

---

---

# INTERNATIONAL LAW STUDIES

*Published Since 1895*

---

## The Black Sea Grain Initiative: Russia's Strategic Blunder or Diplomatic Coup?

*Raul (Pete) Pedrozo*

100 INT'L L. STUD. 421 (2023)

Volume 100



2023

---

---

*Published by the Stockton Center for International Law*

ISSN 2375-2831

## The Black Sea Grain Initiative: Russia’s Strategic Blunder or Diplomatic Coup?

*Raul (Pete) Pedrozo\**

### CONTENTS

I.	Introduction.....	422
II.	The War and Global Supply Chains.....	422
	A. War Zones and Naval Mines.....	422
	B. Impact on Maritime Transport Sector.....	424
III.	IMO “Blue Corridor”.....	426
	A. IMO Initiative.....	426
	B. Russian Consent.....	427
IV.	Russia-Ukraine Grain Deal.....	428
	A. UN-Brokered Deals.....	428
	B. Terms of the Agreement.....	430
	C. Joint Coordination Centre.....	432
	D. Procedures for Merchant Vessels.....	433
	E. Renewal of the Agreement.....	437
V.	Russian-United Nations MOU.....	440
VI.	Tactical Success.....	441
VII.	Strategic Success.....	445
VIII.	Political Success.....	448
IX.	Conclusion.....	449

---

\* Captain Raul (Pete) Pedrozo, JAGC, U.S. Navy (Ret.), is the Howard S. Levie Professor of the Law of Armed Conflict at the Stockton Center for International Law, U.S. Naval War College. After retirement from the U.S. Navy, he was a Professor of International Law at the Naval War College and Principal Deputy Staff Judge Advocate, U.S. Indo-Pacific Command. On active duty, he served in senior positions in the Department of Defense, including Staff Judge Advocate, U.S. Pacific Command, and Special Assistant to the Under Secretary of Defense for Policy.

The thoughts and opinions expressed are those of the author and not necessarily those of the U.S. government, the U.S. Department of the Navy, or the U.S. Naval War College.

## I. INTRODUCTION

On July 22, 2022, Ukraine, the Russian Federation, Türkiye, and the United Nations signed a groundbreaking agreement to allow for the safe transport of grain, related foodstuffs, and fertilizer from three Ukrainian ports to global markets.<sup>1</sup> Concurrently, a second (lesser known) agreement was concluded between the United Nations and Russia that would allow the unimpeded export of Russian food and fertilizer (including raw materials to produce fertilizers) to world markets.<sup>2</sup> These agreements were hailed as a critical solution for the impending global food crisis and the safety and security of neutral shipping in the Black Sea resulting from the Russia-Ukraine war.<sup>3</sup> One year later, the question remains—what motivated Russia to agree to the deal? This article will evaluate whether Russia’s decision to support the UN Grain Deal (and its two subsequent renewals) was a strategic blunder or a well-informed diplomatic coup.

## II. THE WAR AND GLOBAL SUPPLY CHAINS

A. *War Zones and Naval Mines*

From the first day of the conflict, Russia’s war on Ukraine has dramatically affected commercial shipping in the Black Sea. On February 24, 2022, the Russian Agency for Maritime and River Transport (Rosmorrechflot) announced that the Russian Navy was suspending navigation in the Sea of Azov until further notice.<sup>4</sup> The following day, Russia declared a second restricted area prohibiting navigation in the northwest portion of the Black Sea

---

1. U.N. Secretary-General, *Note to Correspondents on Today’s Agreements* (July 22, 2022), <https://www.un.org/sg/en/content/sg/note-correspondents/2022-07-22/note-correspondents-today’s-agreements> [hereinafter UNSG *Note* of July 22, 2022].

2. *Id.*

3. *Id.*

4. Fatima Bahtić, *Russian Navy’s Operations Restrict Shipping in Sea of Azov Amid Conflict with Ukraine*, NAVAL TODAY (Feb. 24, 2022), <https://www.navaltoday.com/2022/02/24/russian-navys-operations-restrict-shipping-in-sea-of-azov-amid-conflict-with-ukraine/>.

north of 45° 21' “due to counterterrorist operations carried out by the Russian Navy.”<sup>5</sup> The notification further advised that ships or vessels within the restriction area would be “regarded as terrorist threats.”<sup>6</sup>

Although there is nothing illegal per se about establishing “war zones” at sea during an international armed conflict, the manner in which the zones are implemented and enforced must comply with the law of naval warfare.<sup>7</sup> In other words, establishing such a zone does not relieve Russia of its obligation to refrain from attacking protected vessels and aircraft that enter the zone that do not constitute military objectives.<sup>8</sup> During the first week of the war, there were numerous reports of neutral merchant ships being attacked without warning in the western Black Sea.<sup>9</sup> These indiscriminate attacks (purportedly by Russia) against civilian objects that were innocently employed clearly violated the principle of distinction.<sup>10</sup>

There were also reports of free-floating mines in the western Black Sea after the Estonian-owned M/V *Helt* sank after striking a mine twenty miles south of Odesa on March 3, 2022.<sup>11</sup> The presence of naval mines prompted

---

5. Message from Duty Officer, Navigation Warning Service, Dep't of Navigation and Oceanography, Russia, <https://gcaptain.com/wp-content/uploads/2022/03/Russian-gmdss-warning.jpg> (last visited June 21, 2023).

6. *Id.*

7. OFFICE OF THE GENERAL COUNSEL, U.S. DEPARTMENT OF DEFENSE, LAW OF WAR MANUAL §§ 13.9.2, 13.9.4 (rev. ed. Dec. 2016) [hereinafter DOD LAW OF WAR MANUAL].

8. *Id.* § 13.9.2.

9. M/V *Yasa Jupiter* (Feb. 24, 2022), M/V *Namura Queen* (Feb. 25, 2022), M/V *Lord Nelson* (Feb. 25, 2022), M/V *Millennial Spirit* (Feb. 25, 2022), and M/V *Banglar Samriddhi* (Mar. 2, 2022). See Raul (Pete) Pedrozo, *Russia-Ukraine Conflict: The War at Sea*, 100 INTERNATIONAL LAW STUDIES 1, 31–32 (2023).

10. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts art. 48, June 8, 1977, 1125 U.N.T.S. 3 [hereinafter AP I] (“the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives”); see also *id.* art. 52 (“Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.”); DOD LAW OF WAR MANUAL, *supra* note 7, § 2.5.2.

11. *Estonian Cargo Ship Sinks After Possible Mine Strike Near Odesa*, THE MARITIME EXECUTIVE (Mar. 3, 2022), <https://www.maritime-executive.com/article/estonian-cargoship-sinks-after-possible-mine-strike-near-odessa>.

both the NAVAREA III<sup>12</sup> coordinator—the Spanish Navy—and the NATO Shipping Centre to issue warnings advising ships to avoid navigating in the northwest, west, and southwest areas of the Black Sea.<sup>13</sup> The Russian Federal Security Service (FSB) claimed that Ukraine had laid the mines to protect their ports but the mines were now adrift in the western Black Sea after breaking loose from their moorings during a storm.<sup>14</sup> Ukrainian officials countered the FSB allegations, asserting that Russia had intentionally set the mines adrift to indiscriminately disrupt commercial shipping and discredit Ukraine.<sup>15</sup>

### B. Impact on Maritime Transport Sector

The indiscriminate attacks on neutral shipping and drifting mine reports had a chilling effect on the maritime transport sector. Ukraine imposed martial law, making the handling of containers and container ships in Ukrainian ports practically impossible.<sup>16</sup> Lacking access to the shipping routes to and from Odesa and the Sea of Azov, over two thousand seafarers were stranded

---

12. NAVAREAs are broad geographic sea areas where a designated State has responsibility for coordinating, collating, and issuing long-range navigational warnings covering the area. Int'l Maritime Org. [IMO] Res. A.706(17), ¶ 2.1.6 (Nov. 6, 1991).

13. Armada Española, Instituto Hidrográfico de la Marina, NAVAREA III Warnings in Force, No. 0092/2022, Black Sea—Northwestern Part, Mines Area, [https://armada.defensa.gob.es/ihm/Aplicaciones/Navareas/Index\\_Navareas\\_xml\\_en.html](https://armada.defensa.gob.es/ihm/Aplicaciones/Navareas/Index_Navareas_xml_en.html) (last updated Feb. 2, 2023) (scroll down and select No. 0092/2022); Armada Española, Instituto Hidrográfico de la Marina, NAVAREA III Warnings in Force, No. 0122/2022, Black Sea, Possible Drifting Mines, [https://armada.defensa.gob.es/ihm/Aplicaciones/Navareas/Index\\_Navareas\\_xml\\_en.html](https://armada.defensa.gob.es/ihm/Aplicaciones/Navareas/Index_Navareas_xml_en.html) (last updated Feb. 2, 2023); NATO SHIPPING CENTRE, *Risk of Collateral Damage in the North Western, Western, and Southwest Black Sea* (Dec. 12, 2022), <https://shipping.nato.int/nsc/operations/news/-2022/risk-of-collateral-damage-in-the-north-western-black-sea-2>.

14. Agence France-Presse, *Russia Warns of Ukrainian Mines in the Black Sea*, INQUIRER.NET (Mar. 20, 2022), <https://newsinfo.inquirer.net/1570918/russia-warns-of-ukrainian-mines-in-black-sea>; *WARNING! Real Danger at Sea: Russia Has Mined the Recommended Routes from the Bosphorus to Odessa, Blaming it on Ukraine*, BLACK SEA NEWS (Mar. 19, 2022), <https://www.blackseanews.net/en/read/186754>.

