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Seaports in the BRI: Challenges, Solutions and Emerging Regulations

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ABSTRACT

The article examines ways to increase the efficiency of seaport projects within the framework of the Belt and Road Initiative. It considers the new challenges and threats posed by the COVID-19 pandemic and the crisis in the maritime sphere. The first direction of the research was an analysis of the current

stage of the implementation of the BRI in the global port industry, attempts to strengthen the influence of the People's Republic of China (the PRC) on the national port facilities and the reasons for the wrecking of the large, planned projects. The authors note the "rigidity" of China's "soft power" in promoting and consolidating influence on the maritime port industry. The second part of the article describes the modern practice of implementing the BRI in Europe. The positive and negative aspects of cooperation of the People's Republic of China with the EU countries are considered. The focus is on the strengthening influence of regionalism in the European port policy under conditions of the COVID-19 pandemic. In addition, the authors point out a natural gradual "cooling" of attitude towards the Chinese investment projects in connection with the focus on strategic sectors of the economy of the EU member states, reinforced by the spread of the pandemic. Based on the analysis, the ways to increase confidence in Chinese investment in the European region are proposed. The third direction of the analysis is the growth of the BRI northern segment, the beginning of the formation of the Ice Silk Road, and the investment projects of the PRC in the seaports of the traditional near-arctic states.

The key words: *the Belt and Road Initiative, ports, the 21st Century Maritime Silk Road, the COVID-19 pandemic, the China's Arctic Policy, the Northern Sea Route.*

Introduction

China's global initiative "One Belt, One Road" unites the two projects – "The Economic Belt of the Silk Road" and "The 21st Century Maritime Silk Road". This is the ambitious strategy announced by Xi Jinping in 2013 for the development of modern China to increase the influence on the world arena, revive dialogue of peoples and cultures, stimulate economic development and investments, strengthen, and expand transport communications (Belt and Road Initiative). The BRI is being continued as a global development program, an important strategic measure for the implementation of China's policy of openness and coordinated regional development (Jiashu, 2021, p. 46). In its research, it is really necessary to abandon the excessive globalization and focus on individual elements (as recommended by Jean-Marc F. Blanchard (2021)), differentiation of projects and countries, and elaboration more specific proposals and formulations in cooperation agreements.

However, after eight years of its implementation, it is possible to note significant results, difficulties, and updating prospects. The transport-related aspects of the BRI, according to the literature reviews, include three major topics:

- supply chain management and logistics: capabilities, distribution flows, network, strategy;
- shipping and ports: shipping market, vessel speed, fleet management, port cluster, port competition, hub ports, container repositioning, port capacity;
- connectivity, transport, and routing: maritime network, hub-and-spoke network, transport network, transport resilience, multimodal transportation, Trans-China Railway, Trans-Siberian Railway, Artic Sea route (Lee et al., 2018, p. 293).

These mainly show the critical role of maritime transport and seaports infrastructure in the whole BRI concept. Implementation of BRI policies possesses a direct impact on further developments in respective fields, which results in the essential changes in the transport and logistics landscape, including:

- development of inland-inter regional rail and highway corridors and city clustering in China;
- connectivity of economic corridors to the Indian Ocean and East Sea in association with dry ports in China;
- development of sea-river combined transport and sea-railway/highway;
- development of free trade economic zones along inland road corridors and in ports;
- structural changes in maritime cargo flow and shipping network in association with corridor developments and intermodal network; and
- alignment of participating countries' transport and logistics development along the B&R (Chen et al., 2018).

In addition, the BRI has proved to affect the internal processes of both public and private subjects involved in the respective transport

corridors functioning. While for private companies, BRI brings new investment, infrastructure, and trade opportunities, for governments, it erects, alongside the cooperation possibilities, challenges concerning domestic policy and legislation that may demand better alignment with BRI policies and practices (Chang et al., 2021, p. 246). To that end the BRI acts as a soft power tool for China to export its view of the world order and its way of participating in international relations (Costa, 2020, p. 41). In aggregate, the seaports' segment of BRI routes faces dramatic changes in almost all aspects of their functioning, including financial, managerial, procedural, and regulative.

