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INTERNATIONAL LEGAL FRAMEWORK FOR THE PROTECTION OF GLOBAL FOOD SECURITY

Ukraine is historically known as the "bread-basket of Europe and the world" due to its significant agricultural production. The issue of food insecurity in the world, caused by the Russian Federation as a result of the full-scale aggression against Ukraine, launched on February 24, 2022, has become a critical concern in the international stage. An environmental crisis with far-reaching repercussions for the country's agricultural sector, together with the blocking of Ukrainian logistics lead to an increase in prices for agricultural products, as well as an increase in the risk of famine in countries dependent on Ukrainian agricultural exports. The aim of the research is to define the norms of international law regarding global food security and trade in agricultural products, which have been violated by Russia in order to develop a mechanism of responsibility for these violations and compensation for the damage caused. The methods of legal analysis, historical legal and systemic analysis are applied. Analysing the repercussions of the Russian Federation's actions for global food security, the article examines various relevant international legal frameworks and instruments aimed at safeguarding food security and ensuring access to sufficient, safe, and nutritious sustenance for all. By assessing the impact of the Russian invasion on logistics routes, trade networks, and distribution mechanisms, this article elucidates the far-reaching implications for the timely and efficient delivery of agrarian goods to international markets. Additionally, the study highlights the role of international agreements in addressing the challenges associated with disrupted logistics in the agricultural sector. This article examines the scale of environmental damage and losses inflicted on Ukraine's agrarian landscape and scrutinizes these impacts through the prism of international legal principles.

Keywords: international law, trade in agricultural products, food security, the Black Sea Grain Agreement, ecocide, Russian war against Ukraine.

JEL Classification: K33.

МІЖНАРОДНО-ПРАВОВА БАЗА ЗАХИСТУ ГЛОБАЛЬНОЇ ПРОДОВОЛЬЧОЇ БЕЗПЕКИ

Україна історично відома як "житниця Європи та світу" завдяки значному сільськогосподарському виробництву. Продовольча небезпека у світі, спричинена російською федерацією внаслідок повномасштабної агресії проти України, розпочатої 24 лютого 2022 року, стала критичною проблемою на міжнародній арені. Екологічна криза з далекосяжними наслідками для аграрного сектору країни разом з блокуванням української логістики призводять до зростання цін на сільськогосподарську продукцію, а також збільшення ризику голоду у країнах, залежних від експорту української сільськогосподарської продукції. Метою дослідження є визначення норм міжнародного права щодо глобальної продовольчої безпеки та торгівлі сільськогосподарською продукцією, які порушує росія, з метою розробки механізму відповідальності за ці порушення та відшкодування заподіяної шкоди. Застосовуються методи правового аналізу, історико-правового та системного аналізу. За наслідками дій російської федерації для глобальної продовольчої безпеки, у статті розглядаються відповідні міжнародно-правові рамки та інструменти, спрямовані на захист продовольчої безпеки та забезпечення доступу до достатньої, безпечної та поживної їжі для всіх. Оцінюючи вплив російського вторгнення на логістичні шляхи, торгові мережі та механізми розподілу, ця стаття з'ясовує далекосяжні наслідки для своєчасної та ефективної доставки аграрних товарів на міжнародні ринки. Крім того, дослідження підкреслює роль міжнародних угод у вирішенні проблем, пов'язаних із збоями в логістиці в сільськогосподарському секторі. У цій статті досліджується масштаб екологічної шкоди та втрат, заподіяних аграрному сектору України крізь призму міжнародно-правових принципів.

Ключові слова: міжнародне право, торгівля сільськогосподарською продукцією, продовольча безпека, Чорноморська зернова угода, екоцид, війна росії проти України.



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Introduction.

Since the time of Herodotus, Ukrainian lands were famous for their fertility, and the population was actively involved in the agricultural sector. In particular, Herodotus described in detail the natural conditions of Southern Ukraine, which Russia illegally temporarily occupied and tried to destroy. Herodotus was most impressed by Borysthenes (the ancient Greek name of the Dnipro river): "Among others, the river Borysthenes is the most useful to people, because around it are the best and most nutritious pastures for cattle, and there are a lot of fish in it, pleasant to the taste, and the water in it is very clean, comparatively to others with muddy water, and the fields around it are beautiful, and where there is no seed, tall grass grows. And a lot of salt is deposited in its mouth... For food, this river also provides many other things worthy of all attention" (Herodot, 2013).