15. *Ukraine Accuses Russia of Setting Stolen Mines Adrift in the Black Sea*, THE MARITIME EXECUTIVE (Mar. 30, 2022), <https://www.maritime-executive.com/article/ukraine-accuses-russia-of-setting-stolen-mines-adrift-in-the-black-sea>.

16. Deputy Minister of Infrastructure of Ukraine Yurii Vaskov, Letter of the Ministry of Infrastructure of Ukraine No. 933/46/14-22 (Mar. 2, 2022), <https://mcusercontent.com/1ff469c1a6a4f6a4066b8dd2d/images/9d157184-c7c7-af6f-bf3e-8b04f71b0410.jpg>.

aboard ninety-four vessels in Ukrainian ports at the outset of the war.<sup>17</sup> As a result, most large shipping companies suspended shipments to and from Ukraine and Russia, forcing ship operators to redirect freight transport and divert vessels.<sup>18</sup> For example, the Republic of the Marshall Islands Maritime Administrator issued a ship security advisory warning Marshall Islands-flagged vessels that (1) access to the Sea of Azov and the northwest Black Sea north of 45° 21' was blocked by Russian forces, (2) all Ukrainian ports were closed and ships were not permitted to enter or leave port, and (3) transit in these areas should be avoided.<sup>19</sup>

The closure of the Ukrainian ports and curtailment of maritime logistics throughout the region caused serious disruptions in global supply chains, raising fears of an international food crisis. Ukraine and Russia are breadbaskets of the world, accounting for nearly 12 percent of food calories globally.<sup>20</sup> Together they produce “almost one-third of the world’s wheat and barley” and half of the world’s sunflower oil, while Russia is also a world-leading “exporter of fertilizers and the raw materials for its production.”<sup>21</sup> Much of Ukraine’s grain and oilseed is destined for African, Chinese, European, and Middle Eastern markets, with over 90 percent of these agricultural products—about six million tons per month—being transported by sea.<sup>22</sup> Given the volume of goods exported, alternative routes by road and rail do not provide an adequate solution. As a result, the International Maritime Organization (IMO) called on the parties to the conflict to establish a safe maritime corridor to unblock trade routes and seaports in the Black Sea and resume international trade.<sup>23</sup>

---

17. Karin Jacobs, *Russia’s War on Ukraine: Maritime Logistics and Connectivity*, EUROPEAN PARLIAMENTARY RESEARCH SERVICE (July 2022), [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/733603/EPRS\\_ATA\(2022\)733603\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/733603/EPRS_ATA(2022)733603_EN.pdf).

18. *Id.*

19. Maritime Administrator, Republic of the Marshall Islands, Ship Security Advisory No. 02-22 (Rev. 9), Geopolitical Conflict—Ukraine, Black Sea, Sea of Azov (Aug. 10, 2022), <https://www.register-iri.com/wp-content/uploads/SSA-2022-02.pdf>.

20. Jacobs, *supra* note 17.

21. UNSG Note of July 22, 2022, *supra* note 1.

22. *Id.*

23. *Id.*

## III. IMO “BLUE CORRIDOR”

## A. IMO Initiative

On March 10 and 11, 2022, the IMO convened an extraordinary session of its Council (C/ES.35) to address the impacts of the Russia-Ukraine War on international shipping and seafarers in the Black Sea and the Sea of Azov. The Council, *inter alia*,

5. deplored the attacks of the Russian Federation aimed at commercial vessels . . . , threatening the safety and welfare of seafarers and the marine environment;

6. demanded that the Russian Federation cease its unlawful activities to ensure the safety and welfare of seafarers and the security of international shipping and the marine environment in all affected areas . . . ;

7. underscored the paramount importance of preserving the safety and welfare of seafarers . . . ;

8. underscored the need to preserve the security of international shipping and the maritime community, and the supply chains that sustain other nations, as well as supply chains providing necessary food and medicines to the people of Ukraine;

9. recalled the statement of the IMO Secretary-General . . . which expresses his grave concern regarding the spillover effects of the military action in Ukraine on global shipping, and logistics and supply chains, in particular the impacts on the delivery of commodities and food to developing nations and the impacts on energy supplies.<sup>24</sup>

Accordingly, the Council decided:

to encourage the establishment, as a provisional and urgent measure, of a blue safe maritime corridor to allow the safe evacuation of seafarers and ships from the high-risk and affected areas in the Black Sea and the Sea of Azov to a safe place in order to protect the life of seafarers, ensure the mobilization and commercial navigation of vessels intending to use this corridor by avoiding military attacks and protecting and securing the maritime domain.<sup>25</sup>

---

24. IMO, IMO Council Decisions on Black Sea and Sea of Azov Situation (Mar. 11, 2022), <https://www.imo.org/en/MediaCentre/PressBriefings/pages/ECSSstatement.aspx>.

25. *Id.*

Additionally, the Council proposed several steps to “reduce the suffering of seafarers and their families.”<sup>26</sup> These included, *inter alia*, measures urging:

- (1) as a priority, ships should be allowed to sail from the ports of Ukraine at the earliest opportunity without threat of attack;
- (2) for those ships that cannot leave immediately, or where it would be unsafe to do so due to the presence of sea mines or other hazards, humanitarian corridors should be set up that enable the safety of seafarers by allowing them to leave the conflict zone and return home, as appropriate.<sup>27</sup>

Although the law of armed conflict does not expressly provide for the establishment of humanitarian corridors during international armed conflicts, belligerents may mutually agree to allow for the safe passage of civilians, those hors de combat, or humanitarian relief supplies through a specific geographic area for a limited time. Such corridors have been negotiated with the assistance of the International Committee of the Red Cross (ICRC) in past conflicts, such as the Spanish Civil War, the Indonesian War of Independence, and the Syrian Civil War.<sup>28</sup> To succeed, the parties to the conflict must mutually agree to the precise terms, location, conditions of use, and duration of the corridor. Additionally, the belligerents should guarantee that they will suspend the use of force within the boundaries of the corridor during the specified agreed duration.

#### *B. Russian Consent*

Surprisingly, the IMO Secretary-General’s proposal was met with a positive response from the Russian Federation. Russia informed the IMO that it was prepared to establish a humanitarian corridor on March 27 to ensure safe passage for merchant vessels from the Ukrainian ports of Chernomorsk, Kherson, Mykolaiv, Ochakov, Odesa, and Yuzhne.<sup>29</sup> The proposed eighty-mile-long, three-mile-wide maritime traffic lane would begin at an assembly

---

26. *Id.*

27. *Id.*

28. INT’L COMM. OF THE RED CROSS, HOW HUMANITARIAN CORRIDORS WORK TO HELP PEOPLE IN CONFLICT ZONES (June 3, 2022), <https://www.icrc.org/en/document/how-humanitarian-corridors-work>.

29. IMO, Circular Letter No. 4543, Communication from the Government of the Russian Federation (Mar. 28, 2022), [https://armatorlerbirligi.org.tr/wp-content/uploads/2022/03/IMO\\_SIRKULER\\_NO.-4543.pdf](https://armatorlerbirligi.org.tr/wp-content/uploads/2022/03/IMO_SIRKULER_NO.-4543.pdf).



area just outside the Ukrainian territorial sea southeast of Odesa and continue to the south to an exit area in international waters. Russian authorities indicated that the corridor would remain open daily from 8 a.m. to 7 p.m. and requested Ukraine “provide for the safety and security of the merchant vessels and their crews transiting to the assembly area.”<sup>30</sup>

The Russian proposal ostensibly would have guaranteed neutral shipping and their crews, stranded in Ukrainian ports at the beginning of the war, safe passage through the restricted area in the northwest portion of the Black Sea. This would appear to be consistent with Russia’s obligations under the law of naval warfare. Namely, in establishing a restricted war zone, Russia may not unreasonably interfere with legitimate neutral commerce and must refrain from attacking neutral vessels within the zone that do not constitute military objectives. Moreover, unless military requirements do not permit, Russia must also provide safe passage through the zones for neutral shipping where normal navigation routes are affected.<sup>31</sup>

Nonetheless, for unspecified reasons, Ukraine did not agree with the Russian plan. Ukrainian officials likely questioned whether Russia would provide safe passage for the stranded ships once they were no longer under Ukrainian control. Moreover, given Russian attacks on neutral shipping in the Black Sea at the outset of the hostilities and the continued presence of drifting sea mines, the shipping industry may have also been skeptical that Russia would guarantee safe passage through the corridor.