Methodology

The present research considers the maritime component of the BRI in the context of the development of the port industry of the participating countries because of implementation of BRI infrastructure projects. Said development's evaluation includes the impact of three main factors: the COVID-19 pandemic, the crisis in the marine industry, and emerging BRI soft law.

1. The BRI Port Initiatives

The sea component of the BRI is the most interesting in the framework of this study, unites the "blue economic passages": 1) the first "passage" running from China to the Indian Ocean, Africa and onto the Mediterranean; 2) the second passage connects with Australia and the Southern Pacific; 3) the third passage, connecting China with Europe via the Arctic Ocean (China's expanding investment in global ports; Vision for Maritime Cooperation under the Belt and Road Initiative). In addition, combining with the land component, it is aimed at changing the geopolitical reality for the countries of Central and Middle Asia that do not have direct access to maritime transport highways and remote markets (Idan, 2018).

One of the components of the maritime component of the BRI, along with the development of shipping and shipbuilding, was the enhancing of the port industry. The role of seaports is rising in the world trade and supply chains every year. China, as one of the largest producers in the world, is interested in establishing, improving, accelerating, and finding the alternative ways of trade through the already quite large, as well as “young” seaports of the world, both on intensive shipping routes and in regions poorly involved in maritime communications. Ports and maritime infrastructures are some of the core elements of China’s connectivity-boosting BRI (Ghiretti, 2021, p. 2). For example, in 2019 China was at the first place among the countries with the most container ship calls (72.583) and dry bulk carriers calls (60.420), and at the third place in terms of the largest number of arrivals of tankers and other liquid bulk carriers (40.702) (Review of Maritime Transport 2020, p. 69). In 2020, five of the top 10 ports were located in China (Shanghai, Ningbo, Hong Kong, Qingdao and Xiamen) (Review of Maritime Transport 2020, p. 77).

Also, the essential part of the BRI strategy is involvement of foreign ports. The importance of joint port construction, expanding port partnerships and port unions, and creating free economic zones in port regions is noted in Vision for Maritime Cooperation under the Belt and Road Initiative (Vision for Maritime Cooperation under the Belt and Road Initiative). However, sometimes joint port construction or significant loans lead to the “takeover” of national ports by the Chinese companies. This happened to the deep-water port and its adjacent territories in the city of Hambantota in Sri Lanka (Abi-Habib, 2018).

According to the article of Isaac Kardon (2021), the Chinese companies own shares in: 31 ports in the Atlantic, 25 – in the Indian Ocean, 21 – in the Pacific Ocean and 16 – in the Mediterranean Sea. Regionally, there are 22 in Europe, 20 are in the Middle East and the North of Africa, 18 are in America, 18 are in the South and the Southeast of Asia, and 9 are in Africa to the South of Sahara.

53 of these ports are located near the key sea corridors. 10 of these are near the English Channel, 9 are near the Malacca and the Hormuz Straits, 6 are near the Suez Canal and 4 are near the Panama Canal, the Gibraltar and the Turkish Straits (Kardon, 2021, p. 3). Thus, the economic influence of the PRC extended to many major ports in the world. The construction of their effective management has various goals – from helping national port industries in need of financing to strengthening their influence on the world shipping, forming a protectionist policy towards the Chinese shipping companies and improving/simplifying logistics for Chinese export-import operations. It is no secret that the BRI is aimed at the broad cooperation between states in order to create a new world order in which China becomes a new super-power and introduces its values that are not always consistent with the values of the Western liberal civilization.

Associated with the development of the port direction was the planning of two mega-projects for the construction of marine channels within the framework of the BRI. One project is in Nicaragua as an alternative to the Panama Canal. It is known that the project failed due to the lack of financing, social tension and corruption risks (Goldberg, 2018). The second is through the isthmus of Kra in Thailand, a narrow part of the Malacca Peninsula, to resolve the “Malacca dilemma”. Despite the significant advantages (Keovimol), realization of the project is suspended because of probable demographic, environmental and political problems, supplemented by the lack of financing (Over land or sea; Babones, 2020; Proposed Kra Canal not priority project for Thai govt). At the same time, in 2020–2021, the arguments began to be made again in favor of resuming work on its creation with the aim of involving Thailand in the BRI (Time to revisit canal project; Over land or sea; Theparat, 2020) and improving the security of transportation in the region, known for pirated attacks on ships (Piracy incidents along Straits of Malacca and Singapore surge in 2019; Kerki, 2021, p. 2–3),

the number of which may increase against a background of the COVID-19 pandemic (Birchard, 2020, p. 71).