Today, until the full-scale invasion of the Russian Federation on February 24, 2022, Ukraine was the world's top producer and exporter of sunflower meal, oil, and seed (Foreign Agricultural Service U.S. Department of Agriculture, 2022), due to highly productive soils (chernozems), which are among the most fertile in the world. The world is extremely vulnerable from a food security perspective, considering that more than 40 % of the calories consumed globally are from three crops: wheat, corn and rice (Arias et al., 2023).

The Russian war in Ukraine has disrupted agricultural activities and damaged infrastructure. As a result, the country's exports of agrarian products have significantly decreased. This has created a supply shock in the global market, affecting the availability and prices of these products. The decrease in Ukrainian agricultural exports, combined with increased demand from other countries, has contributed to a rise in global food prices. If the war deepens, the food crisis will worsen, posing a challenge to many countries, especially those that rely on food imports (Hassen & Bilali, 2022).

By its actions, Russia violated not only the norms and principles of international law, in particular, those enshrined in the UN Charter from 1945, but also put the whole world at risk, causing a food crisis, polluting the air, land, soil and water, which has an impact far beyond the borders of Ukraine, and also caused famine in many countries of the world. Large-scale hostilities in the heart of Europe have caused one of the biggest food, energy and financial crises in the world (Haidutskyi, 2023).

The full-scale aggression of the Russian Federation against Ukraine makes it necessary to study the impact of the war on global food security and trade in agricultural products through the prism of international law.

The international legal regulation of food security issues, as well as the relationship between food security and trade in agricultural products, has been researched by a number of scientists.

For example, I. Kaliushchenko analysed institutional mechanisms for ensuring international food security (Kaliushchenko, 2016). N. Maksimentseva made a research on international legal mechanism for ensuring food

security in the context of globalization challenges, emphasizing on the impact of russian war against Ukraine on food security (Maksimentseva, 2023); as well as V. Franchuk, M. Kopytko and S. Melnyk studied the issues of ensuring food security in Ukraine in the modern conditions (Franchuk et al., 2022). A. Morteza, P. Foroudi, M. Shahmoradi, H. et al analysed the evolution of food security on the universal level (Morteza et al., 2022). O. Krupchan and V. Korol made a research on the issues of food security modern international law and rule-making priorities of Ukraine (Krupchan & Korol, 2022).

However, some aspects of food security are still not studied by scientists. For example, given that russia continues its war in Ukraine and the impact on global food security will worsen every year, it is extremely important to hold russia accountable for causing global food insecurity. In this study, we will try to analyse the provisions of international law that would be useful in this regard.

The aim of the research is to define the norms of international law regarding global food security and trade in agricultural products, which have been violated by russia in order to develop a mechanism of responsibility for these violations and compensation for the damage caused.

The hypothesis of the article is the statement that the effectiveness of international legal regulation of food security in the conditions of russia's war against Ukraine depends on the proper implementation and observance of international norms regarding the supply of food and ensuring food safety. Without an effective international legal mechanism of responsibility for causing food insecurity in the world, international legal norms in this area remain only declarative.

A combination of scientific methods was used to research the subject of the article. Inter alia, the leading method of researching the international legal perspective of the russian war against Ukraine in the context of agrarian trade and food security has become the method of legal analysis. It was used to analyse international legal frameworks, treaties, agreements and conventions related to agricultural trade and food security. It was also involved in the interpretation of the consequences of international law in the context of the russian war against Ukraine.

The method of systemic analysis helped to comprehensively study the relationship between agricultural trade, food security and international law in the context of the russian war against Ukraine. This method helps to carefully consider the subject as a whole system, to understand the interrelationships and dependencies between its components.

The researchers also used a case study approach, focusing specifically on russia's war against Ukraine as a real-world example. This method was used to analyse how the war affected agricultural trade and food security from the perspective of international law.