#### IV. RUSSIA-UKRAINE GRAIN DEAL

##### A. UN-Brokered Deals

Following the collapse of the IMO initiative, the UN Secretary-General traveled to Moscow and Kyiv in April 2022 to propose a plan to facilitate full access to world markets for Ukrainian food stocks and Russian food and fertilizers, the latter having been targeted by Western sanctions. After three months of intense negotiations, representatives from Ukraine, the Russian Federation, Türkiye, and the United Nations signed an initiative in Istanbul establishing a “mechanism for the safe transportation of grain, related food-

---

30. *Id.*

31. U.S. NAVY, U.S. MARINE CORPS & U.S. COAST GUARD, NWP 1-14M/MCTP 11-10B/COMDTPUB P5800.7A, THE COMMANDER’S HANDBOOK ON THE LAW OF NAVAL OPERATIONS, ¶ 7.9 (2022) [hereinafter NWP 1-14M (2022)].

stuffs and fertilizer from Ukrainian ports [Odesa, Chornomorsk, and Yuzhny] to global markets.”<sup>32</sup> The UN-brokered initiative seeks to “contribute to the prevention of global hunger, . . . reduce and address global food insecurity, and . . . ensure the safety and security of merchant ships entering or departing Ukrainian ports.”<sup>33</sup>

The initiative also established a Joint Coordination Centre (JCC) in Istanbul under the auspices of the United Nations, with representatives from Ukraine, Russia, Türkiye, and the United Nations to facilitate its implementation. The JCC is responsible for

- monitoring “the movement of commercial vessels to ensure compliance with the Initiative;”
- focusing “on export of bulk commercial grain and related food commodities only;”
- ensuring “the on-site control and monitoring of cargo from Ukrainian ports;” and
- reporting on “shipments facilitated through the Initiative.”<sup>34</sup>

Non-food exports from the Ukraine and food exports from other countries are not included in the initiative.

Simultaneously, the United Nations concluded a separate agreement with Russia outlining the scope of UN engagement “to facilitate the unimpeded exports to world markets of Russian food and fertilizer—including the raw materials required to produce fertilizers.”<sup>35</sup> This second agreement is based on the understanding that sanctions imposed on Russia will not apply to these products.

Together, these agreements are expected to reverse the impending global food crisis, “calm commodity markets, lower prices, and provide critical relief to the most vulnerable people and countries” affected by an unprecedented cost-of-living crisis.<sup>36</sup> Further, the Russian agreement was crafted to deal with a growing “turmoil in the global fertilizer market” threatening future crops.<sup>37</sup>

---

32. UNSG *Note* of July 22, 2022, *supra* note 1.

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.*

37. *Id.*

Note that the location of the humanitarian corridor is further to the west than the IMO blue corridor and provides a safer and more direct route from Ukrainian ports to the Bosphorus Strait. The humanitarian corridor is also within range of shore-based automatic identification system (AIS) stations capable of receiving AIS transmissions, such as the ship's identity, type, position, course, speed, navigational status, and other safety-related ship information.<sup>38</sup>

### B. *Terms of the Agreement*

The UN-brokered initiative aims “to facilitate the safe navigation for the export of grain and related foodstuffs and fertilizers, including ammonia,” from the Ukrainian ports of Odesa, Chernomorsk, and Yuzhny.<sup>39</sup> To ensure safe navigation for vessels carrying grain, other foodstuffs and fertilizers (including ammonia), the parties—Türkiye, Russia, and Ukraine—agreed to “provide maximum assurances regarding a safe and secure environment for all vessels engaged in this Initiative.”<sup>40</sup>

Based in Türkiye, inspection teams consist of representatives from all the parties and the UN. They are responsible for ensuring that there is no unauthorized contraband or persons on board vessels inbound to or outbound from Ukrainian ports. Vessels taking part in the initiative are subject to inspection in harbors “determined by Türkiye at the entry/exit to/from the Turkish strait.”<sup>41</sup> Vessels may not enter Ukrainian ports unless they have been inspected and registered in the JCC and are monitored for the duration of their voyage. Consistent with the international law of the sea, the initiative recognizes “all activities in Ukrainian territorial waters will be under authority and responsibility of Ukraine.”<sup>42</sup>

---

38. U.N. Black Sea Grain Initiative Joint Coordination Centre, *Additional Resources*, <https://www.un.org/en/black-sea-grain-initiative/resources> (last visited June 21, 2023); *Russia Promises Black Sea Safe Corridor to Evacuate Seafarers and Ships from Ukraine*, SHIPPING AUSTRALIA (June 10, 2022), <https://www.shippingaustralia.com.au/russia-promises-black-sea-safe-corridor-to-evacuate-seafarers-and-ships-from-ukraine/>.

39. Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports ¶ 3, (July 22, 2022), [https://www.un.org/sites/un2.un.org/files/black\\_sea\\_grain\\_initiative\\_full\\_text.pdf](https://www.un.org/sites/un2.un.org/files/black_sea_grain_initiative_full_text.pdf) [hereinafter UN Initiative 2022].

40. *Id.* ¶ 5.

41. *Id.*

42. *Id.*; see United Nations Convention on the Law of the Sea arts. 2, 21, 25, Dec. 10, 1982, 1833 U.N.T.S. 397 [hereinafter UNCLOS].

The parties agreed that the inspection regime would be based on Chapter XI-2 of the Safety of Life at Sea Convention (SOLAS). Regulation XI-2/11 provides that “Contracting Governments may, when implementing this chapter and part A of the ISPS Code, conclude in writing bilateral or multi-lateral agreements with other Contracting Governments on alternative security arrangements covering short international voyages on fixed routes between port facilities located within their territories.”<sup>43</sup> Paragraph B/4.26 of the International Code for the Security of Ships and Port Facilities (ISPS Code) similarly provides that “Contracting Governments, in considering how to implement chapter XI-2 and part A of this Code, may conclude one or more agreements with one or more Contracting Governments.”<sup>44</sup> Such agreements are “limited to short international voyages on fixed routes between port facilities in the territory of the parties to the agreement.”<sup>45</sup> Moreover,

[s]hips flying the flag of a State that is not party to the agreement should only be allowed to operate on the fixed routes covered by the agreement if their Administration agrees that the ship should comply with the provisions of the agreement and requires the ship to do so.<sup>46</sup>

Ships covered by the alternate agreement shall “not conduct ship-to-ship activities with ships” not covered by the agreement.<sup>47</sup>

The parties further agreed not to attack merchant vessels, other civilian vessels, and port facilities engaged in the initiative. Additionally, given the potential threat of free-floating mines, if demining is required, “a minesweeper of another country, agreed by the Parties, shall sweep the approaches to Ukrainian ports, as necessary.”<sup>48</sup> To preclude any misunderstandings or unintended consequences, “the movement of vessels transiting

---

43. International Convention for the Safety of Life at Sea annex, ch. XI-2, reg. 11, Nov. 1, 1974, 32 U.S.T. 47, 1184 U.N.T.S. 2.

44. Resolutions of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea 1974, adopted Dec. 12, 2002, Conference resolution 2, Annex: International Code for the Security of Ships and of Port Facilities, pt. B, ¶ 4.26 [hereinafter ISPS Code].

45. *Id.*

46. *Id.*

47. *Id.*

48. UN Initiative 2022, *supra* note 39, ¶ 5.

the maritime humanitarian corridor will be monitored by the Parties remotely.”<sup>49</sup> Additionally, “military ships, aircraft, [and] unmanned aerial vehicles (UAV) may [not] approach the maritime humanitarian corridor closer than a distance agreed by the JCC, without the authorization of the JCC, and after consultation with all Parties.”<sup>50</sup> Depending on its location, should any suspicious activities, non-compliance with the rules, or emergencies occur on a vessel transiting the maritime humanitarian corridor, upon a request by a party to the JCC, the parties are to provide the required assistance to the crew or conduct an inspection of the vessel against the security guarantees (consistent with the international law of the sea).<sup>51</sup>

The initiative had an initial term of 120 days from the date of signature (July 22, 2022). Its terms allow automatic extension for another 120 days unless one of the parties notifies the other of the intent to terminate the initiative or to modify it.

### C. Joint Coordination Centre

The JCC was established on July 27, 2022, and has facilitated over 1,600 secure vessel voyages through the Black Sea as of March 2023.<sup>52</sup> These transits have allowed Ukraine to export nearly 24.5 million tons of grain and food products, including over 325 thousand tons of wheat shipped by the World Food Programme during the first 120 days of the initiative to support its humanitarian operations worldwide.<sup>53</sup> Of the 24.5 million tons of food exports, 55 percent has gone to developing nations.<sup>54</sup> Moreover, according to

---

49. *Id.*

50. *Id.*

51. *Id.*

52. U.N. Office For the Coordination of Humanitarian Affairs, *Note to Correspondents on the Black Sea Grain Initiative and the Memorandum of Understanding with the Russian Federation* (Mar. 13, 2023), <https://www.unocha.org/story/note-correspondents-black-sea-grain-initiative-and-memorandum-understanding-russian-federation> [hereinafter UNOCHA *Note* of Mar. 13, 2023].

53. U.N. Black Sea Grain Initiative Joint Coordination Centre, *Joint Coordination Centre*, <https://www.un.org/en/black-sea-grain-initiative/background>; U.N. Black Sea Grain Initiative Joint Coordination Centre, *Vessel Movements*, <https://www.un.org/en/black-sea-grain-initiative/vessel-movements> (last visited June 21, 2023) [hereinafter JCC *Vessel Movements*].

54. UNOCHA *Note* of Mar. 13, 2023, *supra* note 52.

the Food and Agriculture Organization (FAO) Food Price Index, implementation of the initiative has “helped reduce global food . . . and cereal prices for [ten] consecutive months” following record high prices in March 2022.<sup>55</sup>

*D. Procedures for Merchant Vessels*

The initiative only applies to exports of foodstuffs from Ukrainian ports—it does not authorize the importation of cargo into Ukraine.<sup>56</sup> When participating in the initiative, all ships shall transmit on AIS at all times.<sup>57</sup> All operations under the initiative shall be coordinated by Türkiye, Russia, Ukraine, and the UN through the JCC.<sup>58</sup> All vessels shall be at Maritime Security (MARSEC) level 3 and be prepared for inspection by the time they arrive at the Turkish Inspection Area.<sup>59</sup> Vessels transiting the maritime humanitarian

---

55. U.N. Black Sea Grain Initiative Joint Coordination Centre, *Frequently Asked Questions*, <https://www.un.org/en/black-sea-grain-initiative/faq> (last visited June 21, 2023); UNOCHA *Note* of Mar. 13, 2023, *supra* note 52.

