amidst the Russo-Ukrainian conflict are:

- The right of innocent passage for foreign commercial and naval vessels- regardless of armament, cargo, or means of propulsion- within the territorial sea of a coastal State. It is defined as “navigation through the territorial sea for the purpose of (a) traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or (b) proceeding to or from internal waters or a call at such roadstead or port facility.” Passage must be “continuous and expeditious,” but it may include stopping and anchoring when incidental to ordinary navigation or judged necessary by uncommon situations. (Articles 17 and 18 of the UNCLOS)11A coastal State may take necessary steps in its territorial sea to prevent passage which is not innocent and may announce temporary suspensions of innocent passage through a required public notice if the suspension is essential for security reasons (Article 25 of the UNCLOS).³⁹
- The right to transit passage. All military and commercial ships and aircraft enjoy a right of unimpeded transit passage through straits used for international navigation in the normal mode of operation without bordering States notice or consent. (Article 38 of the UNCLOS). The bordering States may not suspend transit passage for any purpose, including military exercises, and are prohibited from adopting laws or regulations that have the practical effect of denying, hampering or impairing the right of transit passage. (Article 42 of the UNCLOS)

³⁶ Konstantinos Hadjikonstantinou, Miltiadis Sarigiannidis, Haralampos Apostolidis: Fundamental Concepts in Public International Law, Thessaloniki: Sakkoulas, 2014 <https://www.sakkoulas.gr/el/editions/k-chatzikonstantinou-m-sarigiannidis-ch-apostolidis-themeliodeis-ennoies-sto-diethnes-dimosio-dikaio-2i-ekd-2014/>

³⁷ International Maritime Organization, official website, "United Nations Convention on the Law of the Sea" <https://www.imo.org/en/ourwork/legal/pages/unitednationsconventiononthelawofthesea.aspx>

³⁸ International Court of Justice, Nicaragua v. The United States of America (June 1986) <https://www.icj-cij.org/en/case/70/judgments>

³⁹ official text of the United Nations Convention on the Law of the Sea (1982), <https://sites.tufts.edu/lawofthesea/chapter-three/> <https://sites.tufts.edu/lawofthesea/chapter-three/>



· **Territorial Sea & Contiguous Zone.** All States may claim a 12 nm territorial sea. Within the territorial sea, the coastal State exercises complete sovereignty over the water column, the seabed and subsoil, and the airspace above the territorial sea, subject to the right of innocent passage (Article 8 of the UNCLOS). Coastal States may claim a 24-nm contiguous zone measured from the baseline in which the coastal State may exercise limited control necessary to prevent or punish infringement of its customs, fiscal, immigration, or sanitary laws and regulations in its territory or territorial sea. The coastal State does not exercise sovereignty over its contiguous zone. (Article 33 of the UNCLOS) Military and commercial ships and aircraft of all States enjoy the same high seas freedom of navigation and overflight, and other internationally lawful uses of the seas associated with those freedoms.

· **Exclusive Economic Zone.** Coastal States may claim a 200-nm EEZ measured from the baseline. The EEZ is not subject to coastal State sovereignty. Within this zone, the coastal State enjoys sovereign rights for the purpose of exploring, exploiting, conserving and managing living and non-living natural resources, as well as jurisdiction over resource-related off-shore installations and structures, marine scientific research (MSR), and the protection and preservation of the marine environment. (Articles 56-58 of the UNCLOS) Within the EEZ, all States enjoy high seas freedoms of navigation and overflight. Lawful military activities can be conducted in the EEZ without coastal State notice.

5.4. The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (March 1988)

In Rome, March 1988, the International Conference on the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention).⁴⁰ The main purpose of the Convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. Among other unlawful acts covered by the Convention, the following notable provisions are summarized under Article 3:

1. the seizure of ships by force;
2. acts of violence against persons on board ships;
3. and the placing of devices on board a ship which are likely to destroy or damage it.

⁴⁰ International Maritime Organization, official website, "Suppression of Unlawful Acts Treaties" <https://www.imo.org/en/About/Conventions/Pages/SUA-Treaties.aspx>

Important amendments to the 1988 Convention and its related Protocol, were adopted by the Diplomatic Conference on the Revision of the SUA Treaties held in October 2005. The amendments were adopted in the form of Protocols to the SUA treaties (known as the 2005 Protocols). The aforementioned documents constitute the basis not only for preventing new damage on commercial vessels navigating through high-risk areas, but also facilitating legal liability of States from tort caused by offensive and defensive acts in maritime areas.

5.5. International Ship and Port Facility Code (July 2004)

The ISPS Code (International Ship and Port Facility) is one of the key regulations regarding the security of ships, ports, cargo and seafarers from external threats. The ISPS Code was implemented by the IMO on 1 July 2004, introducing a set of precautionary measures and regulations that must be complied with by those involved in maritime transport, such as competent authorities, port authorities, shipping companies and crews, in case a security issue arises. For the protection of ships, the ISPS Code introduced the concepts of SSP (Ship Security Plan), CSO (Company Security Officer), SSO (Ship Security Officer), SSAP (Ship Security Alert System).⁴¹

5.6. Marine Labour Convention (February 2006)

Maritime Labour Convention (MLC), according to the ILO or International Labour Organization- its regulative body, having been in complete effectiveness since August 2013, provides a broad perspective to the seafarer's rights and fortification at work. Its provisions include minimum requirements for seafarers to work on a ship, conditions of employment, accommodation, and health protection welfare while aboard.⁴² The recently adopted convention allows for mariners' rights to be respected in a more deliberate and at the same time lawful account, at shall be deemed useful in regulating mariners' demands regarding damage related to conflict as well. In response to the effects of the conflict, IMO Secretary-General Kitack Lim and Guy Ryder, Director-General of the ILO, have jointly written to the heads of International Committee of the Red Cross (ICRC) and Médecins Sans Frontières (MSF); and to the United Nations High Commissioner for Refugees (UNHCR), to request urgent action wherever feasible to assist in the reprovisioning of the ships concerned with the vital supplies needed by

⁴¹ Isalos.net. "What you need to know about the ISPS Code", 21/07/2021 <https://www.isalos.net/2021/07/ti-prepei-na-gnorizete-gia-ton-isps-code/>

⁴² official text of the Marine Labour Convention (2006) <https://web.archive.org/web/20120420215217/http://www.ilo.org/ilolex/cgi-lex/convde.pl?C186>



their seafarers.⁴³ The joint IMO/ILO Database on reported incidents of abandonment of seafarers has also provided great usage to the distinctive committees of the IMO addressing issues of mariners' rights amidst the conflict.⁴⁴