Resumption of the discussion of the Thai Canal today is based on the understanding that its creation is rather costly and saves only two days for ships with significant environmental and infrastructure problems associated with the possible destruction of future communication. At the same time, it is emphasized the interest in its land version – a bridge and two deep-water ports (Thailand mulls replacing \$28bn Kra canal idea with a railway), a motorway and a double-track railway connecting the Siam Bay and the Andaman Sea (Theparat, 2020; China, other powers may support ‘Kra canal’ project). Thus, with the actual refusal or postponement of the construction of the channel, its maritime (port) component is not excluded, which is impossible, given the purpose and the value of communication for the “String of Pearls” supply. In addition, the initiatives to build ports and a land highway for different modes of transport, or a sea channel (in fact, two parallel channels) will significantly change the landscape of shipping in the region (Chaudhury, 2020) for the better and predictably secure transportation.

Thus, the initiatives for seaports within the framework of the BRI combine the directions for: 1) the construction of new ports; 2) the deepening and modernization of existing ones; 3) the development of port territories and the creation of free economic zones. The high cost of projects, technical complexity and duration require diversification of financing and high-quality management of financial risks, their distribution, expansion of public-private partnerships (Jiashu, 2021, p. 49).

In the conditions of the COVID-19 pandemic and for formation of the basic principles of counteraction to its distribution, the Joint Statement of the High-level Video Conference on the Belt and Road International Cooperation was accepted on June 19, 2020: Combating COVID-19 with Solidarity. It corroborated the adherence of the idea of joint efforts to contain the spread of the virus, save lives and

safeguard global public health; the forming of the Health Silk Road by exchanging information, supplying and providing free access to it, efficient use of transport corridors and, respectively, seaports.

2. The European Port Vector of the BRI

Despite the rather skeptical attitude towards China and the BRI in the EU, intensified by the COVID-19 pandemic (Ekman & de Esperanza Picardo, 2021), some of the projects in the maritime port industry still deserve attention. The most famous and successful of them was the port of Piraeus. Today, the management of this Greek port is owned more than 60% by the Chinese flagship company COSCO (China's Belt and Road Initiative (BRI) has received a major boost in Europe). It owns the leadership among the European ports: compared to other European ports in 2020, the port of Piraeus is in 4th place in Europe and in the first place in volume of transshipment of containers (Notteboom, 2021; Glass, 2021) in the Mediterranean.

The Italian direction of Chinese investment covered the ports of Genoa and Trieste, Venice, Taranto, Gioia Tauro, Naples and Salerno – as well as Ravenna (Ghiretti, 2021, p. 4–5). Convenient location, long-standing trade supply chains, interest in developing and increasing cargo turnover – these are the factors that influenced the choice of the development path of the European ports and investments that can be provided by the PRC within the BRI. The success of individual projects convinces of the expediency of the decisions made in favor of Chinese companies, though with the overcoming of some barriers of economic, political or managerial character. Cooperation in updating ports and port territories did not arise on an “empty place”, it became a logical continuation and addition to the already established ties in the customs and trade spheres, construction and updating of land transport communications in Italy.

The choice of Greek and Italian vectors for investment has become logical due to the expected reduction in time for the

transportation of Chinese goods compared to the often used ports of Rotterdam and Hamburg (Wang et al., 2021, p. 43). However, it is often noted that the agreements reached on cooperation are often of a general character (Ghiretti, 2021, p. 12), imply a significant strengthening of Chinese political and economic positions in the EU. As a result, the European initiatives to counter the Chinese “soft power” lead to a change of investors, tightened by positions on the impossibility of Chinese companies obtaining control packages of shares of ports modernized by them, and the USA sanctions policy significantly changes China’s plans. The EU’s reticence to trust China on a number of economic and international issues highlights the inefficiency of China’s soft-power attempts towards the EU (Ekman & de Esperanza Picardo, 2021, p. 112). For Greece and Italy, as the most affected countries in Europe by the global financial crisis, the Chinese investment initiatives have become a kind of “breath of air”. However, over time, the enthusiasm had waned, the conservative European views began to prevail, reinforced by fears of too strong Chinese expansion into the vital EU industries.