56. Black Sea Grain Initiative—Procedures for Merchant Vessels, ¶ 4, [https://www.un.org/sites/un2.un.org/files/jcc\\_shipping\\_procedures\\_26\\_aug\\_2022.pdf](https://www.un.org/sites/un2.un.org/files/jcc_shipping_procedures_26_aug_2022.pdf) (last visited June 21, 2023) [hereinafter *Black Sea Grain Initiative Procedures*].

57. *Id.* ¶ 5. *See also* International Convention for the Safety of Life at Sea (SOLAS), annex, ch. V, reg. 19, ¶ 2.4, Nov. 1, 1974, 32 U.S.T. 47, 1184 U.N.T.S. 2 (requiring “All ships of 300 gross tonnage and upwards engaged on international voyages and cargo ships of 500 gross tonnage and upwards not engaged on international voyages and passenger ships irrespective of size shall be fitted with an automatic identification system (AIS).” AIS shall “.1 provide automatically to appropriately equipped shore stations, other ships and aircraft information, including the ship’s identity, type, position, course, speed, navigational status and other safety-related information; .2 receive automatically such information from similarly fitted ships; .3 monitor and track ships; and .4 exchange data with shore-based facilities.”).

58. *Black Sea Grain Initiative Procedures*, *supra* note 56, ¶ 6.

59. *Id.* ¶ 7. The ISPS Code is a comprehensive set of measures to enhance the security of ships and port facilities, developed in response to the perceived threats to ships and port facilities after the 9/11 attacks in the United States. The Code is implemented through chapter XI-2 of SOLAS. MARSEC levels are set to reflect the prevailing threat environment to the marine elements of the national transportation system, including ports, vessels, facilities, and critical assets and infrastructure located on or adjacent to waters subject to the jurisdiction of the coastal State. MARSEC Level 3 means the level for which further specific protective security measures shall be maintained for a limited period of time when a transportation security incident is probable, imminent, or has occurred, although it may not be possible to identify the specific target. ISPS Code, *supra* note 44, pt. A, ¶ 2.1.11; U.S. DEPARTMENT OF HOMELAND SECURITY, UNITED STATES COAST GUARD, *U.S. Coast Guard Maritime Security (MARSEC) Levels*, <https://www.uscg.mil/what-is-marsec/> (last visited June 21, 2023).

corridor are protected by a buffer zone, which is a circle, ten nautical miles in radius based on the centerline of the corridor that moves along with the vessel.<sup>60</sup> Military ships, aircraft, and unmanned aerial vehicles are prohibited from entering the buffer zone.<sup>61</sup> Provocations or threats against vessels transiting the corridor should be immediately reported to the JCC.<sup>62</sup>

The JCC provides vessel movement information in the corridor to the three parties, who in turn will transmit that information to their respective military authorities to prevent incidents.<sup>63</sup> If one of the parties informs the JCC of a potential threat to a merchant vessel in the corridor (e.g., military action in the area), the JCC may take action to ensure the safety of the vessel.<sup>64</sup> If Ukrainian authorities are informed of a change in the time or date of the approach of a vessel to the Turkish Inspection Area, they shall notify the JCC.<sup>65</sup> If weather conditions do not “allow for inspections in one of the Turkish Inspection Areas, vessels will receive instructions on inspection from the Istanbul Port Authority.”<sup>66</sup>

Vessels intending to load in one of the three designated Ukrainian ports follow their standard operating procedures for arrival and departure at the ports, and “Ukrainian authorities will submit their pre-arrival form to the JCC no later than eight hours after receipt.”<sup>67</sup> No later than twenty-four hours before a vessel arrives at the Turkish Inspection Area, “Ukrainian authorities will submit their plan for vessels approved to arrive in the Ukrainian ports to the JCC,” after which the JCC arranges for the inspection of the vessels at the Turkish Inspection Area.<sup>68</sup> Once an inspection is complete, the JCC informs Ukrainian authorities of the results of the examination. If a vessel is not cleared for transit, the JCC is to immediately notify Ukrainian authorities so that arrival schedules can be adjusted.<sup>69</sup>

After a vessel arrives at the Turkish Inspection Area, the JCC inspection team embarks and conducts an inspection of the vessel to confirm the absence of unauthorized cargoes and personnel (i.e., “that the vessel is in ballast

---

60. Black Sea Grain Initiative Procedures, *supra* note 56, ¶¶ 8, 8.1.

61. *Id.* ¶ 8.2.

62. *Id.* ¶ 8.3.

63. *Id.* ¶ 9.

64. *Id.*

65. *Id.* ¶ 10.

66. *Id.*

67. *Id.* ¶ 13.

68. *Id.* ¶ 14.

69. *Id.* ¶ 15.

and holds empty”).<sup>70</sup> Upon completion of the inspection, the inspection team reports whether the vessel is “Cleared/Not Cleared to Proceed” to the JCC, which in turn communicates “Approved/Not Approved to Proceed” to the vessel and the Istanbul Port Authority.<sup>71</sup> Cleared inbound vessels will proceed and be monitored while transiting the maritime humanitarian corridor.<sup>72</sup> Note that “inbound vessels entering the [Ukrainian territorial seas] Holding Area must embark a pilot and seek instructions from Ukrainian authorities prior to entering.”<sup>73</sup>

A vessel will not be cleared for transit if it: (1) submits false information regarding cargo and personnel; (2) is carrying unauthorized cargo or personnel; or (3) fails to transmit an AIS signal.<sup>74</sup> Additionally, clearance is revoked if a vessel (1) deviates from the maritime humanitarian corridor (except to enter the Southern Waiting Area); (2) conducts a ship-to-ship transfer; or (3) conducts an unauthorized stop while transiting the corridor.<sup>75</sup> Vessels that are not cleared to proceed receive instructions from the JCC on “additional procedures and measures.”<sup>76</sup>

For outbound vessels, Ukrainian authorities are to submit a departure plan by noon each day (for the following day) for approval by the JCC. The JCC returns the plan and communicates “Approved/Not Approved to Proceed” to Ukrainian authorities by 1600 each day.<sup>77</sup> Ukrainian authorities are to inform the JCC if any vessel departures are delayed.<sup>78</sup> Outbound vessels are monitored as they transit to the Turkish Inspection Area and contact the Istanbul Port Authority to request permission to enter the area and await inspection.<sup>79</sup> Upon completion of the inspection, the inspection team reports “Cleared/Not Cleared to Proceed” to the JCC.<sup>80</sup> For outbound vessels, only the following cargoes are authorized: (a) grains; (b) other foodstuffs, as authorized by the JCC; and (c) fertilizer, including ammonia.<sup>81</sup> The JCC then reviews the inspection report and informs the vessel and the Istanbul Port

---

70. *Id.* ¶ 16.

71. *Id.* ¶¶ 17, 18.

72. *Id.* ¶ 19.

73. *Id.* ¶ 20.

74. *Id.* ¶¶ 18.1–18.3.

75. *Id.* ¶ 18.4.

76. *Id.* ¶ 18.

77. *Id.* ¶ 21.

78. *Id.* ¶ 22.

79. *Id.* ¶ 23.

80. *Id.* ¶ 24.

81. *Id.* ¶ 24.2.



Authority that the vessel is “Cleared/Not Cleared to Proceed.”<sup>82</sup> If cleared to proceed, the vessel will continue its transit to its destination.

“For vessels inbound to Ukrainian ports, inspection should be conducted only after the vessel has completed all actions,” to include (1) bunkering; (2) crew change; (3) receipt of supplies; and (4) hull cleaning.<sup>83</sup> For outbound vessels from Ukrainian ports, an inspection must be conducted “before the vessel performs any of the actions listed above while in the Turkish Inspection Area.”<sup>84</sup>

If a vessel is not approved to proceed, it will receive direction from the JCC on “additional procedures and measures.”<sup>85</sup> A vessel will not be cleared to proceed if it: (1) submits false information regarding cargo, crew, or passengers; (2) is carrying unauthorized cargo, crew, or passengers; or (3) fails to transmit an AIS signal.<sup>86</sup> Additionally, any vessel “deviating from the Maritime Humanitarian Corridor (except to enter the Southern Waiting Area), conducting a ship-to-ship transfer, or conducting an unauthorized stop while transiting the corridor may be subject to additional measures.”<sup>87</sup>

“To avoid the danger of floating mines or misidentification in the zone of military activities,” vessels should plan to transit the maritime humanitarian corridor during maximum daylight hours (i.e., between 0500 and 2100).<sup>88</sup> The vessel shall remain within the high seas corridor at all times and “display the appropriate lights or day shapes for a vessel restricted in its ability to maneuver (COLREG Rule 27) while transiting in the corridor.”<sup>89</sup> If a vessel transits the corridor at nighttime or in restricted visibility, it should illuminate its deck lighting.<sup>90</sup> Inbound vessels shall maintain a sharp lookout for floating hazards when transiting the high seas corridor and will “proceed, without deviation, to the Ukrainian Territorial Seas Holding Area.”<sup>91</sup> “The Southern Waiting Area may be used by inbound vessels to await 0500 before commencing the transit.”<sup>92</sup> Upon departing Ukrainian territorial seas, outbound

---

82. *Id.* ¶ 25.