5.7. Circular Letters of the Maritime Safety Committee (MSC 105) April 2022, Legal Committee (LEG 109) March 2022 and the outcome of the Council Extraordinary Session (C ES 35) March 2022¹⁷

Within the IMO, reactions towards the disturbance of maritime safety in the light of the conflict have been immediate, but simultaneously prudent enough to be implemented effectively.⁴⁵ The decision of the IMO Council at its Extraordinary Session (C.ES/35) in March to request IMO Committees to consider ways to enhance the efforts of Member States and observer organizations in supporting affected seafarers and commercial vessels and consider the implications of this situation for the implementation of the Organization's instruments, resulted in the issuance of circulars from the Legal Committee. and the MSC. The Council's introduction of a blue safe maritime corridor to allow the innocuous withdrawal of seafarers and ships from the perilous areas in the Black Sea and the Sea of Azov to a safe place in order to protect the life of seafarers was one of the prominent decisions of the Extraordinary Session.⁴⁶ The Legal Committee also encouraged discussion relating to a solution to the problem of repatriation of abandoned seafarers and reminded Member States to ratify and effectively implement the relevant international instruments.⁴⁷

⁴³ International Maritime Organization, official website, "Maritime Security and Safety in the Black Sea and Sea of Azov" <https://www.imo.org/en/MediaCentre/HotTopics/Pages/MaritimeSecurityandSafetyintheBlackSeaandSeaofAzov.aspx>

⁴⁴ International Labour Organization, official website, "Seafarers" <https://www.ilo.org/dyn/seafarers/seafarersbrowse.home>

⁴⁵ International Maritime Organization, official website, "Maritime Security and Safety in the Black Sea and Sea of Azov" <https://www.imo.org/en/MediaCentre/HotTopics/Pages/MaritimeSecurityandSafetyintheBlackSeaandSeaofAzov.aspx>

⁴⁶ official Press Briefing of the IMO Council Extraordinary Session (CES/35) <https://www.imo.org/en/MediaCentre/PressBriefings/pages/ECSStatement.aspx>

⁴⁷ official text of the Circular Letter of the Legal Committee of the IMO (LEG/109) <https://www.wcdn.imo.org/localresources/en/MediaCentre/MeetingSummaries/Documents/LEG.1-Circ.12%20en.pdf>



5.8. The Black Sea Grain Initiative (July 2022)

On July 22, senior representatives from Ukraine, the Russian Federation, and Türkiye gathered in Istanbul to sign an initiative which establishes a mechanism for the safe transportation of grain, related foodstuffs and fertilizer from Ukrainian ports to global markets.⁴⁸ The United Nations signed the Initiative as a witness. The objective of the Initiative is to contribute to the prevention of global hunger, to reduce and address global food insecurity, and to ensure the safety and security of merchant ships entering or departing Ukrainian ports. The Joint Coordination Centre that was established in Türkiye, in order to facilitate the implementation of their Initiative (under the auspices of the United Nations), will enable the safe transportation, by merchant ships, of commercial goods from three key Ukrainian ports in the Black Sea: Odesa, Chornomorsk, Yuzhny.⁴⁹ The IMO was effectively represented in the entirety of the process by the United Nations and IMO instruments⁵⁰, including the International Ship and Port Facility Security (ISPS) Code, underpin this agreement for safe and secure shipping through the Black Sea.⁵¹ In October 2022, the Russian Federation initiated its abstention from the JCC, following alleged attacks on Russian warships, and has ever since been in contact particularly with the UN and Turkish delegations.

⁴⁸ United Nations, official website, "Black Sea Grain Initiative JCC" <https://www.un.org/en/black-sea-grain-initiative>

⁴⁹ statements of the Office of the UN Secretary General, 22nd of July, 2022 <https://www.un.org/sg/en/content/sg/note-correspondents/2022-07-22/note-correspondents-today%E2%80%99s-agreements>

⁵⁰ International Maritime Organization, official website, "Black Sea Maritime Corridor Agreement" <https://www.imo.org/en/MediaCentre/PressBriefings/pages/BlackSeaMaritimeCorridorAgreement.aspx>

⁵¹ <https://www.imo.org/en/MediaCentre/PressBriefings/pages/BlackSeaMaritimeCorridorAgreement.aspx> LoydsRegister.org. "ISPS Code.



Figure 1 TERRITORIAL SEA, CONTIGUOUS ZONES AND EXCLUSIVE ECONOMIC ZONES IN THE BLACK SEA AND SEA OF AZOV: <https://voelkerrechtsblog.org/ukraine-v-russia-passage-through-kerch-strait-and-the-sea-of-azov/>

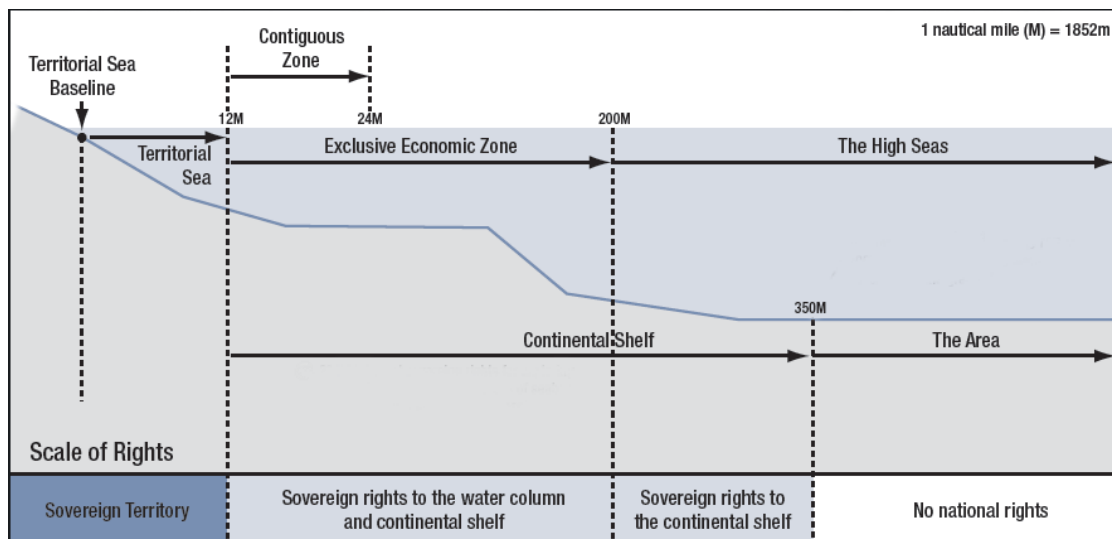


Figure 2 VISUAL DEMONSTRATION OF THE UNCLOS PROVISIONS ON THE LEGAL STATUS OF SEA AND AIRSPACE: <https://iilss.net/tag/why-is-the-law-of-the-sea-unsuccessful/>