Another European direction is cooperation with the countries of Central and Eastern Europe located on the path of the BRI transport routes. In recent years, it has become one of the highest priorities in China’s foreign policy in Europe (Tsvyk, 2019, p. 109). This removal of accents is understandable in the context of a cautious and far suboptimistic attitude to this initiative in the EU. The foundations of the involvement of Central and Eastern European countries in the BRI are enshrined in The Riga Guidelines for Cooperation between China and Central and Eastern European Countries. The document contributed to the presence of China in the region and opened up the additional opportunities for cooperation. In the EU, this caused particular irritation, as it demonstrated Beijing’s aspiration to do business bilaterally, as if ignoring the EU integration and the supranational European structures (Gemueva et al., 2018, p. 37).

It is known that in relations with the countries of Central and Eastern Europe, China has formed a model of subregional format of cooperation, which it practices in relations with the countries of Africa and Latin America (Degtarev et al., 2017). However, the beginning of 2021 showed the significant “cooling” to the PRC by the countries of the region and support of the European integration. It is known that the forum “17 + 1” has traditionally been used by China to strengthen its influence in Eastern and Central Europe through new investments, including within the BRI, but recently these states are less confident that Beijing will really provide them with the economic benefits that they dreamed of (Lau, 2021a). In May 2021, Lithuania left the “17 + 1” group and announced the need to move from the separating “16 + 1” format to a more uniting format and therefore much more efficient “27 + 1” (Lau, 2021b).

Indeed, the trends of regionalism have begun to prevail in the context of the COVID-19 pandemic. They became dominant objectively, when counteracting the challenges of the spread of the new disease covered Southeast Asia, Europe, and America by turns. In 2020-2021, the globalization seemed to be in the background, and the Chinese initiatives met with new obstacles in connection with the negative attitude towards China as a source of the global crown-crisis. In Europe, this became especially noticeable in 2021, when the results of the pandemic manifested more clearly, complementing the already difficult relations with Beijing. However, even in spite of this, in October 2020, COSCO opened a new maritime line between the Port of Piraeus and Vado Ligure (Ghiretti, 2021, p. 17). And in September 2021, the terminal operator COSCO – COSCO Shipping Ports Limited completed the negotiations with the German transport and logistics group the Hamburger Hafen und Logistik AG (HHLA) on joining as a strategic equity investor in the share capital of the container terminal HHLA Container Terminal Tollerort (CTT) in Hamburg (Ajdin, 2021). In our opinion, it is soon such “point” projects that

will form more extensive opportunities for the Chinese presence in the region and, possibly, increase confidence to the BRI in the EU.

3. The BRI, the Ice Silk Road and Arctic Ports

The Arctic region, in the conditions of global warming, offers new opportunities and prospects for cooperation among the states. China's growing role in the Arctic is dictated by many interests, including economic, environmental and scientific (Ushakova, 2021, p. 130). Based on the BRI ideas, the new strategy of the Ice Silk Road was published in January 2018 under the title "China's Arctic Policy", sometimes referred to as the Arctic Belt and Road (Auerswald, 2019), or the China Arctic White Paper (<https://thediplomat.com/tag/china-arctic-white-paper/>). With the inclusion in the Vision for Maritime Cooperation under the Belt and Road Initiative, it became a northern branch of the BRI, demonstrating the globality of China's approach to expanding its influence in the world. Back in 2012 and 2013, the Chinese ships had been making passages in northern waters (in particular, along the Northern Sea Route – a key asset in the implementation of the program), and by the end of 2017, the COSCO sent a total of 10 vessels on 14 trips through the NSR, smoothly carrying cargoes including building materials, components and equipment (Tillman et al., 2018, p. 347–348, 354). These trips were the first symbols of China's strategic ambitions in the Arctic. And the Chinese investment projects and cooperation with Greenland and Iceland (Greenland and Iceland in the New Arctic, p. 26–28) preceded this open and bold announcement of intents.