83. *Id.* ¶ 30.

84. *Id.*

85. *Id.* ¶ 25.

86. *Id.* ¶¶ 24.1–24.3.

87. *Id.* ¶ 24.4.

88. *Id.* ¶ 26.

89. *Id.* ¶ 27; Convention on International Regulations for Preventing Collisions at Sea, r. 2, Oct. 20, 1972, 28 U.S.T. 3459, T.I.A.S. 8587, 1050 U.N.T.S. 17.

90. Black Sea Grain Initiative Procedures, *supra* note 56, ¶ 27.

91. *Id.* ¶ 28.

92. *Id.*

vessels “should proceed through the Entrance to the Ukrainian Territorial Seas area to point JE, the entrance to the High Seas Corridor” while maintaining a sharp lookout for floating hazards.<sup>93</sup>

*E. Renewal of the Agreement*

Between August 1 and October 24, 2022, the JCC enabled the movement of more than 8.5 million metric tons of foodstuffs under the Black Sea Grain Initiative.<sup>94</sup> Despite the initiative’s success and Russia’s cooperation within the JCC to facilitate the transport of foodstuffs from Ukraine to foreign markets, Ukrainian forces unexpectedly carried out an unprecedented large-scale drone attack against the Russian Black Sea Fleet in Sevastopol on October 29, 2022. Although most of the drones were purportedly destroyed by Russian forces before reaching their objective, the Black Sea Fleet flagship, *Admiral Makarov*, sustained minor damage during the attack.<sup>95</sup>

The following day, Russia understandably informed the JCC that it was suspending its participation in the implementation of the grain deal.<sup>96</sup> Upon further consideration and discussions with the UN, Russia agreed to resume its participation in the initiative on November 2, 2022.<sup>97</sup> As a result, by November 18, 2022, nearly three million additional metric tons of grains and foodstuffs were moved from Ukrainian ports in the Black Sea, bringing the total amount of exports under the initiative up to 11.2 million metric tons.<sup>98</sup>

---

93. *Id.* ¶ 29.

94. U.N. Black Sea Grain Initiative Joint Coordination Centre, *Information Note on the Backlog of Vessels* (Oct. 24, 2022), <https://www.un.org/en/black-sea-grain-initiative/information-note-24-october-2022>.

95. Hugo Bachecha & James Gregory, “Massive” Drone Attack on Black Sea Fleet—Russia, BBC NEWS (Oct. 29, 2022), <https://www.bbc.com/news/world-europe-63437212>; H. I. Sutton, *Russian Navy Pulls Warships from Black Sea into Port After Attacks*, USNI NEWS (Nov. 7, 2022), <https://news.usni.org/2022/11/07/russian-navy-pulls-warships-from-black-sea-into-port-after-attacks>.

96. U.N. Black Sea Grain Initiative Joint Coordination Centre, *Information Note from the United Nations Secretariat at the Joint Coordination Centre* (Oct. 30, 2022), <https://www.un.org/en/black-sea-grain-initiative/information-note-30-october-2022>.

97. Heather Mongilio, *Russia Resumes Participation in Grain Deal After Sevastopol Attack*, USNI NEWS (Nov. 2, 2022), <https://news.usni.org/2022/11/02/russia-resumes-participation-in-grain-export-deal-after-sevastopol-attack>.

98. U.N. Black Sea Grain Initiative Joint Coordination Centre, *Information Note from the United Nations Secretariat at the Joint Coordination Centre* (Nov. 1, 2022), <https://www.un.org/en/black-sea-grain-initiative/information-note-1-november-2022>; Heather Mongilio,

The parties agreed to extend the initiative for an additional 120 days on November 18.<sup>99</sup> The UN Secretary-General embraced the extension:

I welcome the agreement by all parties to continue the Black Sea Grain Initiative to facilitate the safe navigation of export of grain, foodstuffs, and fertilizers from Ukraine. The United Nations is fully committed to supporting the Joint Coordination Centre so that this vital supply line continues to function smoothly. The United Nations is also fully committed to removing the remaining obstacles to exporting food and fertilizers from the Russian Federation. Both agreements signed in Istanbul three months ago are essential to bring down the prices of food and fertilizer and avoid a global food crisis. The Black Sea Grain Initiative continues to demonstrate the importance of discreet diplomacy in the context of finding multilateral solutions.<sup>100</sup>

Although the Ukrainian drone assault may have had a short-lived psychological effect on the Black Sea Fleet,<sup>101</sup> the attack was of limited military success from a tactical perspective and could have resulted in Russia terminating the Grain Deal. The attack also opened the door for Russia to shape public opinion, both domestically and internationally, by engaging in media warfare. By agreeing to renew the grain initiative despite the attack, Russia was able to portray itself as a benevolent actor concerned with resolving the global food crisis, particularly in developing and the least developed nations.

On March 13, 2023, Martin Griffiths, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, and Rebeca Grynspan, Secretary-General of the UN Conference on Trade and Development, met in Geneva with the Russian delegation led by Deputy Foreign Minister Sergey Vershinin to discuss a second extension of the grain initiative. Noting that the FAO food price index had decreased for ten consecutive months since reaching a record high in March 2022, the UN Secretary-General expressed “that the UN remains fully committed to the Black Sea

---

*Black Sea Grain Deal Extended by Another Four Months*, USNI NEWS (Nov. 18, 2022), <https://news.usni.org/2022/11/18/black-sea-grain-deal-extended-by-another-four-months>.

99. Mongilio, *supra* note 97.

100. U.N. Secretary-General, *Statement of the Secretary-General—On the Renewal of the Black Sea Grain Initiative* (Nov. 17, 2022), <https://www.un.org/sg/en/content/sg/statement/2022-11-17/statement%20of%20the-secretary-general-%E2%80%93-the-renewal-of-the-black-sea-grain-initiative%20> [hereinafter UNSG *Statement* of Nov. 17, 2022].

101. Bacheva & Gregory, *supra* note 95; H. I. Sutton, *Russian Navy Pulls Warships from Black Sea into Port After Attacks*, USNI NEWS (Nov. 7, 2022), <https://news.usni.org/2022/11/07/russian-navy-pulls-warships-from-black-sea-into-port-after-attacks>.

Grain Initiative, as well as to efforts to facilitate the export of Russian food and fertilizer.”<sup>102</sup> According to the UN, since August 2022, the Black Sea Grain Initiative has allowed for the export of over twenty-four million metric tons of “grains [to forty-five countries] and over 1,600 secure vessel voyages through the Black Sea with 55 per cent of food exports going to developing countries.”<sup>103</sup>

Following the meeting, Russia announced that it was prepared to extend the grain initiative, but only for sixty days. Noting that the continuation of the initiative was crucial for global food security (especially in developing countries), the Secretary-General indicated that, although meaningful progress had been made, obstacles remain (regarding payment systems). Nonetheless, the Secretary-General remained committed to overcoming those obstacles. In this regard, the UN teams would do “everything possible to ensure continuity of the Initiative [for 120 days]” and would spare no effort to facilitate the export of Russian food and fertilizer.<sup>104</sup> On March 18, 2023, the UN officially announced that the initiative had been extended.<sup>105</sup>

It is unclear, however, how long the initiative has been extended. Although Ukraine indicated that the agreement was extended for 120 days, Russian officials stated that renewal of the agreement for the full 120 days was dependent “on the removal of some Western Sanctions,” in particular “restrictions on payments, logistics, and insurance industries,” which continue to pose a barrier to shipments of Russian food and fertilizers.<sup>106</sup>

Russia’s UN Ambassador, Vassily Nebenzia, recently claimed that his country’s memorandum of understanding with the United Nations is “simply not working” and that Russia lacks the “leverage to exempt Russian

---

102. U.N. Office for the Coordination of Humanitarian Affairs, *Note to Correspondents on the Black Sea Grain Initiative and the Memorandum of Understanding with the Russian Federation* (Mar. 13, 2023), <https://www.unocha.org/story/note-correspondents-black-sea-grain-initiative-and-memorandum-understanding-russian-federation> [hereinafter UNOCHA *Note* of Mar. 13, 2023]

103. *Id.*

104. *Id.*; U.N. Secretary-General, *Note to Correspondents—On Black Sea Grain Initiative* (Mar. 14, 2023), <https://www.un.org/sg/en/content/sg/note-correspondents/2023-03-14/note-correspondents-black-sea-grain-initiative>.

105. U.N. Secretary-General, *Note to Correspondents—On the Extension of the Black Sea Grain Initiative* (Mar. 18, 2023), <https://www.un.org/sg/en/content/sg/note-correspondents/2023-03-18/note-correspondents-the-extension-of-the-black-sea-grain-initiative> [hereinafter UNSG *Note to Correspondents* of Mar. 18, 2022].

106. Huseyin Hayatsever & Michelle Nichols, *Ukraine Black Sea Grain Deal Extended for at Least 60 Days*, REUTERS (Mar. 18, 2023), <https://www.reuters.com/markets/commodities/black-sea-grain-deal-extended-turkey-ukraine-say-2023-03-18/>.

agricultural export operations from Western sanctions.” Moreover, Nebenzia claimed that the grain deal has “been transformed from a humanitarian initiative to help developing countries facing escalating food prices to a commercial operation benefiting the world’s four leading Western agro-business corporations.” As a result, Moscow officially notified Türkiye and Ukraine that it is only willing to extend the grain initiative for sixty days, until May 18. If the West wants to continue exporting grain through the humanitarian corridor, Russia said it has “two months to exempt from . . . sanctions the entire chain of operations which accompany the Russian agricultural sector.”<sup>107</sup> On May 8, Russia refused to register any more incoming vessels, thus effectively stopping the grain initiative.<sup>108</sup> Each renewal of the initiative thus provides Russia the opportunity to make additional demands on the West.