6. Historical Background

As of the beginning of April 2022, numerous merchant vessels were trapped in Ukrainian ports along the Black Sea and the Sea of Azov, while vessels in the wider region were at risk from sea mines, rocket attacks and the threat of detention. At the start of the conflict approximately 2,000 seafarers were stranded aboard 94 vessels in Ukrainian ports. As of April 20, 2022, 84 merchant ships remained with nearly 500 seafarers on board. An estimated 1,500 seafarers have so far been repatriated with manning levels reduced, local ship keepers employed to replace crew, while some ships are in cold lay-up with no crew on board. For those that remain, the IMO called for the urgent establishment of a blue safe maritime corridor to allow the evacuation of seafarers and ships from the high-risk and affected areas in the Black Sea and the Sea of Azov. NATO [6] issued a warning in April 2022 that the ongoing risk of collateral damage or direct hits on merchant shipping in the Black Sea was high, while harassment and diversion of shipping in the area cannot be ruled out. It also said drifting mines in the Northwest, West, and Southwest areas of the Black Sea posed a threat to shipping.⁵²

Grain prices and shipping costs have been on the rise since 2020, but the war in Ukraine has exacerbated this trend and reversed a temporary decline in shipping prices. Between February and May 2022, the price paid for the transport of dry bulk goods- such as grains- increased by nearly 60 per cent. The concomitant increase of grain prices and freight rates would lead to a nearly 4 per cent increase in consumer food prices globally. Almost half of this impact is due to higher shipping costs. The Russian Federation is also a leading oil and gas exporter. Confronted with trade restrictions and logistical challenges, the cost of oil and gas has increased as alternative sources of supply, often at more distant locations, are called upon. Higher energy costs have led to higher marine bunker prices, increasing shipping costs for all sectors. By the end of May 2022, the global average price for very low sulphur fuel oil (VLSFO) had increased by 64 per cent with respect to the start of the year. Taken altogether, these increased costs imply higher prices for consumers and threaten to widen the poverty gap. The higher energy costs have also led to higher marine bunker prices, raising shipping costs for all maritime transport sectors. By the end of May 2022, the global average price for very low sulfur fuel oil (VLSFO) reached over \$1,000 per ton, a 64 per cent increase with

⁵² Allianz Global Corporate and Specialty. " Impact of Ukraine war on global shipping", May 2022, retrieved from [agcs.allianz.com https://www.agcs.allianz.com/news-and-insights/expert-risk-articles/shipping-safety-22-ukraine-war.html](https://www.agcs.allianz.com/news-and-insights/expert-risk-articles/shipping-safety-22-ukraine-war.html)



respect to the start of the year – and the average fuel surcharges charged by container shipping lines have risen close to 50 per cent since the beginning of the war.⁵³

7. Topic Analysis

On the wake of the New Year upon us, the maritime situation in the high-risk areas of Black Sea and the Sea of Azov seems to be somehow deescalated, yet it remains undeniably perilous towards citizens and infrastructure in correlation to the shipping industry. Some key initiatives have aided into the unbothered continuation of supply chains, while major stakeholders have opted for allowing commercial vessels of their elementary rights to safe and unbothered passage. As conflict in the mainland continues, nonetheless, the safety of the shipping corridors and navigators is not at all guaranteed.

7.1. Aggression against Commercial Vessels

It is true that numerous cases of violence against commercial vessels and cargo ships were detected during military operations carried out by both the Russian Federation and Ukraine. On February 24, 2022, the Marshall Islands-flagged, Turkish-owned bulker vessel Yassa Jupiter was the first commercial vessel to be hit by a Russian missile as it transited the Black Sea between Odessa and Romanian waters; the Moldova-flagged chemical tanker Millennial Spirit was also damaged on that particular date.⁵⁴ Since March 2022, at least eight merchant vessels were attacked in Ukrainian ports and the Black Sea during the second month of the conflict -including the Namura Queen, Lord Nelson and Helt– resulting in seafarers losing their lives. The Marshall Islands-flagged Helt consequently sank off Odessa - six crew members from the Helt were picked up by Ukraine's rescue service and taken to a hospital in nearby Chornomorsk after floating in cold water for many hours.⁵⁵ Not long before that incident, a Bangladeshi cargo ship was attacked in the Ukrainian port of Olivia, in the Mykolaiv Region, killing one of its crew members – a bulker of Bangladeshi nationality, resulting in the first seafarer

⁵³ The war in Ukraine and its effects on maritime trade logistics, 28 June 2022, United Nations conference on trade and development, retrieved from: https://unctad.org/system/files/official-document/osginf2022d2_en.pdf

⁵⁴ Jamey Bergman. "More vessels attacked, detained as Russian invasion's spillover into shipping expands", rivieramm.com, 28/02/2022 <https://www.rivieramm.com/news-content-hub/more-vessels-attacked-detained-as-russian-invasions-spillover-into-shipping-expands-69977>

⁵⁵ Safety4Sea.com. "Three Panama-flagged ships hit by missiles in Black Sea", 17/03/2022 <https://safety4sea.com/three-panama-flagged-ships-hit-by-missiles-in-black-sea/>

casualty of the conflict chronologically; the deceased was abandoned in the said port, right before the tragic incident.⁵⁶ The North Atlantic Treaty Organization shipping department issued a warning in April 2022 that the ongoing risk of collateral damage or direct hits on merchant shipping in the Black Sea was high, while harassment and diversion of shipping in the area cannot be ruled out. It also noted that drifting mines in the Northwest, West, and Southwest areas of the Black Sea posed a threat to shipping.⁵⁷

