

Problems of legal support for independence of food security of Russia in agricultural crop growing

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Abstract. The article analyzes the problems of legal support for food security in the Russian Federation. The need to introduce a criterion for the independence of food security in Russia is substantiated. This approach turned out to be far-sighted and proved its correctness in the context of the sanctions policy of leading European countries against the Russian Federation. The weak point of food security is substantiated: the lack of domestically bred seeds for certain types of agricultural plants that require a policy of targeted state support, an alternative to which is the increase in state-owned agricultural organizations, including at the expense of enterprises of the Ministry of Defense. The specified measures can also contribute to the state's influence on the rush food demand during difficult periods of state policy. In the latter case, it is also advisable to introduce control (restrictions) on the purchase of certain groups of food. The specified economic measures require detailed legal regulation in special agrarian legislation.

1 Introduction

In Russia, the state agrarian policy, being an integral part of the national socio-economic policy, is limited by time limits, within which its main provisions must be objective, fair, feasible in practice and effective. As a rule, certain internal socio-economic conditions and external factors require their own state agrarian policy, which must not only be as flexible and effective as possible, take into account the specific situation in full, but also be designed to solve large-scale economic, organizational, social and scientific-technical problems of development of the agrarian sphere of the economy and especially its basic sector – agriculture, based on the needs and objective capabilities of the country. Its allocation as a relatively independent part of the national socio-economic policy is associated with the enormous role played by the agrarian sphere of the economy in the life of society and the state, reliable provision of the country with agricultural products, raw materials and food of domestic production.

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There are many research works connected with the independence of food security of Russia in the field of plant growing, first of all, by representatives of agricultural economy [1-4], which, in turn, need to be analyzed from the position of their legal support in the scope of agrarian and legal sciences, where there are also a number of developments [5-9].

These problems require a comprehensive assessment, both from the side of public administration methods, simultaneously with their legal consolidation in special agricultural (agrarian) legislation. Plant growing is one of the main branches of agriculture. It is basically engaged in the cultivation of crops for the production of crop products, providing the population with food, livestock - with feed, and many industries (food, compound feed, textile, pharmaceutical, perfumery, etc.) - with raw materials of plant origin [10] and is the basis of agriculture, the performance indicators of which are the term "food security".

2 Material and methods

The methodological basis of the article is made up of general scientific, private and special methods of cognition. Among them we can highlight the logical method, the system-structural method, the complex method, the method of comparative law, the formal legal method and some others.

The term "food security" itself was originally coined by the United Nations Commission on Agriculture, known as FAO, in 1975, as "the continued availability of world supplies of essential foods to support sustainable growth in food consumption and to cushion fluctuations in production and prices" [11]. The term was later refined at the 1996 World Food Summit, where "food security" was defined as "a condition in which all people in a given country, at all times, have physical, social and economic access to sufficient, nutritious food to meet their needs and to enable them to lead an active and healthy life" [12]. FAO included only three components (criteria) in food security: physical availability of food, economic availability of food, and food safety [13]. These data and documents served as a material for our research.

3 Results

Food security consists of the implementation of a socio-economic task focused on ensuring and guaranteeing the availability of food products in the required volume and quality for the entire population. Unfortunately, food security is far from a new aspect in ensuring the national security of the state, for this reason it remains an important topic for scientific and economic research.

As a result, a situation has arisen where the state's food security is determined solely by its finances, and not by its actual agricultural provision, which is taken as the basis for calculating the international rating of a state in the general world system according to the system [14]. Thus, according to this calculation method, the first place in the world is occupied by the agriculture of Singapore, which is practically not developed in the country [15], and the thirteenth place is occupied by Qatar, where the agricultural economy has very limited application opportunities due to the harsh local climate and the lack of arable fertile land [16]. Russia in this rating occupies only a modest 41st place.