#### V. RUSSIA-UNITED NATIONS MOU

A memorandum of understanding (MOU) between Russia and the UN Secretariat was also signed on July 22, 2022.<sup>109</sup> Russia agreed to “continue commercial supplies of food and fertilizers to the countries in need of such products” from Russia and to “facilitate the unimpeded export of food, sunflower oil, and fertilizer from Ukrainian controlled Black Sea ports.”<sup>110</sup> Russia also agreed to inform the UN of any “impediments to access of food and fertilizers, including the raw materials required to produce fertilizers.”<sup>111</sup>

For its part, the UN agreed to “continue efforts to facilitate the . . . unimpeded access of food and fertilizers, including raw materials required to produce fertilizers” originating in Russia to world markets.<sup>112</sup> In this regard, the UN agreed to “engage relevant authorities and the private sector to ef-

---

107. Edith Lederer, *Russia Will Extend Ukraine Grain Deal for 60 days—Not 120*, AP NEWS (Mar. 17, 2023), <https://apnews.com/article/ukraine-russia-grain-fertilizer-extension-f5550e9f2dfa2a0c601d73b7d11a42db>.

108. *Ukraine Says Russia Has Effectively Stopped Black Sea Grain Deal*, REUTERS (May 8, 2023), <https://www.reuters.com/world/europe/ukraine-says-russia-has-effectively-stopped-black-sea-grain-deal-2023-05-08/>.

109. Memorandum of Understanding between the Russian Federation and the Secretariat of the United Nations on Promoting Russian Food Products and Fertilizers to the World Markets, July 22, 2022, [https://news.un.org/pages/wp-content/uploads/2022/09/MOU\\_21\\_July\\_UN-Secretariat86.pdf](https://news.un.org/pages/wp-content/uploads/2022/09/MOU_21_July_UN-Secretariat86.pdf) [hereinafter Russia-UN MOU].

110. *Id.* ¶ 1.

111. *Id.*

112. *Id.* ¶ 2.

fectively exempt food and fertilizers, including raw materials required to produce fertilizers” originating in Russia from measures imposed on Russia.<sup>113</sup> The UN also agreed to advise “Russian companies on how to do business with the United Nations and the procedure and requirements for becoming a registered vendor.”<sup>114</sup>

The MOU is effective for three years<sup>115</sup> and is intended to address the “growing global food insecurity concerns due to rising food and fertilizers prices in global markets.”<sup>116</sup> The MOU recognizes the “ongoing crisis in the supply chains and disruptions in the logistics sector that contribute to the sharp increase of prices for transportation and relevant expenses . . . , seriously affecting access of food and fertilizers for developing and the least developed countries.”<sup>117</sup> The MOU also recognizes the need to “prevent hunger and aggravating food security issues—primarily in developing and the least developed countries—by bringing stability to global food markets by facilitating access to agricultural products including fertilizers and raw materials required to produce fertilizers” originating in Russia.<sup>118</sup>

On November 18, 2022, the UN Secretary-General indicated that the UN remains “fully committed to removing the remaining obstacles to exporting food and fertilizers from the Russian Federation,” emphasizing that the agreement was “essential to bring down the prices of food and fertilizer and avoid a global food crisis.”<sup>119</sup>

## VI. TACTICAL SUCCESS

As discussed above, the “war zones” Russia declared are not illegal per se, but Russia must enforce the zone in accordance with the law of naval warfare.<sup>120</sup> Restricted areas are not “free fire” zones and Russia must refrain from attacking protected vessels and aircraft in the zone that are not military objectives.<sup>121</sup> Russia may also exercise the right of visit and search against neutral shipping to determine its character and cargo to enforce the law of contraband.

---

113. *Id.*

114. *Id.*

115. *Id.* ¶ 6.

116. *Id.* pmb. ¶ 3.

117. *Id.* pmb. ¶ 5.

118. *Id.* pmb. ¶ 4.

119. UNSG *Statement* of Nov. 17, 2022, *supra* note 100.

120. DOD LAW OF WAR MANUAL, *supra* note 7, §§ 13.9.2, 13.9.4.

121. *Id.* § 13.9.2.

Russia may capture Ukrainian merchant ships anywhere outside neutral waters, including the restricted area, for adjudication as prize. Destruction of a Ukrainian merchant ship would only be authorized if the vessel: (1) persistently refuses to heave to after being ordered to do so; (2) actively resists visit and search or capture; (3) sails under convoy of Ukrainian warships; (4) is armed with weapons systems beyond that required for self-defense against criminal threats; (5) is incorporated into, or assists in any way, Ukraine's military intelligence system; (6) acts in any capacity as a Ukrainian naval or military auxiliary; or (7) is integrated into Ukraine's war-fighting/war-supporting/war-sustaining effort.<sup>122</sup>

Similarly, neutral merchant ships are subject to the right of visit and search by Russian warships to determine the enemy character of the ship or its cargo. Russia may not capture or attack a neutral vessel unless it engages in certain prohibited conduct, to include: (1) avoiding an attempt to establish its identity; (2) resisting visit and search; (3) carrying contraband; (4) breaching or attempting to breach a blockade; (5) presenting irregular or fraudulent papers; lacking necessary papers; or destroying, defacing, or concealing papers during a visit and search; (6) violating Russian regulations established within the immediate area of naval operations; (7) carrying Ukrainian military or public service personnel; or (8) communicating information in the interest of Ukraine.<sup>123</sup> Neutral merchant ships may also be attacked or captured if they take a direct part in the hostilities on the side of the enemy or if they act in any capacity as an enemy naval or military auxiliary.<sup>124</sup> Similarly, neutral merchant ships that operate directly under the control, orders, charter, employment, or direction of the enemy, can be captured or attacked.<sup>125</sup>

To exercise its belligerent rights against enemy and neutral merchant ships, Russian boarding parties must first conduct a visit and search to either capture the vessel and put a prize crew on board or inspect the ship to determine its character and cargo. This well-settled principle of the naval warfare law notwithstanding, over forty countries have provided Ukraine with more than \$155 billion (€143) in lethal military aid, including anti-ship missile systems and intelligence, surveillance, and reconnaissance support since the war began.<sup>126</sup> Ukraine's ability to leverage this aid, coupled with its retaking

---

122. NWP 1-14M (2022), *supra* note 31, ¶¶ 7.5.1, 7.5.2, 8.6.2.2, 8.8.

123. *Id.* ¶ 7.10.

124. *Id.* ¶ 7.5.1.

125. *Id.* ¶ 7.5.2.

126. KIEL INSTITUTE FOR THE WORLD ECONOMY, UKRAINE SUPPORT TRACKER (updated Jan 15, 2023), <https://www.ifw-kiel.de/topics/war-against-ukraine/ukraine-support->

of Snake Island, has allowed Ukrainian forces to target Russian naval assets in the Black Sea, thereby significantly increasing the risk of conducting visit and search to enforce the restricted area or the law of contraband.

During the first week of the war, Russian naval forces overwhelmed the Ukrainian defenders on Snake Island. The successful assault gave Russia a strategic toehold on an island that is only thirty miles off the southern tip of Ukraine in the northwestern Black Sea.<sup>127</sup> The island, located near the entrance to the Danube Canal, also lies astride the major sea route between Odesa and the Bosphorus Strait. Russian forces were, therefore, well positioned to block access to Ukrainian ships wanting to use the Danube Canal to export goods to Europe, as well as interdict Ukrainian merchant ships transiting from Ukrainian ports to the Bosphorus.

However, on April 14, 2022, the *Moskva*—Russia’s Black Sea Fleet flagship—sank after being hit by two Ukrainian anti-ship missiles. Purportedly, the attack was facilitated by intelligence shared by the United States, although U.S. officials claim that they were not involved in the decision to target the ship and were unaware that Ukraine intended to attack the Russian cruiser. The *Moskva* led the Russian assault on Snake Island on the first day of the war. The successful attack on the *Moskva*, using land-based anti-ship missiles, forced Russia to move its ships further south from the Ukrainian mainland.<sup>128</sup>

Two months later, on June 17, 2022, the Russian tugboat *Spasatel Vasily Bekh* sank after being struck by two Western-supplied Harpoon missiles fired from the Ukrainian mainland. The tug was purportedly transporting soldiers, weapons, and ammunition to the Russian garrison on Snake Island.<sup>129</sup> Following repeated Ukrainian missile and artillery bombardments over the next two weeks, Russian forces withdrew from Snake Island, thus making grain

---

tracker/; Martin Armstrong, *The Countries Sending the Most Military Aid to Ukraine*, STATISTA (Nov. 10, 2022), <https://www.statista.com/chart/27278/military-aid-to-ukraine-by-country/>; *Pledged and/or Delivered Weapons to Ukraine*, FORUM ON THE ARMS TRADE, <https://www.forumarmstrade.org/ukraine-countries.html> (last visited June 21, 2023).

127. Brad Lendon et al., *Soldiers on Snake Island Reacted with Defiant Words to Threats from Russian Warship*, CNN (Feb. 28, 2022), <https://www.cnn.com/2022/02/25/europe/ukraine-russia-snake-island-attack-intl-hnk-ml/index.html>.