The article is divided into three parts. The first part of the article "Food insecurity in the world caused by the russian federation: an

international legal aspect" analyses the international legal norms that Russia violated, causing the food crisis in the world. The second part of "The impact of the Russian invasion in Ukraine on the logistics of agricultural products" is devoted to the issue of Russia's violation of logistics routes in Ukraine and the world's reaction to such actions. The third chapter "Environmental damage and losses caused by Russia to the agricultural sector of Ukraine: international legal aspect" examines aspects of the impact of the Russian war in Ukraine on the environment, which is inextricably linked to the agricultural sector and the need to hold Russia accountable for the crime of ecocide.

1. Food insecurity in the world caused by the Russian Federation: an international legal aspect.

Agricultural products play an important role as a component of international trade. This importance arises from the relationship between global food security and the safe and efficient functioning of this trade.

The full-scale aggression of the Russian Federation against Ukraine on February 24, 2022 had devastating consequences not only for Ukraine, but for the whole world. This included the damage of Ukraine's agricultural sector, the destruction of agricultural infrastructure, increase in the value of agricultural goods, the disruption of logistics routes serving global markets, and the spectre of famine, which cast its shadow over countries dependent on Ukrainian agricultural exports. The consequences of Russian actions, especially in the long-term perspective, cause hunger and poverty in the world.

Inter alia, the main dependent countries of Ukrainian agricultural products were Asia and the main partner countries of Asia were India, Turkey and China; as well as the EU countries and African countries, such as Egypt, Tunisia and Morocco (Main indicators of international trade of Ukraine, 2018).

The problem of world food security constantly attracts the attention of the world community. A number of international law sources regulate issues of global food security, which are grossly violated by Russia. These legal instruments are carefully designed to address global challenges related to food production, equitable distribution, availability and quality of nutrition. Their fundamental goal is to create a paradigm in which all people have unhindered access to adequate, wholesome and secure food. Although a comprehensive single treaty directly addressing the issue of world food security remains a significant gap in international law, it must be recognized that numerous international agreements collectively work together to advance the common goal of global food security.

A number of important international legal acts have been adopted that enshrine the right to food and freedom from hunger. Notably among these are the following: The Universal Declaration of Human Rights, wherein Article 25 regulates the entitlement to adequate standard of living

that encompasses access to food, as a fundamental human right. The International Covenant on Economic, Social and Cultural Rights requires member states to take measures to ensure overall food security. Within the Sustainable Development Goals, Goal 2 is devoted to the cessation of hunger, the realization of food security, and the enhancement of nutritional well-being by the temporal horizon of 2030.

The Universal Declaration on the Elimination of Hunger and Malnutrition of 1974, in its foundational Article 1, emphasizes the inalienable right of every human being to be liberated from the hunger and malnutrition, as an imperative for their comprehensive growth. Declaration of the World Summit on Food Security in 2009 delineates a principle for sustaining the global food chain, as well as the eradication of the roots of hunger and impoverishment, and the affirmation of each individual's right to access to food that is secure, sufficient, and ecologically substantive.

Simultaneously, the Agreement on Agriculture adopted within the World Trade Organization aims to provide global food security within the realm of international trade policies. Furthermore, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the context of food security develops a trajectory to strengthen both food security and sustainable advancement.

The impact of Russia's invasion of Ukraine on the agricultural sector after one year of the full-scale war is immense. Direct damages amount to USD 8.7 billion and indirect losses, including lower production of crops and livestock, as well as logistics disruptions and higher production costs, amount to additional USD 31.5 billion. To cover the needs for reconstruction and recovery, USD 29.7 billion is required (Agricultural War Damages, Losses, and Needs Review, 2023). However, Russia still continues the war, and the longer it lasts, the more damage, loss and suffering awaits Ukraine and other countries of the modern globalized world.

Russia's destruction of the agricultural sector in Ukraine is not just provoking a global food crisis, but its absolute control and endangerment of global food supplies, turning global food supplies into a bargaining chip for diplomatic negotiations, is inconsistent with the Russian Federation's obligations under international human rights law (Arias et al., 2023). As well as Russia's causing starvation in countries dependent on Ukrainian exports of agricultural products violates international humanitarian law. Using starvation as a method of warfare is also prohibited under customary norms of international humanitarian law (Desierto, 2022).

2. The impact of the Russian invasion in Ukraine on the logistics of agricultural products.

For many countries of the world, the full-scale invasion in Ukraine February 24, 2022 has acquired a previously unknown and extreme severity in an attempt of Russia to unilaterally change the world order in their

interests by bringing the domination of the principle of "the right of force over the force of law" (Krupchan & Korol, 2022).