7.2. Marine Insurance Challenges and Profit Loss for Shippers

These events come to prove that during this time of military aggression and raw violence originating from all sides of the conflict, the shipping industry stands in insecurity, given that business in the Black Sea would subsequently be significantly less profitable. Marine insurance policies typically exclude the seizure of ships or physical damage caused by war or hostile actions, such as damage from sea mines or attacks on vessels. However, most prudent ship owners will purchase additional war insurance, which will cover such losses for an additional premium (usually self-renewing at seven days). Insurers are also not able to pay claims that are covered by sanctions.⁵⁸ That said, the insurance industry is likely to see a number of claims under war policies from vessels damaged or lost to sea mines, rocket attacks and bombings in the conflict zone in the Black Sea and Sea of Azov. Insurers may also face claims under marine war policies from vessels and cargo blocked or trapped in Ukrainian ports and coastal waters by the Russian blockade.⁵⁹ More specifically, marine insurers are likely to face numerous “total loss” claims related to ships trapped in Ukrainian ports, especially Odesa, in early 2023, as different clauses of insurance policies, including the detainment clause- a clause that provides the charterer's liability for specified payments shall cease at a particular time, usually after shipment of the cargo - could be triggered

⁵⁶ Jonathan Saul and Ruma Paul. "Two cargo ships hit by blasts around Ukraine, one seafarer killed", reuters.com, 03/03/2022 <https://www.reuters.com/world/bangladesh-cargo-ship-hit-by-missile-crew-member-killed-bangladesh-official-2022-03-03/>

⁵⁷ NATO. "RISK OF COLLATERAL DAMAGE IN THE NORTH WESTERN, WESTERN, AND SOUTHWEST BLACK SEA" retrieved from shipping.nato.int, 12/12/2022 <https://shipping.nato.int/nsc/operations/news/-2022/risk-of-collateral-damage-in-the-north-western-black-sea-2>

⁵⁸ The Swedish Club. "War Insurance", retrieved from swedishclub.com, 13/01/2023 <https://www.swedishclub.com/insurance/marine/war>

⁵⁹ Allianz Global Corporate and Specialty. "Impact of Ukraine war on global shipping", May 2022, retrieved from agcs.allianz.com <https://www.agcs.allianz.com/news-and-insights/expert-risk-articles/shipping-safety-22-ukraine-war.html>



as the ships continue to remain trapped.⁶⁰ As many as 100 vessels with an estimated value of up to \$1 billion have been confined in the Ukrainian ports and waters since February 25, 2022, since the very beginning of the conflict.⁶¹ Insurance rates have leapt for ships even heading into the Black Sea, with Reuters suggesting an additional war risk insurance cover for seven days has been quoted at anywhere up to 5% of insurance costs.

7.3. The Black Sea Grain Initiative Advancements

The first shipment, by M/V Razoni, of over 26,000 tons of Ukrainian food under a Black Sea Grain Initiative was cleared to proceed on August 3, 2022, towards its destination in Lebanon.⁶² That was a historical advancement in the efforts concentrated by Ukrainian, Russian and mediating Turkish delegations, under the guidance of the United Nations and the International Maritime Organization (IMO). The Joint Coordination Centre (JCC) monitoring the implementation of the Initiatives was born out of the recognition of the critical importance of global food security, and its significant dependence on the supply of grain and other foodstuffs produced in the region. The Initiatives are focused on exporting grain, other foodstuffs and fertilizers, including ammonia, from Ukraine.⁶³ The JCC will monitor the movement of commercial vessels and ensure the compliance with the procedures developed through the Initiative for shipments to and from Ukrainian ports. Since August 2022, a day-to-day report on shipments facilitated through the Initiatives has been updated punctually.⁶⁴ Inspections of vessels are to be conducted by joint inspection teams, under the auspices of the JCC. The JCC will coordinate with the relevant Ukrainian authorities

⁶⁰ Gard.no. "Demurrage - Lien and cesser clauses". INSIGHT 155, 1999 <https://www.gard.no/web/updates/content/52190/demurrage-lien-and-cesser-clauses>

⁶¹ BusinessInsurance.com. "Marine insurers face huge total loss claims for ships stuck in Ukraine". 09/11/2022 <https://www.businessinsurance.com/article/20221109/STORY/912353633/Marine-insurers-face-huge-total-loss-claims-for-ships-stuck-in-Ukraine>

⁶² International Maritime Organization. "IMO welcomes first ship departure under Black Sea Grain Initiative", official website, 01/09/2022 <https://www.imo.org/en/MediaCentre/Pages/WhatsNew-1738.aspx>

⁶³ Joint Coordination Centre for the Black Sea Grain Initiative, official website. "Background and Purpose" <https://www.un.org/en/black-sea-grain-initiative/background>

⁶⁴ Black Sea Grain Initiative (BSGI) Outbound Shipments. Microsoft Excel Spreadsheet, retrieved from the official website of the Joint Coordination Centre for the Black Sea Grain Initiative https://docs.google.com/spreadsheets/d/1vQD_V0AnKWLHzgF0CxQ3EhgpiYdLcb14AyoP4zvnSYI/edit#gid=0

to determine appropriate actions should non-compliance be determined. There is also increasing concern that non-dry bulk ships confined inactive at Ukrainian ports will be unable to escape through a safe maritime corridor established by the Initiatives.⁶⁵ An unprecedented blow towards the credibility of the Initiatives, however, was the abandonment of it by the Russian Federation. The delegation from the Russian Federation expressed concerns over safety for merchant vessel movements in the region on 29 October 2022, and later suspended its participation in the programme.⁶⁶ The Initiatives were renewed for another four months, on November 17, 2022. The most critical deciding factor, given these recent events, on how the Initiatives will proceed, will undoubtedly be the Ukrainian government's reassurance that Ukraine will ensure safe passage of commercial vessels through its waters.⁶⁷

7.4. Innocent Passage

According to the International Chamber of Shipping (ICS), it is imperative that ships already in the Black Sea Grain corridor do not become collateral damage and are allowed safe passage.⁶⁸ Furthermore, the safety of seafarers must remain a top priority, and all parties must consider the crews who may now be stuck on board or in port due to factors beyond their control.⁶⁹ Even if innocent passage is afforded out of the high-risk zone, commercial vessels may not feel confident in using maritime safe corridors or jeopardizing the potential threat of sea mines.⁷⁰ However, the longer vessels are trapped, maintenance and crew welfare will be harder to sustain. In that light, the IMO demanded that the Russian Federation cease its unlawful activities to ensure the safety

⁶⁵ TradeWindsNews.com. "Will trapped vessels miss UN grain ticket out of Ukraine?", 14/09/2022 <https://www.tradewindsnews.com/containernews/will-trapped-vessels-miss-un-grain-ticket-out-of-ukraine-/2-1-1298298>

⁶⁶ News.UN.org. "Black Sea grain deal shipments on hold Wednesday, following Russia suspension" 01/11/2022 <https://news.un.org/en/story/2022/11/1130092>