Today, taking into account the proclamation of China's Arctic Policy and identifying itself as a "Near-Arctic state" (the first paragraph of Policy's Section II), China expects to strengthen significantly its position in the region compared to membership in the Arctic Council in the status of Permanent Observer. The Ice Silk Route became China's claim to a new status in the Arctic: without

an application for sovereignty, but with an emphasis on legal rights and, in particular, the right to be considered an important Arctic actor (Kobzeva, 2021, p. 79).

Reduction of time and relative safety¹ of transport using the northern transport routes compared to the Strait of Malacca and the Suez Canal [approximately 40% (Koh, 2020); for China, prognostication savings will reach about 60–120 billion US dollars in a year (Byers, 2011), the growth of trade with Europe will be 10,95% – 20% (Kobzeva, 2019, p. 99)], the wealth of the Arctic with hydrocarbons and rare earth minerals led to China's interest in this region. In addition, Europe is China's largest export direction, so any reduction in the cost of delivery is considerable and especially significant (Artamonov et al., 2020). And as a growing economy with a lack of energy resources, the PRC seeks new opportunities to meet future demand (Kobzeva, 2020, p. 340).

Fixing of respect of sovereignty, the sovereign rights and jurisdiction of “The Arctic eight” (Russia, Canada, the USA, Finland, Denmark, Norway, Sweden and Iceland) in sea spaces of the Arctic became the important point of the China's Arctic Policy [it also was one of the bases of membership of the People's Republic of China in the Arctic Council since 2013 (Kiruna Declaration)]. In addition, it is emphasized the respect to the tradition and the culture of the indigenous peoples, as well as the respect to the rights and freedom of non-Arctic States to carry out activities in this region in accordance with the law, and respect the overall interests of the international community in the Arctic. China also notes the possibility of involving the non-Arctic states in the use and protection of the natural environment of the region, effectively turning it from a regional zone of influence to a global zone (the eight paragraph of Policy's Section III).

¹ This refers to security against pirate and similar attacks on merchant ships. At the same time, the northern sea routes are not deprived of their inherent marine dangers and features (relative shallow water, narrowness, ice conditions, the need for ice-class commercial vessels, climate instability).

At the same time, Europe draws attention to the fact that the English version of the Policy is aimed at ensuring a positive perception of China's intentions. It is noted that scientific research and political discourse around its provisions do not indicate a focus on protecting the environment and combating the climate change, scientific research, economic growth, building a new management system and security, but on China's significant claims to the predatory exploitation of the Arctic resources. In addition, other aspects of the Policy are pointed out, causing restrained feelings, taking into account China's the earlier steps in controversial situations that demonstrate the principled positions of the Middle Kingdom (Grieger, 2018, p. 2–3). According to President Xi Jinping, the PRC calls for concerted efforts to ensure peace at sea and to build a maritime community with a common future (Zhihao, 2019).

Indeed, China views the Arctic region as a BRI link, promotes investment projects and exchange of experience, and sees prospects in it for the development of both the economic and the maritime components of the initiative. However, the White Paper practically does not offer concrete steps to implement Chinese policy in the Arctic. The proposal for the interested countries to create the Ice Silk Route within the BRI is, in fact, the only exception.

The economic steps of the PRC are often followed by the political: strengthening China's influence on the world arena and sometimes creating/trying to create levers of influence of dual setting "close by" the opponents. For example, in 2016, Copenhagen blocked an attempt by the Chinese General Nice Group to acquire the former the USA naval base in Grennedal (Greenland) after the intervention of Washington (Paul, 2021, p. 3; Auerswald, 2019). Back in 2011, a PRC-based businessman sought to purchase land in Iceland to develop a golf resort – this offer was ultimately rejected in part because of fears that an airfield or deep-sea port would be developed instead (China Regional Snapshot: Arctic). Despite this, the individual port projects in Iceland (Pelaudeix, 2018, p. 2; Osborne,

2019) and Greenland (Lucht, 2018), in Norway [in the rebuilding of the deep-water Kirkenes port (Northam, 2020)] and other near-Arctic states continue to attract potential Chinese investors.