During the first week of the war, there were numerous reports of neutral merchant ships being attacked without warning in the western Black Sea by Russia (Pedrozo, 2023), such as 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) (Pedrozo, 2023).

Russia's blockade of maritime trade led to the collapse of agricultural exports from Ukraine, destroyed logistics links, increased the cost of transporting agricultural products, caused a shortage of grain on the world market and led to a significant increase in commodity prices.

In the period from the full-scale invasion of Russia in Ukraine before the grain initiative, all transportation was carried out only through river ports, which did not provide the necessary volumes of cargo flow and transportation efficiency, and was also accompanied by specific risks (Tsybmal & Chernytska, 2022).

In connection with the grave consequences for the world of the blockade of Ukrainian seaports in April 2022, the United Nations also called on the leaders of Ukraine and Russia to agree on the restoration of Ukrainian exports.

Therefore, in July 2022, a Memorandum of Understanding between the Russian Federation and the Secretariat of the United Nations on promoting Russian food products and fertilizers to the world markets was concluded for a period of three years (Memorandum of Understanding between the Russian Federation and the Secretariat of the United Nations on promoting Russian food products and fertilizers to the world markets, 2022). That is, at least until 2025, Russia should promote the unimpeded export of food, sunflower oil and fertilizers from Ukrainian controlled Black Sea ports.

In July 2022, Ukraine, Turkey, Russia and the United Nations signed another important agreement, namely the Agreement on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports (Black Sea Grain Agreement) (Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports, 2022), which eased logistical restrictions on transportation through the Black Sea and contributed to the partial recovery of grain exports. In Istanbul on July 27, 2022, as part of the agreement, a Joint Coordination Centre was established, which includes representatives of Ukraine, Turkey, the UN and Russia.

The period of validity of the "Black Sea Grain Agreement" was 120 days and was automatically extended for the same period, if none of the parties notified the intention to terminate the initiative or change it.

The extension of the validity period of the "Black Sea Grain Agreement" is a significant factor in reducing food prices and an effective lever against hunger in the world. The growing threat of hunger in the world requires further development of the grain agreement, this will contribute to increasing the stability of the world economy.

However, Russia announced the actual termination of the "Black Sea Grain Agreement", which expired on July 17, 2023, which was the only international document that contained at least some guarantees of vessel safety. At the same time, the unimpeded implementation of Ukrainian export of grain crops has a significant impact on the state of food security in the world (Bielashov, 2023).

An alternative to the "Black Sea Grain Agreement" could be the escorting of merchant ships that will take out products from Ukrainian ports under convoy. The right to conduct convoy operations is considered a belligerent right under the law of naval warfare (Newport Manual, § 3.1). The Ukrainian Navy could therefore escort both Ukrainian and neutral merchant ships in and out of Ukrainian ports. However, doing so would increase the risk that these vessels would be targeted by Russian forces (Pedrozo, 2023). The first such precedent was the arrival of three cargo ships belonging to foreign companies to one of the Ukrainian grain terminals in the Izmail port on July 30, 2023, under the supervision of NATO (Three ships break through Russian blockade in Black Sea and enter Ukrainian port, 2023). However, the use of this waterway, even with a convoy, remains quite risky and depends on the actions of the occupying country.

As of August 2023, traffic through the Danube River is the last water route from Ukraine for agricultural exports, as Russia has effectively resumed its blockade, threatening vessels in the Black Sea.

In addition, the termination of the "Black Sea Grain Agreement" by Russia will affect investments in other export routes, for example, transportation by road and rail, which, although it does not compensate for the volume of transportation by sea, can partially support the export of Ukrainian grain and solve the problem of global food security.

3. Environmental damage and losses caused by Russia to the agricultural sector of Ukraine: international legal aspect.

The Russian Federation carries out systematic and massive destruction of natural resources, pollutes the environment, which has a devastating effect on the agricultural sector. Russia's actions lead to emissions of hazardous substances and pollution of air, water and soil, loss of biodiversity, negative impact on human health, etc.