⁶⁷ UATV English. "Ukraine can restore operation of ports on the Black Sea and keep them protected – Zelensky" posted on July 23,2022 YouTube video, 5:11 <https://www.youtube.com/watch?v=EBbKaG1a71c>

⁶⁸ official statements of the International Chamber of Shipping, 01/11/2022, retrieved from its official website <https://www.ics-shipping.org/statement/black-sea-grain-corridor/>

⁶⁹ SeaFarersWelfare.org. "Drifting mines threaten seafarers' safe passage in Black Sea", 06/04/2022 <https://www.seafarerswelfare.org/news/2022/drifting-mines-threaten-seafarers-safe-passage-in-black-sea>

⁷⁰ The International Maritime Organization, Council extraordinary session decisions (C/ES.35) on 10 and 11 March, 2022 <https://www.imo.org/en/MediaCentre/PressBriefings/pages/ECSStatement.aspx>



and welfare of seafarers and the security of international shipping and the marine environment in all affected areas, and respect its obligations under relevant international treaties and conventions. It is of paramount importance that Ukraine and the Russian Federation refrain from interfering in the traditional Black Sea routes, as the consequences on civilians and infrastructure would be disruptive for the industry as a whole, even towards non-directly collating routes and itineraries.⁷¹ That is visible by putting some perspective on the Russian Federation's and Ukraine's importance to world shipping: of shipping's total workforce, 198,123 (10.5%) of seafarers are Russian, of which 71,652 are officers and 126,471 are ratings.⁷² Ukraine accounts for 76,442 (4%) of seafarers of which 47,058 are officers and 29,383 are ratings. Combined they represent 14.5% of the global workforce. In 2021, Ukraine's Black and Azov Sea ports handled 145.5 million tons of cargo. Before the conflict, more than 70% (worth some \$47 billion a year) of Ukrainian exports passed through country's seaports.⁷³

7.5. Treatment of Seafarers

At the start of the conflict approximately 2,000 seafarers were stranded aboard 94 vessels in Ukrainian ports, according to the IMO.⁷⁴ An estimated 1,500 seafarers have so far (January 2023) been repatriated with staffing levels reduced, local ship keepers employed to replace crew, while some ships are in cold lay-up with no crew on board. Additional proposals of the IMO highlighted during its Council extraordinary meeting are: any form of harassment of seafarers due to their nationality should be condemned; seafarers affected by the conflict should be allowed free access to communications with their families; States should ensure that seafarers are able to access their wages; States should acknowledge the key worker status of seafarers and allow their unrestricted movement; States involved should strongly consider exempting their seafarers from mandatory military service; The practical implementation of these measures remains to

⁷¹ International Chamber of Shipping, official website, "Supply chain issues will be compounded by lack of Ukrainian and Russian seafarers, says global body representing international shipping", 10/03/2022 <https://www.ics-shipping.org/press-release/supply-chain-issues-will-be-compounded-by-lack-of-ukrainian-and-russian-seafarers-says-global-body-representing-international-shipping/>

⁷² BIMCO, ICS "Seafarer Workforce Report: the global supply and demand of seafarers", 2021 Edition, 09/07/2021 <https://www.ics-shipping.org/publication/seafarer-workforce-report-2021-edition/>

⁷³ David Axe. "First, Ukraine Liberated Snake Island. Now, It's Shipping Grain From Nearby Ports.", forbes.com, 10/07/2022 <https://www.forbes.com/sites/davidaxe/2022/07/12/ukraine-liberated-snake-island-now-ukrainian-grain-is-about-to-flow/>

⁷⁴ International Labour Organization, official website, "Seafarers" <https://www.ilo.org/dyn/seafarers/seafarersbrowse.home>



be observed in future conferences. In any case, shippers shall absolutely refrain from disregarding seafarers of their vulnerable rights, in respect to the relevant provisions of the International Labour Organization and the 2006 Marine Labour Convention also. With vast numbers of mariners trapped in the high-risk areas, the issue of personnel shortage in the shipping industry is also on the rise. In 2021, the ICS, alongside BIMCO, warned there could be a “serious shortage” of officers within five years if action is not taken to increase training and recruitment levels. The relative report predicted that there will be a need for an additional 89,510 officers by 2026, yet there was a shortfall of 26,240 certified officers in 2021.⁷⁵

7.6. Rebuilding of Ukrainian Maritime Infrastructure

Ukraine estimates the losses inflicted on its port infrastructure by Russian shelling, bombardment and missile strikes at billions of euros. It expects rebuilding and repair of ports after the war to take up to 2.5 years. In particular, estimates by the Kyiv School of Economics (KSE) place infrastructure damages at \$95.5 billion as of June 13, 2022, with minimum recovery needs for destroyed assets rising up to \$165.1 billion.⁷⁶ According to Ukrainian Deputy Minister of Infrastructure, Yuri Vaskov, infrastructure in Mariupol port is the most damaged, but there is also significant damage to the ports in Berdyansk, Olbia, Chornomorsk and Mykolaiv.⁷⁷ As of January 2023, 6 out of the 13 major Ukrainian ports that operated in the Azov and Black Sea basins, as well as the Danube Delta (Ismail, Reni, and Ust-Dunaisk), do not allow for port calls, with 3 of them only allowing navigation for the vessels carrying grain, foodstuff and edible oils, in accordance with the Black Sea Grain Initiatives JCC’s provisions. To the foresaid 6, including Kherson and Mariupol, who are currently (January 2023) under total Russian control, ISPS Code has been raised to Level 3 - exceptional danger, at this level, it is considered that a security incident is imminent- since February 2022.⁷⁸ The 7 remaining

⁷⁵ BIMCO, ICS "Seafarer Workforce Report: the global supply and demand of seafarers", 2021 Edition, 09/07/2021 <https://www.ics-shipping.org/publication/seafarer-workforce-report-2021-edition/>

⁷⁶ The Kiev School of Economics. "Losses of Ukraine’s Economy from damage of physical infrastructure since the beginning of hostilities", official website, 13/07/2022 <https://kse.ua/about-the-school/news/the-total-amount-of-documented-damages-is-95-5-billion-minimum-recovery-needs-for-destroyed-assets-165-1-billion/>

⁷⁷ WorldCargoNews.com. "Ukrainian ports blockade threatens global food security", 21/04/2022 <https://www.worldcargonews.com/news/news/ukrainian-ports-blockade-threatens-global-food-security-68777>