Within the framework of the China's Arctic Policy, as well as in the BRI as a whole, the wide cooperation between China and Russia was launched. In many ways, the very emergence of the Policy was the result of the success of such partnership. It is important to note that the COVID-19 pandemic has not had a significant impact on the implementation of already planned large projects of the two countries and their dynamics remain positive (one of the long-term factors affecting such cooperation is the constant threat of sanctions in the directions of the USA-China and the USA-Russia) (Grosheva & Xueqiao, 2021, p. 31). Shipping along the Northern Sea Route, the development and the renewal of the Russian arctic ports is one of the leading areas of such cooperation.

The problems of shipping on the Northern Sea Route are related, among others, to the expensive ice steering provided by the Russian Federation, new restrictions and their negative estimation by the Arctic neighbors of the Russian Federation and foreign companies (Anthony et al., 2021, p. 11), and the available capacities of ports and port facilities do not allow processing large vessels of various types (Erokhin et al., 2021, p. 79). It is known that for a long time only the port Dudinka had the opportunity to receive large-tonnage vessels (Tianming, & Erokhin, 2021, p. 253). And today, the main attention is aimed at overcoming these difficulties: it is noted the need to develop the Northern Sea Route and to increase cargo flow along it to 80 million tons (Decree on the national goals and strategic objectives of the development of the Russian Federation for the period up to 2024) in the Russian Federation.

Some of the largest port projects in the framework of the Arctic Silk Road are presented in such locations:

– Payakha oilfield; lies on the Taymyr peninsula in the region of Krasnoyarsk (it is planned to build a deep-water port for

transshipment of crude oil, capable of processing 50 million tons of oil per year; it has been starting the project in 2017);

- Zarubino port (it is planned to develop to the scale of the largest port in Northeast Asia, capable of processing 60 million tons of cargo per year; the agreement was signed);

- Arkhangelsk deep-water port (it will be located 55 kilometres from Arkhangelsk on the island of Mud'yug, which lies in the Dvina river delta; the project is being implemented) (Chun, 2020).

China's participation in the updating Russian ports has several goals: the profiting from share holding in new projects; the providing better conditions for their own ports in the northeast ("rusty") region of the PRC; the development of ice-breaker shipbuilding (Ushakova, 2021, p. 138–139). The successful development of the Arctic BRI segment requires the deepening of ports, the development of logistics and related services, transport hubs, support and rescue points for safe and stable transarctic shipping and refueling points for transit vessels passing along the route from China to Europe and back (Erokhin et al., 2021, p. 83).

However, the realization of projects collides with a number of obstacles. They are associated with Russia's misgivings of falling under the too strong influence of Chinese investment, of losing control over the transport resource that is natural for this country – the Northern Sea Route, recognized in the Russian Federation by the historically established national transport communication (the Article 14 of the Federal Law "On the Inland Sea Waters, the Territorial Sea and the Contiguous Zone of the Russian Federation"). There are also misgivings of the PRC receiving access to the natural resources of the region. The Arctic zone is considered as a strategic resource base in Russia. Only 2.5 million residents live here, but 12–15% of the country's GDP is created, 80% of gas is mined, as well as nickel, diamonds and rare earth metals. The Arctic gives ¼ exports of the country, ⅓ catch of fish. This are both the huge spaces, intended for development, and a new facade of Russia, its

new border at the same time (Trenin, 2020; Decree on the Strategy for the Development of the Arctic Zone of the Russian Federation and Ensuring National Security for the Period up to 2035). Therefore, although today the Russian Federation allows China to participate in significant port projects, it strives to protect its interests from excessive Chinese expansion.

4. Seaports and the BRI Normative Dimension

At first glance, the normative segment of the BRI appears as a complex conglomerate of instruments lacking binding power and thus mostly remaining mere a formalization of political arrangements and declarations of intents. Primarily, that include soft law instruments either in the forms of Memorandums of Understanding (MoU), Joint Statements, and Joint Declarations concluded both at the bilateral or multilateral interstate level and, also, with global and regional intergovernmental international organizations. However, a vast economic momentum of the BRI concept helps it to evolve what the Chinese side calls the “world’s broadest-based and largest platform for international cooperation” (Let Us Strengthen Confidence and Solidarity and Jointly Build a Closer Partnership for Belt and Road Cooperation) Basically, the comprehensive response and support of the states alongside Silk Road Economic Belt and Maritime Silk Road are primary factors for the emergence of a new body of law sourced in the BRI main principles, such as the principles of extensive consultation, joint contribution, and shared benefits. Overall, as of June 23, 2021, China has signed 206 cooperation documents for jointly building the “Belt and Road” with 140 countries and 32 international organizations (List of countries that have signed cooperation documents with China to jointly build the “Belt and Road”).