The "Economist Impact" international organization with the support of the "Corteva Agriscience" corporation analyzing the "global food security index" (GFSI) developed by them, in addition to the criteria of accessibility, availability, quality and safety of food, also add the criterion of sustainability and adaptation, i.e. an assessment of the country's exposure to the impact of climate change; its exposure to risks associated with natural resources; and how the country adapts to these risks. Russia ranks 43rd in this list (69.1

points), while the top three leaders are the northern countries: Finland, Ireland and Norway (83.7; 81.7 and 80.5 points, respectively) [17].

However, Russian scientists considered that these criteria were insufficient for assessing the country's food security, since "... the level of development of the national economy (primarily the agro-industrial complex), ensuring food independence of the state and guaranteeing the availability of vital food products to all citizens of the country in the quantity and range necessary for a healthy life" [18]; characterizing food security as "... ensuring, through our own production, the basic types of food products for the entire population of the country, with mandatory priority given to the most vulnerable, the poor, and subject to the physical and economic availability of these products in such quantity and quality that are necessary to preserve and support human life and capacity, and the full and maximum possible independence of the state from external sources of food (the international market and humanitarian food aid)" [18]; defining it "as a state of security of the international community from threats associated with the lack of physical and economic access to sufficient quantities of safe food, aimed at ensuring sustainable development" [19].

In the Russian Federation, the term "food security" was fundamentally enshrined in the Doctrine of Food Security of the Russian Federation (approved by the Decree of the President of the Russian Federation dated 30.01.2010 No. 120. The document has lost its force) [20], which entered into force in 2010 (hereinafter: "the first Doctrine"), which was understood as "the state of the country's economy, which ensures the food independence of the Russian Federation, guarantees physical and economic accessibility for every citizen of the country of food products that meet the requirements of the legislation of the Russian Federation on technical regulation, in quantities no less than rational standards of consumption of food products necessary for an active and healthy lifestyle" (clause 5 of the first Doctrine).

So, the first food security doctrine was adopted in 2010. It was mostly a conceptual and declarative document that forms the main provisions of the state food policy. The document then and now mainly uses such concepts as physical and economic availability of food, its quality and safety. The main element of the doctrine is the degree of self-sufficiency of Russians in individual types of products. The 2010 Doctrine provided for a single indicator, which implied the calculation of the share of domestic agricultural, fish and food products in the total volume of commodity resources, taking into account the carry-over balances for the relevant products.

In this sense, this doctrine duplicated the "Model Law on Food Security" [21], in which food security is understood as "the state of the state's economy, which ensures the country's food independence and guarantees the physical and economic availability of food for the entire population in the quantity necessary for an active and healthy life".

In the Doctrine of Food Security of the Russian Federation adopted in 2020 (hereinafter: "new Doctrine", "Doctrine"), this definition was formally adjusted, and came to mean "the state of socio-economic development of the country, which ensures the food independence of the Russian Federation, guarantees physical and economic accessibility for every citizen of the country of food products that meet mandatory requirements, in quantities no less than rational standards of consumption of food products necessary for an active and healthy lifestyle" [22]. The new doctrine has made some changes compared to the previous document. Thus, self-sufficiency indicators have been increased in several areas.

Comparing the Russian and international understanding of "food security", it is easy to see that the domestic terminology, in addition to the three generally accepted criteria, additionally took into account the most important indicator that does not exist in the international understanding – the criterion of "*food independence*" of the Russian Federation", which the new Doctrine understands as "self-sufficiency of the country in the

main types of domestic agricultural products, raw materials and food” (subparagraph "b" of the Doctrine), and this criterion is put first by the legislator.

4 Discussion

In order to assess the state of food independence, the threshold values of domestic food in the total volume of commodity resources were defined as indicators (clause 8 of the first Doctrine) characterizing following agricultural crop production (Table 1):

Table 1. Threshold values of domestic food in the total volume of commodity resources established 2020.

| Product | Value |
|---------------|---------------------------|
| grain | not less than 95 percent |
| sugar | not less than 80 percent |
| vegetable oil | not less than 80 percent |
| potatoes | not less than 95 percent. |

The new Doctrine, noting the practice that has developed over 10 years, made significant changes to the threshold values, while expanding the positions of food provision: the positions for sugar were increased - not less than 90 percent, for vegetable oil - not less than 90 percent. In addition, new positions appeared: for vegetables and melons - not less than 90 percent, fruits and berries - not less than 60 percent; as well as seeds of the main agricultural crops of domestic selection - not less than 75 percent.