⁷⁸ Wilhelmsen.com. "Ukraine-Russia Port Situation Map", last update 14/01/2023 <https://www.wilhelmsen.com/port-services/ships-agency/campaigns/ukraine-russia/ukraine-russia-port-situation-map/>



ports linger at either Level 2 (Black Sea Grain Initiative ports) or 1 ISPS, as well as most of the main Romanian and Bulgarian ones. Part of the navigable Dnipro River is also blocked by Russia in the Kherson and Zaporizhzhia regions. At the same time, the extensive placement of mines across Ukraine and in sea-lanes has impeded transportation and prevented infrastructure restoration. As a result, Ukraine is dropping approximately \$170 million a day in exports, taking into account pre-conflict data. These conclusions provide that the reconstruction of seaport infrastructure will be almost certainly an issue of great effort, given that the majority of key port cities is up to 70-80% demolished.⁷⁹ Military practices causing inactivity and confinement of vessels have also taken a toll on the shipments themselves: cargo in storage or in transit may be damaged or abandoned due to the conflict or if a vessel is confined in port. Trapped vessels or ships affected by sanctions may suffer machinery breakdown or damage by fire, collision or grounding.⁸⁰

⁷⁹ Romina Bandura, Janina Staguhn and Benjamin Jensen. "Modernizing Ukraine's Transport and Logistics Infrastructure", Center for Strategic and International Studies, official website, 20/10/2022 <https://www.csis.org/analysis/modernizing-ukraines-transport-and-logistics-infrastructure>

⁸⁰ Richard Williams: "Gard Guidance on Maritime Claims and Insurance", Rosendahl: Gard AS, 2013 <https://www.gard.no/Content/20823111/Gard%20Guidance%20on%20Maritime%20Claims%20final.pdf>

8. Conclusion

Without a doubt, maritime safety and security is of paramount importance and at the top of the agenda for the IMO. Attempts are being made, in cooperation with local authorities to strengthen the safe routes of navigations for vessels and passengers alike. The spread of war however and the significant importance of the Black Sea and the Sea of Azof, makes safe passage a huge gamble by the maritime stakeholders. The IMO does everything in its power and jurisdiction to ensure a safe and sustainable passage for all third-parties and victims of the armed conflict. However, only through true cooperation and working frameworks, can human lives be saved, infrastructures secured and the seas administered. All the involved parties have the obligation first to human lives as no armed conflict has the right to claim innocent bystanders, who have no whatsoever implication with the war and its consequences.

9. Points to be addressed

1. In what ways can the right to innocent passage of commercial vessels through the Black Sea and Sea of Azov high-risk areas be secured?
2. Shall the Russian Federation and Ukraine be held legally liable for tort and general damage on neutral-flag bearing commercial vessels caused by military practices in the high-risk areas?
3. What initiatives shall be taken in order to facilitate abandoned seafarers in the high-risk areas?
4. Shall Türkiye be formally urged to reconsider their stance on the implementation of the Montreux Convention (1936) on the passage of warships through the Turkish straits?
5. How can the severely damaged Ukrainian maritime infrastructure be rehabilitated in the aftermath of the conflict?
6. In what ways can the effort of the Black Sea Grain Initiative Joint Coordination Group be enhanced by the IMO?



10. Bibliography

1. Allianz Global Corporate and Specialty. "Impact of Ukraine war on global shipping", May 2022, retrieved from [agcs.allianz.com](https://www.agcs.allianz.com/news-and-insights/expert-risk-articles/shipping-safety-22-ukraine-war.html)
<https://www.agcs.allianz.com/news-and-insights/expert-risk-articles/shipping-safety-22-ukraine-war.html>
2. Allianz Global Corporate and Specialty. "Impact of Ukraine war on global shipping", May 2022, retrieved from [agcs.allianz.com](https://www.agcs.allianz.com/news-and-insights/expert-risk-articles/shipping-safety-22-ukraine-war.html)
<https://www.agcs.allianz.com/news-and-insights/expert-risk-articles/shipping-safety-22-ukraine-war.html>
3. Alpaslan Ozerdem. "What the Montreux Convention is, and what it means for the Ukraine war", theconversation.com, 01/03/2022
<https://theconversation.com/what-the-montreux-convention-is-and-what-it-means-for-the-ukraine-war-178136>
4. Arnesh Roy. "A Glossary of International Shipping Terms», shippingsolutions.com, 09/02/2022 <https://www.shippingsolutions.com/blog/a-glossary-of-international-shipping-terms>
5. Arnesh Roy. "A Glossary of International Shipping Terms», shippingsolutions.com, 09/02/2022 <https://www.shippingsolutions.com/blog/a-glossary-of-international-shipping-terms>
6. Article 29 of the United Nations Convention on the Law of the Sea (1982)
https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf
7. Avani Ghangurde. "Marine Insurance | Meaning, Types, Benefits & Coverage», dripcapital.com, 13/07/2022
<https://www.dripcapital.com/resources/blog/marine-insurance-meaning-types-benefits>



8. Avani Ghangurde. "Marine Insurance | Meaning, Types, Benefits & Coverage», dripcapital.com, 13/07/2022 <https://www.marineinsight.com/maritime-law/different-types-of-marine-insurance-marine-insurance-policies/>
9. Black Sea Grain Initiative (BSGI) Outbound Shipments. Microsoft Excel Spreadsheet, retrieved from the official website of the Joint Coordination Centre for the Black Sea Grain Initiative https://docs.google.com/spreadsheets/d/1vQD_V0AnKWLHzgF0CxQ3EhgpiYdLcbl4AyoP4zvnSYI/edit#gid=0
10. Britannica.com. "Black Sea" retrieved from: University of Delaware - College of Earth, Ocean, and Environment - A Black Sea Journey <https://www.britannica.com/place/Black-Sea>
11. Britannica.com. "Sea of Azov <https://www.britannica.com/place/Sea-of-Azov>
12. BIMCO, ICS "Seafarer Workforce Report: the global supply and demand of seafarers", 2021 Edition, 09/07/2021 <https://www.ics-shipping.org/publication/seafarer-workforce-report-2021-edition/>
13. BIMCO, ICS "Seafarer Workforce Report: the global supply and demand of seafarers", 2021 Edition, 09/07/2021 <https://www.ics-shipping.org/publication/seafarer-workforce-report-2021-edition/>
14. BusinessInsurance.com. "Marine insurers face huge total loss claims for ships stuck in Ukraine". 09/11/2022 <https://www.businessinsurance.com/article/20221109/STORY/912353633/Marine-insurers-face-huge-total-loss-claims-for-ships-stuck-in-Ukraine>
15. Caitlin M. Kenney. "Black Sea Incident Shows Russia's Determination to Claim Waters Illegally ", defenseone.com, 24/06/2021 <https://www.defenseone.com/threats/2021/06/black-sea-incident-shows-russias-determination-claim-waters-illegally/174959/>
16. Cornell Law School, 33 CFR § 101.105 - Definitions. 2003 <https://www.law.cornell.edu/cfr/text/33/156.405>