Therefore, Russia violates paragraph 3 of Article 35 of the Additional Protocol to the Geneva Convention relating to the Protection of Victims of International Armed Conflicts (Protocol I), which prohibits the use of methods or means of warfare that are intended to cause or will cause extensive, long-term and serious damage to the environment. Article 55 of the same Protocol requires, during the conduct of military operations, to show concern for the protection of the natural environment from extensive, long-term and serious damage. The Russian aggressor violates the 24th Principle of the Rio Declaration on Environment and Development, which

states that countries respect international law that ensures the protection of the environment during armed conflict (Legal possibilities and aspects of compensation for damage caused to the environment during the war, 2023).

The Ministry of Environmental Protection and Natural Resources of Ukraine approved the Methodology for determining the amount of damage caused to land and soil as a result of emergency situations and/or armed aggression and hostilities during martial law by Order No. 167 dated 04.04.2022 (Order No. 167, 2022).

According to the State Environmental Inspection, during the 500 days of war for the period 24.02.2022 – 07.07.2023 in Ukraine, ecosystems and the environment became victims of serious damage. In general, damages reach more than UAH 2 trillion (State Environmental Inspection of Ukraine, 2023).

Therefore, damages are divided into real and lost profits. Therefore, environmental damage should be: costs incurred by the state in connection with causing damage to the environmental object and costs that the state must make to restore the natural environment; revenues that the state could realistically receive under normal circumstances, if there was no damage to the environment, if such was foreseen; compensation in case of impossibility of restoration of the environmental object.

However, it is important to note that the concept of "ecocide" as an international legal category does not yet have a universal regulatory framework in the world. There are a number of initiatives that try to introduce the concept of ecocide into international law or regulate responsibility for such actions.

For example, there is a proposal to add ecocide to the list of crimes that the International Criminal Court can try. However, at the moment, ecocide is not included in the official list of crimes for which the ICC can establish responsibility.

At the same time, at the international level, the precedent for holding a state accountable and awarding compensation for the damage caused to soil, water, and coastal ecosystems was considered in the context of the work of the UN Compensation Commission, which was created to consider the case of Kuwait v. Iraq and finished work in 2022 (Shpylova et al., 2023). However, taking into account the fact that it will be impossible to create such a Commission based on the resolution of the UN Security Council for Ukraine, for this purpose, a special agreement between the interested states should be concluded. Therefore, private individuals will first apply to the tribunal of the commission, and then they will be paid compensation received as a result of the consideration of court cases in various states regarding the confiscation of seized russian assets (Medvedieva, 2023).

At the regional level, in 2023 the European Social and Economic Committee called russia's actions in Ukraine equivalent to ecocide and, together with the European Parliament, appealed to the EU to recognize ecocide as a criminal offense at the EU supranational level (EESC, 2023).

The impact of ecocide on the agricultural sector is serious and tangible, since agriculture is closely related to the environment and natural resources. Ecocide, as systematic and massive damage to nature by the Russian Federation, has the following consequences for the agricultural sector of Ukraine: damage to soils and their fertility; pollution of water resources; destruction of biodiversity; decrease in productivity; damage to agricultural infrastructure, etc. The impact of ecocide on the agricultural sector will be long-term and will affect the productivity and sustainability of agricultural production. Therefore, holding Russia accountable for the crime of ecocide is extremely important.

Conclusions.

There is an urgent need for international legal cooperation to mitigate the adverse effects and pave the way for a more sustainable and secure global food system in the world.

Violating its obligations under international human rights law, international humanitarian law, international trade law, international agrarian law, etc., Russia causes damage not only to Ukraine, but also to the whole world, in particular, in the agricultural sphere.

Therefore, it is necessary to provide Ukrainian exporters with safe water logistics, to extend the "Black Sea Grain Agreement", and the international community should put pressure on Russia to achieve its extension.

Given that the ecocide created by Russia in Ukraine will have a significant impact, in particular on the agricultural sector, the International Criminal Court should add this crime to its jurisdiction, and Russian officials should also be held accountable for this crime. At the regional level, the Council of Europe and the European Union should recognize ecocide as a criminal offense.

Further research may be devoted to the mechanism of responsibility and compensation by the Russian Federation for losses and damages to the agricultural sector of Ukraine and Russia's responsibility to the world for the consequences of rising prices for agricultural products and famine in countries dependent on Ukrainian exports.

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