When analyzing the independence of food security, it is easy to notice that out of eleven criteria of the Doctrine, seven indicators relate to plant products: grain, sugar, potatoes, vegetables and melons, fruits and berries, seeds of the main agricultural crops of domestic selection.

At the same time, for 2023 (excluding new territories), the threshold values of the indicators of food independence (self-sufficiency in basic food products) of the Russian Federation were exceeded in plant growing: for grain - 170.5%, (1.8 times higher than the Doctrine indicators); for vegetable oil - 227.9%, (2.5 times higher); for sugar - 108.5% (18.5 points higher than the Doctrine indicator); for potatoes - 97.0% (2.0 points higher than the Doctrine indicator).

Besides, the indicators for self-sufficiency in vegetables and melons remain below the threshold values - 89.4% (crops - 89.4%, which is 0.6 percentage points lower than the indicator provided for by the Doctrine); for fruits and berries - 46.7% (13.3 percentage points lower than the Doctrine indicator); seeds of the main agricultural crops - 62.5% (12.5 percentage points lower than the indicator provided for by the Doctrine) [23].

Indirectly, the growth of food independence indicators in agricultural crop production in 2023 is shown by the indicators of meat and meat production - 101.5% (16.5 percentage points higher than the indicator provided for by the Doctrine), as well as milk and dairy products - 86.7% (3.3 percentage points lower than the indicator provided for by the Doctrine), which primarily concerns forage crops, as well as waste from other sectors of crop production (straw, oilcake, etc.) used to feed farm animals. Compared to 2022, all indicators for both crop production and livestock farming have positive growth dynamics.

An important point: subparagraph "z" of paragraph 7 of the Doctrine indicates the prohibition of importing genetically modified organisms into the country for the purpose of sowing, growing and breeding them, as well as their circulation, control over the import and circulation of food products obtained using genetically modified organisms, with the exception of importing and sowing such for scientific and experimental purposes.

The importance of food independence as the main criterion for food security has especially increased due to the sanctions policy of the United States and the European Union towards the Russian Federation, in contrast to which there is a deepening of integration processes within the Eurasian Economic Union, including in the territory of the former Soviet Union [24], as a result of which, in terms of the missing positions of ensuring food security, taking into account the capabilities of, first of all, the Republic of Belarus, the countries of the Eurasian Union and friendly countries, the country is fully provided with food, the Russian approach turned out to be timely and necessary.

There is no doubt that with such an approach, the rating (indicator) of food security of Russia, having regard to the criterion of food independence, is at least in the first ranks in the world production of agricultural products, since the country actually ensures its independence in all the main food positions necessary for the country.

There is also an alternative position, according to which such concepts as "food self-sufficiency" and "food independence" are of secondary importance. However, here too, its supporters are forced to admit that this criterion is important, since it reveals the characteristics of the food security system, and the main problems associated with it [25].

The first Doctrine did not take into account such an important parameter of dependence as the use of domestically bred seeds, which created a direct threat to Russia's food security: for example, in 2019, the share of domestically bred seeds for sugar beet reached 0.6% (an absolute outsider), potatoes - 9.7%, sunflower - 26.5% (for comparison: the leader is winter wheat - 92%) [26].

With the adoption of the new Doctrine, this shortcoming was eliminated: a position of independence was introduced for seeds of the main agricultural crops of domestic selection - which should be 75%.