17. Cornell Overfield. "Turkey Must Close the Turkish Straits Only to Russian and Ukrainian Warships", lawfare.com, 05/02/2022
<https://www.lawfareblog.com/turkey-must-close-turkish-straits-only-russian-and-ukrainian-warships>
18. Cornell Law School, 33 CFR § 101.105 - Definitions. 2003
<https://www.law.cornell.edu/cfr/text/33/101.105>
19. Cornell Law School, 33 CFR § 101.105 - Definitions. 2003
https://www.law.cornell.edu/uscode/text/26/4462#a_4
20. Cornell Law School, Electronic Code of Federal Regulations (e-CFR) Chapter I - COAST GUARD, DEPARTMENT OF HOMELAND SECURITY
<https://www.law.cornell.edu/cfr/text/33/101.105>
21. David Axe. "First, Ukraine Liberated Snake Island. Now, It's Shipping Grain From Nearby Ports.", forbes.com, 10/07/2022
<https://www.forbes.com/sites/davidaxe/2022/07/12/ukraine-liberated-snake-island-now-ukrainian-grain-is-about-to-flow/>
22. Electronic Code of Federal Regulations (e-CFR) Title 33 - Navigation and Navigable Waters CHAPTER I - COAST GUARD, DEPARTMENT OF HOMELAND SECURITY SUBCHAPTER N - OUTER CONTINENTAL SHELF ACTIVITIES PART 140 General § 140.10 Definitions
<https://www.law.cornell.edu/cfr/text/33/140.10>
23. Gard.no. "Demurrage - Lien and cesser clauses". INSIGHT 155, 1999
<https://www.gard.no/web/updates/content/52190/demurrage-lien-and-cesser-clauses>
24. Jamey Bergman. "More vessels attacked, detained as Russian invasion's spillover into shipping expands", rivieramm.com, 28/02/2022
<https://www.rivieramm.com/news-content-hub/more-vessels-attacked-detained-as-russian-invasions-spillover-into-shipping-expands-69977>



25. Joint Coordination Centre for the Black Sea Grain Initiative, official website. "Background and Purpose" <https://www.un.org/en/black-sea-grain-initiative/background>
26. Jonathan Saul and Ruma Paul. "Two cargo ships hit by blasts around Ukraine, one seafarer killed", reuters.com, 03/03/2022 <https://www.reuters.com/world/bangladesh-cargo-ship-hit-by-missile-crew-member-killed-bangladesh-official-2022-03-03/>
27. International Maritime Organization, official website, "Maritime Security and Safety in the Black Sea and Sea of Azov" <https://www.imo.org/en/MediaCentre/HotTopics/Pages/MaritimeSecurityandSafetyintheBlackSeaandSeaofAzov.aspx>
28. International Chamber of Shipping, official website, "Supply chain issues will be compounded by lack of Ukrainian and Russian seafarers, says global body representing international shipping", 10/03/2022 <https://www.ics-shipping.org/press-release/supply-chain-issues-will-be-compounded-by-lack-of-ukrainian-and-russian-seafarers-says-global-body-representing-international-shipping/>
29. International Maritime Organization. "IMO welcomes first ship departure under Black Sea Grain Initiative", official website, 01/09/2022 <https://www.imo.org/en/MediaCentre/Pages/WhatsNew-1738.aspx>
30. International Maritime Organization, official website, "United Nations Convention on the Law of the Sea" <https://www.imo.org/en/ourwork/legal/pages/unitednationsconventiononthelawofthesea.aspx>
31. International Court of Justice, Nicaragua v. The United States of America (June 1986) <https://www.icj-cij.org/en/case/70/judgments>



32. International Maritime Organization, official website, "Suppression of Unlawful Acts Treaties"
<https://www.imo.org/en/About/Conventions/Pages/SUA-Treaties.aspx>
33. International Labour Organization, official website, "Seafarers"
<https://www.ilo.org/dyn/seafarers/seafarersbrowse.home>
34. International Maritime Organization, official website, "Maritime Security and Safety in the Black Sea and Sea of Azov"
<https://www.imo.org/en/MediaCentre/HotTopics/Pages/MaritimeSecurityandSafetyintheBlackSeaandSeaofAzov.aspx>
35. International Maritime Organization, official website, "Black Sea Maritime Corridor Agreement"
<https://www.imo.org/en/MediaCentre/PressBriefings/pages/BlackSeaMaritimeCorridorAgreement.aspx>
36. International Maritime Organization, official website, "International Convention for the Safety of Life at Sea"
[https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-\(SOLAS\),-1974.aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx)
37. Isalos.net. "What you need to know about the ISPS Code", 21/07/2021
<https://www.isalos.net/2021/07/ti-prepei-na-gnorizete-gia-ton-isps-code/>
38. Konstantinos Hadjikonstantinou, Miltiadis Sarigiannidis, Haralampos Apostolidis: Fundamental Concepts in Public International Law, Thessaloniki: Sakkoulas, 2014 <https://www.sakkoulas.gr/el/editions/k-chatzikonstantinou-m-sarigiannidis-ch-apostolidis-themeliodeis-ennoies-sto-diethnes-dimosio-dikaio-2i-ekd-2014/>
39. Muhamad Fairuz Ahmad Jasmi and Yudi Fernando. "A Review of Future Energy Efficiency Measures and CO2 Emission Reduction in Maritime Supply Chain", IGI Global:2021 <https://www.igi-global.com/chapter/a-review-of->

[future-energy-efficiency-measures-and-co2-emission-reduction-in-maritime-supply-chain/263702](#)