128. Ken Dilanian et al., *U.S. Intel Helped Ukraine Sink Russian Flagship Moskva, Officials Say*, NBC NEWS (May 5, 2022), <https://www.nbcnews.com/politics/national-security/us-intel-helped-ukraine-sink-russian-flagship-moskva-officials-say-rcna27559>.

129. *Ukraine Says It Hit Russian Naval Tugboat with Harpoon Missiles*, REUTERS (June 17, 2022), <https://www.reuters.com/world/europe/ukraine-says-it-hit-russian-naval-tugboat-with-missiles-2022-06-17/>.



exports possible again through the Danube Canal.<sup>130</sup> On July 10, the Bystre Canal on the mouth of the Danube re-opened for use by ships transporting Ukrainian grain and other food products.<sup>131</sup> Although the canal has limited capacity—four vessels per day not exceeding a deadweight of five thousand tons—it allowed Ukraine to increase its grain exports by 500,000 tons per month.<sup>132</sup>

The Grain Deal, in effect, allows Russia to enforce the restricted zone and prevent the carriage of contraband goods on neutral shipping without risk to Russian ships or personnel. Under the agreement, neutral merchant ships are to be inspected by the JCC to ensure no unauthorized contraband or persons are on board the vessels inbound to or outbound from Ukrainian ports. Vessels will be remotely monitored by the JCC for the duration of their voyage through the humanitarian corridor. Any vessel that deviates from the corridor, conducts a ship-to-ship transfer, or conducts an unauthorized stop while transiting the corridor will have its clearance revoked.<sup>133</sup>

In this regard, the Grain Deal is like long-standing State practice that allows the law of contraband to be enforced through a system of certificates of noncontraband carriage (navicerts) issued in port rather than by visit and search operations carried out at sea by the belligerents. A navicert is normally issued by a belligerent or other designated official to a neutral vessel certifying that the cargo on board has been examined and found to be free of contraband. Navicerts thus facilitate belligerent control of contraband goods with minimal interference and delay of neutral commerce.<sup>134</sup>

A similar process was used by the United States during the Cuban Missile Crisis. On October 27, 1962, the Department of State announced that the United States would be issuing clearance certificates (clearcerts) to assist vessels transiting in waters near Cuba, as well as vessels bound for Cuban ports that were not carrying cargo containing offensive weapons or associated materiel. The system was “designed to avoid unnecessary delays and other difficulties arising out of the stoppage, inspection, or possible diversion of

---

130. Max Seddon et al., *Russian Forces Withdraw From Snake Island*, FINANCIAL TIMES (June 30, 2022), <https://www.ft.com/content/88a2aae7-8d12-45f2-9763-e5d8b1791d33>.

131. Ihor Kabanenko, *The Bystre Canal Across the Danube: “Mosquito” Tactics in Ukraine’s Grain Shipping*, JAMESTOWN FOUNDATION (July 25, 2022), <https://jamestown.org/program/the-bystre-canal-across-the-danube-mosquito-tactics-in-ukraines-grain-shipping/>.

132. *Id.*

133. Black Sea Grain Initiative Procedures, *supra* note 56.

134. NWP 1-14M (2022), *supra* note 31, ¶ 7.4.2; DOD LAW OF WAR MANUAL, *supra* note 7, § 15.12.3.

ships.”<sup>135</sup> Vessels departing U.S. ports could obtain a clearcert from U.S. customs authorities at the port of departure. Vessels departing foreign ports could obtain the clearcert from the American consulate.

Russia has additionally leveraged the Grain Deal to obtain “written guarantees” that Ukraine will not use the corridor for military operations. Following the attack on the Kerch Strait Bridge on October 8, 2022, and the October 29, 2022, drone attack on the Black Sea Fleet headquarters in Sevastopol (discussed above), Russia accused Ukraine of using the agreement to conduct offensive military operations.<sup>136</sup> Although initial reports attributed the Kerch Strait Bridge attack to a truck bomb, some experts believe that the attack could have been carried out by an unmanned surface or underwater vessel.<sup>137</sup>

## VII. STRATEGIC SUCCESS

The European Union (EU) imposed sanctions on Russia following its illegal annexation of Crimea in 2014.<sup>138</sup> The United States also imposed sanctions.<sup>139</sup> Although the sanctions do not specifically apply to Russian grain and fertilizer exports, restrictions on Russian payments, logistics, and insurance industries continue to pose a barrier to these commodities.<sup>140</sup> For example,

---

135. Press Release, U.S. Acts to Avoid Delays for Ships Transiting Waters in Vicinity of Cuba, Oct. 27, 1962, 47 DEPARTMENT OF STATE BULLETIN 747 (Nov. 12, 1962).

136. Marie Dumoulin & Tefta Kelmendi, *Grain of Truth: Why Russia Rejoined the Ukraine Food Export Deal*, EUROPEAN COUNCIL ON FOREIGN RELATIONS (Nov. 10, 2022), <https://ecfr.eu/article/grain-of-truth-why-russia-rejoined-the-ukraine-food-export-deal/>.

137. Scott Savitz, *Beware the Explosive Vessels*, RAND BLOG (Oct. 20, 2022), <https://www.rand.org/blog/2022/10/beware-the-explosive-vessels.html>.

138. Council of the European Union, Council Regulation (EU) No. 269/2014 of Mar. 17, 2014, Concerning Restrictive Measures in Respect of Actions Undermining or Threatening the Territorial Integrity, Sovereignty and Independence of Ukraine, L. 78/6, 57 OFFICIAL JOURNAL OF THE EUROPEAN UNION 6 (Mar. 17, 2014). These measures have been expanded each year since 2014. See Council of the European Union, *Timeline—EU Restrictive Measures Against Russia Over Ukraine*, <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/history-restrictive-measures-against-russia-over-ukraine/> (last visited June 21, 2023).

139. U.S. Dep’t of the Treasury, Office of Foreign Assets Control, *Ukraine/Russia-Related Sanctions Program* (updated June 16, 2016), <https://ofac.treasury.gov/media/8741/download?inline>. These measures have been expanded since 2014.

140. Pavel Polityuk, *Ukraine Calls on UN, Turkey to Prevent Russia from Obstructing Grain Deal*, REUTERS (Feb. 15, 2023), <https://www.reuters.com/world/europe/ukraine-calls-un-turkey-prevent-russia-obstructing-grain-deal-2023-02-15/>.

sanctions on individuals like ammonia baron Dmitry Mazepin and the Russian State agriculture bank, as well as the inability to access the SWIFT international payment system, make it difficult for Russian entities to complete transactions with potential foreign buyers.<sup>141</sup>

Although the easing of sanctions was not part of the Grain Deal, Russia's agreement to the humanitarian corridor was contingent on the removal of obstacles to its grain and fertilizer exports. To remedy the impact of Western sanctions, the Russia-UN MOU specifically provides that the UN Secretariat will "continue efforts to facilitate the transparent unimpeded access of food and fertilizers" originating from Russia to global markets.<sup>142</sup> Specifically included in the UN effort to remove obstacles are "impediments that may arise in the sectors of finance, insurance and logistics."<sup>143</sup> The MOU also requires the UN "to engage relevant authorities and the private sector to effectively exempt food and fertilizers" originating in Russia from measures imposed on Russia, "based on the principle that those measures do not apply to food and fertilizers; thereby facilitating the unimpeded export of Russian food products and fertilizers . . . to world markets, taking into account . . . the urgent requirements of the relevant food and fertilizer producers and traders in the Russian Federation."<sup>144</sup> Additionally, the Secretariat "will advise Russian companies on how to do business with the United Nations and the procedure and requirements for becoming a registered vendor."<sup>145</sup>

The MOU opened the door for Russia to take advantage of high grain prices on the global market to exploit a record grain harvest in 2022—130 million tons, including 87 million tons of wheat.<sup>146</sup> It also allowed Putin supporters within the agricultural industry to maintain their source of export revenues. For example,

- The eldest son of Security Council Secretary Nikolai Patrushev is Agriculture Minister Dmitry Patrushev.

---

141. Susannah Savage et al., *One Year into Russia's War, a Key Global Food Security Deal Hangs in the Balance*, POLITICO (Feb. 22, 2023), <https://www.politico.com/news/2023/02/22/future-of-ukraine-grain-deal-up-in-the-air-00083636>.

142. Russia-UN MOU, *supra* note 109, ¶ 2.

143. *Id.*

144. *Id.*

145. *Id.*

146. *Wheat Harvest in Russia This Year May Reach a Record Level*, INTERFAX.RU (May 12, 2022), <https://www.interfax.ru/business/840452>; see also Alexandra Prokopenko, *What's in the Ukraine Grain Deal for Russia*, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE (July 26, 2022), <https://carnegieendowment.org/politika/87576>.