Due to the nature of the BRI with its focus on communications, most BRI MoUs, despite certain structural differences, include specific “Transport, logistic and infrastructure” sections. However,

the focus of cooperation in this field may differ. For example, China – Latvia MoU emphasizes such issues as the development of multimodal transport and cooperation on ports, port terminals, highways, railroads, logistics centers, and industrial parks in ports. Meanwhile, China – Italy MoU provided more extensive goals in the respective section, including developing infrastructure connectivity, synergies between the BRI, the Italian system of transport and infrastructure, and the EU Trans-European Transport Network (TEN-T). In addition, said MoU addressed transport-related regulatory issues, such as facilitating customs clearance and transparent, non-discriminatory procurement procedures. That, in general, makes such MoUs, despite their “soft law” nature, vehicles to share BRI standards in transport infrastructure under the notion of promoting interconnectivity. To that end, the EU has expressed concerns of possible expansion of the BRI-harmonised (i.e., Chinese) standards in transport and construction of port infrastructure and the need to ensure that the EU remains a global hub for standardization (Steer Davies Gleave, 2018).

In addition, the first perception of the BRI’s legal framework as a toolkit of soft law instruments may significantly change if considering the twofold structure of the said legal framework, comprising BRI primary and secondary agreements. The latter ones are hard law agreements and consist of at least two categories: performance and finance agreements. Secondary agreements are complex, often have a long duration and several contract layers, and involve multiple parties from multiple jurisdictions, due to the nature of infrastructural projects, and what is most important, they differ from traditional commercial contracts due to employing direct and indirect government support (Wang, 2021). BRI secondary agreement are the main instrument, which can directly influence operation of the seaports involved at a very deep level and somewhat limit competence of respective partner’s state authorities in administration of national seaports.

The vital part of the BRI regulative influence due to Xiong & Tomasic, 2019) emerges from the fact that an essential share of infrastructure projects within its frameworks are conducted and invested by Chinese state-owned enterprises (SOEs). Those Chinese SOEs' internal procedures and day-to-day businesses incorporate solid governmental control. The issue also extends to Chinese SOEs' operations abroad, making them vehicles to "export" Chinese political and governance practices to other countries and incorporate such practices into the performance of infrastructure projects involved. In particular, this may influence the management, internal rules, and procedures of seaports and other infrastructure objects with a significant share of Chinese investment alongside the Maritime Silk Road.

For example, the BRI development includes a "going global strategy" of major Chinese seaports conducted under dual central and local governments' control, whereas different governance models and methods represent each level. The central government looks at national interests and introduces macro-governance policies on investment in and cooperation with ports along the B&R, while local governments are responsible for governing the international cooperation of local port enterprises (Chen et al., 2018). At the same time, the modern Chinese port governance and administration model comprises a unique tool combining macro-control at the national level and private-sector investment in cargo-handling systems and management expertise (Guan & Yahalom, 2011).

Conclusions

The main obstacles to effective implementation of the BRI policies in seaports go far above mere financial or economic issues connected with the infrastructure development. Although China emphasizes the absence of direct attachment of its cooperation programs with political strings, which is a fair statement in comparison with politically bound economic projects of the West, the instability of the political

component of the recipient countries of Chinese investments, based on fear and skepticism of such a large, truly global project and the risks associated, cannot be neglected.

In addition, we should consider the “vagueness” of the formulation of the reached general agreements, the Chinese program documents, and the lack of a single understandable approach to the implementation of the BRI, which significantly varies from to state. However, small and economically unstable states that eventually lose their national economically and politically significant infrastructure due to a vast debt demonstrate much more flexibility in adjusting to the Chinese economic expansion.