40. Megan Eckstein and Tayfun Ozberk. "What makes the Black Sea so strategically important", defensenews.com, 25/02/2022 <https://www.defensenews.com/naval/2022/02/25/what-makes-the-black-sea-so-strategically-important/>
41. Mumin Atlas. "Türkiye warns all countries against warships going through Turkish Straits", aa.tr.com, 28/02/2022 <https://www.aa.com.tr/en/russia-ukraine-crisis/turkiye-warns-all-countries-against-warships-going-through-turkish-straits/2518827>
42. NATO. "RISK OF COLLATERAL DAMAGE IN THE NORTH WESTERN, WESTERN, AND SOUTHWEST BLACK SEA" retrieved from shipping.nato.int, 12/12/2022 <https://shipping.nato.int/nsc/operations/news/-2022/risk-of-collateral-damage-in-the-north-western-black-sea-2>
43. Nextias.com. "Crimea bridge explosion: Putin signs decree to enhance security, guard gas pipeline", 09/10/2022 <https://www.nextias.com/current-affairs/10-10-2022/kerch-strait>
44. National Oceanic and Aerial Association of the United States of America, official website. "Nautical Charts" https://oceanservice.noaa.gov/facts/nautical_chart.html
45. Valentin. L. "What is the Maritime Supply Chain?", sinay.ai, 03/03/2022 <https://sinay.ai/en/what-is-the-maritime-supply-chain/>
46. News.UN.org. "Black Sea grain deal shipments on hold Wednesday, following Russia suspension" 01/11/2022 <https://news.un.org/en/story/2022/11/1130092>
47. official text of the Marine Labour Convention (2006) <https://web.archive.org/web/20120420215217/http://www.ilo.org/ilolex/cgi-lex/convde.pl?C186>



48. official Press Briefing of the IMO Council Extraordinary Session (CES/35)
<https://www.imo.org/en/MediaCentre/PressBriefings/pages/ECSStatement.aspx>
[X](#)
49. official texts of the Circular Letter of the Legal Committee of the IMO (LEG/109)
<https://wwwcdn.imo.org/localresources/en/MediaCentre/MeetingSummaries/Documents/LEG.1-Circ.12%20en.pdf>
50. official text of the International Convention for the Safety of Life at Sea (1974)
http://library.arcticportal.org/1696/1/SOLAS_consolidated_edition2004.pdf
51. official text of the United Nations Convention on the Law of the Sea (1982)
,<https://sites.tufts.edu/lawofthesea/chapter-three/>
<https://sites.tufts.edu/lawofthesea/chapter-three/>
52. official statements of the International Chamber of Shipping, 01/11/2022, retrieved from its official website <https://www.ics-shipping.org/statement/black-sea-grain-corridor/>
53. Richard Williams: "Gard Guidance on Maritime Claims and Insurance", Rosendahl: Gard AS, 2013. https://www.gard.no/Content/20823111/Gard%20Guidance%20on%20Maritime%20Claims_final.pdf
54. Romina Bandura, Janina Staguhn and Benjamin Jensen. "Modernizing Ukraine's Transport and Logistics Infrastructure", Center for Strategic and International Studies, official website, 20/10/2022. <https://www.csis.org/analysis/modernizing-ukraines-transport-and-logistics-infrastructure>
55. Safety4Sea.com. "Three Panama-flagged ships hit by missiles in Black Sea", 17/03/2022 <https://safety4sea.com/three-panama-flagged-ships-hit-by-missiles-in-black-sea/>



56. SeaFarersWelfare.org. "Drifting mines threaten seafarers' safe passage in Black Sea", 06/04/2022 <https://www.seafarerswelfare.org/news/2022/drifting-mines-threaten-seafarers-safe-passage-in-black-sea>
57. Sebastian Shukla and Jack Guy. "Putin visits key Crimea bridge damaged by huge explosion in October ", edition.cnn.com,05/12/2022 <https://edition.cnn.com/2022/12/05/europe/putin-kerch-bridge-crimea-visit-intl/index.html>
58. statements of the Office of the UN Secretary General, 22nd of July, 2022 <https://www.un.org/sg/en/content/sg/note-correspondents/2022-07-22/note-correspondents-today%E2%80%99s-agreements>
59. The International Maritime Organization, Council extraordinary session decisions (C/ES.35) on 10 and 11 March, 2022 <https://www.imo.org/en/MediaCentre/PressBriefings/pages/ECSStatement.aspx>
60. The Nautical Almanac. "Introduction to Marine Navigation", United States of America Naval Observatory (2002) <https://thenauticalalmanac.com/Bowditch-%20American%20Practical%20Navigator/Chapt01%20INTRODUCTION%20TO%20MARINE%20NAVIGATION.pdf>
61. The New York Times. "Russia-Ukraine War Explosion on 12-Mile Crimea Bridge Kills 3», www.nytimes.com, 13/10/2022 <https://www.nytimes.com/live/2022/10/08/world/russia-ukraine-war-news>
62. The impact of war in Ukraine on shipping, 5 July 2022, Britannia P&I, retrieved from: <https://britanniapandi.com/2022/07/the-impact-of-the-war-in-ukraine-on-shipping/>
63. The Swedish Club. "War Insurance", retrieved from swedishclub.com, 13/01/2023 <https://www.swedishclub.com/insurance/marine/war>
64. The Kiev School of Economics. "Losses of Ukraine's Economy from damage of physical infrastructure since the beginning of hostilities", official website,



- 13/07/2022 <https://kse.ua/about-the-school/news/the-total-amount-of-documented-damages-is-95-5-billion-minimum-recovery-needs-for-destroyed-assets-165-1-billion/>
65. The war in Ukraine and its effects on maritime trade logistics, 28 June 2022, United Nations conference on trade and development, retrieved from: https://unctad.org/system/files/official-document/osginf2022d2_en.pdf
66. TradeWindsNews.com. "Will trapped vessels miss UN grain ticket out of Ukraine?", 14/09/2022 <https://www.tradewindsnews.com/containerhips/will-trapped-vessels-miss-un-grain-ticket-out-of-ukraine-/2-1-1298298>
67. UATV English. "Ukraine can restore operation of ports on the Black Sea and keep them protected – Zelenskyy" posted on July 23,2022 YouTube video, 5:11 <https://www.youtube.com/watch?v=EBbKaGIa71c>
68. United Nations, official website, "Black Sea Grain Initiative JCC" <https://www.un.org/en/black-sea-grain-initiative>
69. WorldCargoNews.com. "Ukrainian ports blockade threatens global food security", 21/04/2022 <https://www.worldcargonews.com/news/news/ukrainian-ports-blockade-threatens-global-food-security-68777>
70. Wilhelmsen.com. "Ukraine-Russia Port Situation Map", last update 14/01/2023 <https://www.wilhelmsen.com/port-services/ships-agency/campaigns/ukraine-russia/ukraine-russia-port-situation-map/>



THESSISMUN