- Demetra Holding, Russia's second-largest grain exporting company, is partly owned by entities within the Marathon Group, which belongs to Alexander Vinokurov, son-in-law of Russian Foreign Minister Sergey Lavrov.
- The former minister of agriculture, Alexander Tkachev, owns the N. I. Tkachev Agrocomplex.
- The Linnik brothers, who have ties with former president Dmitry Medvedev's wife, own the Miratorg meat producer.<sup>147</sup>

Russian banks—like Bank Rossiya (owned by Putin allies Yury Kovalchuk and Nikolai Shamalov) and Promsvyazbank (Russia's main defense sector bank)—also benefit from the easing of sanctions, since the EU was to unfreeze some of their assets “to avoid delays in paying for agricultural produce.”<sup>148</sup>

Despite its unlawful invasion of Ukraine and repeated violations of the law of armed conflict, agreeing to unblock Ukrainian ports and allow the export of grain and other foodstuffs allows Russia to portray itself as a humanitarian actor, concerned with the needs of the developing countries. Between July 2022 and March 2023, over twenty-five million metric tons of grain and foodstuffs have been transported to forty-five countries, helping to avert an impending global food crisis, lower global food prices, and help stabilize global markets.<sup>149</sup> Included in these numbers were World Food Programme shipments of over 481,000 tons of wheat distributed to Somalia, Yemen, Ethiopia, and Afghanistan.<sup>150</sup>

Russia's decision to sign the grain initiative in July 2022 was praised by the UN Secretary-General:

To the representatives of the Russian Federation and Ukraine: You have overcome obstacles and put aside differences to pave the way for an initiative that will serve the common interests of all. Promoting the welfare of humanity has been the driving force of these talks. The question has not been what is good for one side or the other. The focus has been on what matters most for the people of our world. And let there be no doubt—this

---

147. Prokopenko, *supra* note 146.

148. *Id.*; see also Council of the European Union, Council Regulation (EU) No. 2022/1273 of July 21, 2022, Amending Regulation (EU) No. 269/2014 Concerning Restrictive Measures in Respect of Actions Undermining or Threatening the Territorial Integrity, Sovereignty and Independence of Ukraine, L. 194/1, OFFICIAL JOURNAL OF THE EUROPEAN UNION (July 21, 2022).

149. UNSG *Note to Correspondents* of Mar. 18, 2022, *supra* note 105.

150. Savage et al., *supra* note 141.

is an agreement for the world. It will bring relief for developing countries on the edge of bankruptcy and the most vulnerable people on the edge of famine. And it will help stabilize global food prices which were already at record levels even before the war—a true nightmare for developing countries. . . . The shipment of grain and food stocks into world markets will help bridge the global food supply gap and reduce pressure on high prices. . . . Since the war started, I have been highlighting that there is no solution to the global food crisis without ensuring full global access to Ukraine’s food products and Russian food and fertilizers. Today we took important steps to achieve this objective. . . . The beacon of hope on the Black Sea is shining bright today, thanks to the collective efforts of so many.<sup>151</sup>

Without Russia’s cooperation, the grain deal would not have been possible. The impact of Russia’s decision to allow the agreement to go forward is reflected in the latest resolution adopted by the UN General Assembly in February 2023, which demands Russia immediately withdraw its military forces from Ukraine and an end to the hostilities.<sup>152</sup> Although the resolution received 141 votes in favor, 7 States voted against the resolution—Belarus, North Korea, Eritrea, Mali, Nicaragua, Russia, and Syria—and 32 nations (including China, India, and Pakistan) abstained.<sup>153</sup> Most of the States abstaining are from Africa (15) and Central Asia (7) and, together with China and India, represent nearly 50 percent of the world’s population. This suggests that Russia may not be as isolated as Western sources suggest.

#### VIII. POLITICAL SUCCESS

As a security guarantor of the Black Sea Initiative, Russia has used the Grain Deal to obtain concessions from Ukraine and the West. Each renewal date of the agreement provides Russia with the opportunity to “raise the stakes with minimal effort every time it wants to pressure the West by destabilizing

---

151. U.N. Secretary-General, *Secretary-General’s Remarks on Signing of Black Sea Grain Initiative* (July 22, 2022), <https://www.un.org/sg/en/content/sg/statement/2022-07-22/secretary-generals-remarks-signing-of-black-sea-grain-initiative> [hereinafter UNSG *Remarks* of July 22, 2022].

152. G.A. Res. A/ES-11/L.7, ¶ 5 (Feb. 16, 2023).

153. UN News, *UN General Assembly Calls for Immediate End to War in Ukraine* (Feb. 23, 2023), <https://news.un.org/en/story/2023/02/1133847>.

world food prices,” which in turn impacts inflation worldwide.<sup>154</sup> For example, when Russia announced it was suspending its participation in the initiative, wheat prices jumped by more than 5 percent.<sup>155</sup>

Negotiating from a position of strength has bolstered Vladimir Putin’s popularity at home. In January 2022, Putin’s approval rating was only 69 percent. After the invasion of Ukraine, Putin’s approval rating spiked to 83 percent, where it remained after the signing of the Grain Deal in July 2022. Currently, his approval rating stands at 82 percent.<sup>156</sup> Given that there is currently no suitable alternative for Ukrainian grain to be shipped to world markets, Russia will remain in a position to exploit this vulnerability and use the agreement as leverage to obtain concessions from the West.<sup>157</sup>

Russia has additionally used the agreement to point out that the Grain Deal is benefiting developed Western States more than developing States. The stated purpose of the agreement is to provide relief to the most vulnerable people in developing nations.<sup>158</sup> Nonetheless, four of the top five recipients of Ukrainian grain are developed nations—Spain, Türkiye, Italy, and the Netherlands.<sup>159</sup> The top recipient is China, the world’s second-largest economy. By blaming Ukraine for not sending foodstuffs where they are most needed, Russia seeks to influence the emotions, objective reasoning, and behavior of foreign governments, foreign industries, and foreign citizens in a way that is favorable to Moscow’s political and military objectives.

## IX. CONCLUSION

Clearly, everyone has benefited from the Black Sea Grain Initiative. By allowing Ukraine to export grain to world markets via the Black Sea, the agreement restores access to one of Ukraine’s few (and much-needed) sources of hard-currency income.<sup>160</sup>

---

154. Iliya Kusa, *The Ukraine-Russia Grain Deal: A Success or Failure?*, WILSON CENTER (Jan. 9, 2023), <https://www.wilsoncenter.org/blog-post/ukraine-russia-grain-deal-success-or-failure>.

155. Dumoulin & Kelmendi, *supra* note 136.

156. *Do You Approve of the Activities of Vladimir Putin as the President (Prime Minister) of Russia?*, STATISTA, <https://www.statista.com/statistics/896181/putin-approval-rating-russia/> (last visited June 21, 2023).

157. Kusa, *supra* note 154; Dumoulin & Kelmendi, *supra* note 136.

158. UNSG *Remarks* of July 22, 2022, *supra* note 151.

159. JCC *Vessel Movements*, *supra* note 53.

160. Kusa, *supra* note 154; Prokopenko, *supra* note 146.

The international community also benefits from the Grain Deal. As indicated above, before the war, Ukraine was a major exporter of grain—“42 percent global share of sunflower oil exports, 16 percent of maize exports, and almost 10 percent of global wheat exports.”<sup>161</sup> In addition, Ukraine provides nearly 40 percent of the World Food Programme’s wheat supplies.<sup>162</sup> These products are once again available in the global marketplace, thus stabilizing markets and forestalling a global food crisis. Since July 2022, nearly twenty-five metric tons of Ukrainian grain have been shipped to forty-five countries via the Black Sea.<sup>163</sup> The agreement has additionally had a positive impact on food prices—since March 2022, food prices have fallen by 7.9 percent.

Russia, however, has benefited the most—tactically, strategically, and politically. Tactically, the Black Sea Fleet does not have to go in harm’s way to enforce the restricted zone and prevent the carriage of contraband goods on neutral shipping. Moreover, these vessels can be positioned outside of the effective range of Ukraine’s land-based missile systems and used to conduct offensive missile strikes against military objectives in Ukraine.<sup>164</sup>

Strategically, Russia was able to negotiate a parallel agreement with the UN to allow for the export of Russian grain and fertilizer, which allowed Russia to take advantage of high grain prices on the global market.<sup>165</sup> This, in turn, benefits Putin supporters within the agricultural industry to maintain their source of income. Russia has also leveraged the Grain Deal to removal obstacles to its grain and fertilizer exports imposed by EU and U.S. sanctions. Finally, by allowing for the export of Ukrainian grain and other foodstuffs, Russia has portrayed itself as a benevolent State actor concerned with the needs of developing countries. Indeed, the Grain Deal may very well play a key role in Russia’s increasingly successful diplomacy with the Global South.

---

161. Dumoulin & Kelmendi, *supra* note 136.

162. *Id.*

163. UNOCHA Note of Mar. 13, 2023, *supra* note 102.

164. Sam LaGrone, *Russian Sea-Based Kalibr Cruise Missiles Part of New Round of Strikes in Ukraine*, USNI NEWS (Oct. 25, 2022), <https://news.usni.org/2022/10/25/russian-sea-based-kalibr-cruise-missiles-part-of-new-round-of-strikes-in-ukraine>; Heather Mongilio, *Russians Used Sub-Launched Missiles to Strike Vinnytsia Business Center*, USNI NEWS (July 15, 2022), <https://news.usni.org/2022/07/15/russians-used-sublaunched-missiles-to-strike-vinnytsia-business-center>.

165. *Wheat Harvest in Russia this Year May Reach a Record Level*, INTERFAX (May 12, 2022), <https://www.interfax.ru/business/840452>; see also Prokopenko, *supra* note 146.

Politically, the inherent vulnerability of the Grain Deal will allow Russia to obtain further concessions from the West each time the agreement comes up for renewal. As a result, Putin's popularity at home is at an all-time high at the time of this writing—over 80 percent.<sup>166</sup> Internationally, the agreement provides Russia with the opportunity to engage in political warfare to shape world opinion in a way that favors Putin's political and military objectives.

---

166. *Do You Approve of the Activities of Vladimir Putin as the President of Russia?*, *supra* note 156.