Several factors had a tangible negative impact on projects within the BRI framework: the need to set and work off new protocols of seaports’ operation, the negative image of China that is common for a range of countries, the US sanctions policy, etc. Today, the “departure” from the ideas of globalization to the usual regional mechanisms for solving problems and abandoning the Chinese economic and subsequent political domination are increasingly visible. China’s efforts to fight the pandemic and the general impression that everything is under control in China and in the rest of the world on the verge of plunging into chaos are also become a part of global expansion and contribute to the gradual formation of China’s image as a stable and an effective state, contribute to its perception as a reliable partner.

The declared reliability of the components of the BRI and a win-win situation for the involved states are still demanding finding better strategies under which the parity will be maintained, and China’s political and economic strength will be less pressing in other partners’ perception. The issue is most topical in terms of the Maritime Silk Road and the seaports involved. Seaports are long-standing points of unification and development of coastal states, the key to their stability, prosperity, and defense potential.

Therefore, narrowing states' ability to influence the operation of ports (and other transport communications) may become a deterrent factor for further BRI developments.

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Серафимов В., Стець О., Школик А. Морські порти в BRI: проблеми, рішення та нові правила. – Стаття.

У статті розглядаються шляхи підвищення ефективності проектів морських портів у рамках ініціативи “Один пояс, один шлях”. У ній враховані нові виклики та загрози, пов’язані з пандемією COVID-19 та кризою у морській галузі. Першим напрямом дослідження став аналіз сучасного етапу реалізації BRI у світовій портовій галузі, спроб посилення впливу Китайської Народної Республіки (КНР) на національні портові господарства та причин зриву запланованих великих проектів. Автори відзначають “жорсткість” “м’якої сили” Китаю у просуванні та консолідації впливу на морську портову галузь. У другій частині статті охарактеризовано сучасну практику впровадження BRI в Європі. Розглянуто позитивні та негативні аспекти співпраці Китайської Народної Республіки з країнами ЄС. Основна увага приділяється посиленню впливу регіоналізму у європейській портовій політиці за умов пандемії COVID-19. Крім того, автори вказують на закономірне поступове “охолодження” ставлення до китайських інвестиційних проектів у зв’язку з їх орієнтацією на стратегічні галузі економіки держав-членів ЄС, посилене поширенням пандемії. На основі аналізу пропонуються шляхи підвищення довіри до китайських інвестицій у європейському регіоні. Третій напрямок аналізу – зростання північного сегменту BRI, початок формування Льодового шовкового шляху та інвестиційні проекти КНР у морських портах традиційних приарктичних держав.

Ключові слова: ініціатива “Один пояс, один шлях”, порти, Морський шовковий шлях XXI століття, пандемія COVID-19, арктична політика Китаю, Північний морський шлях.

Серафимов В., Стець О., Школик А. Морские порты в BRI: проблемы, решения и новые правила. – Статья.

В статье рассматриваются пути повышения эффективности проектов морских портов в рамках инициативы “Один пояс, один путь”. В ней учтены новые вызовы и угрозы, связанные с пандемией COVID-19 и кризисом в морской отрасли. Первым направлением исследования стал анализ современ-

ного этапа реализации BRI в мировой портовой отрасли, попыток усиления влияния Китайской Народной Республики (КНР) на национальные портовые хозяйства и причин срыва запланированных крупных проектов. Авторы отмечают “жесткость” “мягкой силы” Китая в продвижении и консолидации влияния на морскую портовую отрасль. Во второй части статьи охарактеризована современная практика внедрения BRI в Европе. Рассмотрены положительные и отрицательные аспекты сотрудничества Китайской Народной Республики со странами ЕС. Основное внимание уделяется усилению влияния регионализма в европейской портовой политике в условиях пандемии COVID-19. Кроме того, авторы указывают на закономерное постепенное “охлаждение” отношения к китайским инвестиционным проектам в связи с их ориентацией на стратегические отрасли экономики государств-членов ЕС, усиленное распространением пандемии. На основе анализа предлагаются пути повышения доверия к китайским инвестициям в европейском регионе. Третье направление анализа – рост северного сегмента BRI, начало формирования Ледяного шелкового пути и инвестиционные проекты КНР в морских портах традиционных приарктических государств.

Ключевые слова: инициатива “Один пояс, один путь”, порты, Морской шелковый путь XXI века, пандемия COVID-19, арктическая политика Китая, Северный морской путь.