The final report of the Ministry of Agriculture notes that in 2023, the share of seeds of the main agricultural crops of domestic selection was 62.5% (12.5 percentage points below the figure provided for by the Doctrine), which indicates a general trend of growth in domestic selection (in 2017, this parameter was 60%) [27]. At the same time, the Ministry of Agriculture of Russia also draws attention to the pricing policy: for example, the price of 1 ton of Kuban corn seeds is 60 thousand rubles, while that of "Syngenta" company is 350-400 thousand rubles, "KVS" - 340-375 thousand rubles, "Pioneer" - 475-500 thousand rubles [ibid.]. The focus on domestic selection is obvious.

Since the adoption of the first Doctrine, it has become clear that creating only the necessary volumes of products for food security is not enough: food security in the context of specific circumstances must take into account the potential risks associated with a possible concomitant increase in prices and deterioration in food security for low-income groups [4], promptly including appropriate regulatory levers, in particular, the mechanism of intervention in the market distribution of essential products in order to counteract the **rush demand**, which took place in the first months of 2022 (since the start of the Special Military Operation).

Rush demand is a demand for essential goods that is determined not by real need, but by behavioral motives. Excitement may be based on rumors about insufficient quantities of goods, imminent price increases, disrupted supplies, etc.

Rush demand can arise not only in the consumer market, but also in the industrial market, if this market is close to the market of perfect competition and the price regulator is the balance between supply and demand. Such markets and goods include lumber, cellulose, cardboard, paper. It should be noted that rush demand belongs to the class of avalanche-like processes developing according to the law of chain reaction.

Such situations must be provided for at the legislative level, in particular, from a temporary restriction on the sale of essential products to one person, to their distribution depending on the number of family members (as two extremes). In this case, it is necessary,

firstly, to consolidate the circumstances associated with the emergence of rush demand, which would be the basis for the corresponding regulation, and secondly, to vest the authorities with the corresponding competence: for example, municipal authorities in establishing a “temporary restriction on the sale of essential products to one person”, as the simplest way of state regulation of trade. Such additions should be consolidated in the Federal Law of December 28, 2009 No. 381-FZ “On the Fundamentals of State Regulation of Trade Activity in the Russian Federation” [28].

More significant restrictions, apparently, should be attributed to the federal level.

The Agreement on Agriculture of the WTO countries [29] took under complete control: firstly, market access, which includes customs duties, quotas and other restrictions affecting imports; secondly, domestic support of commodity producers within the framework of agricultural support programs; thirdly, export subsidies and other payments directly serving the purpose of expanding exports (Articles 4, 6 and 9). Accordingly, all state support was divided into the so-called baskets: the “green basket” (support through measures that do not distort production and trade or cause minimal distortion); the “blue basket” (direct support providing for production restrictions on the part of commodity producers); the “development” basket (certain subsidies for attracting and using investment, as well as subsidies for input resources and other support measures in developing countries) and the “amber or yellow basket” (subsidies that have a significant impact on production and trade, included in the calculation of the aggregate indicator of support); in science, there is also a “red basket” - support prohibited by this agreement.

It should be noted that in the context of the sanctions policy of Unfriendly countries against Russia, the specified gradation has lost its meaning, since it is considered exclusively as an instrument of pressure on the country, and the Doctrine of Food Security actually contradicts the said agreement. In order to avoid contradiction, the Russian Federation should officially enshrine in the Doctrine that WTO documents that contradict the food doctrine have no legal force on the territory of the country.

It is especially noteworthy that the new Doctrine for the first time draws attention to the need to "preserve in the state ownership of the Russian Federation agricultural organizations and shares of joint-stock companies operating in the sphere of agriculture" about the economy" (subparagraph "p" of paragraph 19 of the Doctrine), although until recently the emphasis was placed exclusively on the privatization of state property and the liquidation of unitary enterprises: for example, an analysis of the activities of unitary enterprises in the Stavropol Territory allows us to conclude that municipal and regional (state) unitary enterprises in the Territory are being privatized en masse [30]. This circumstance can probably explain the reference in the Doctrine only to the property of the Russian Federation.

As a development of this path, scientists propose “the formation of a *defense-agricultural complex of the Russian Federation on the basis of agricultural enterprises of the Ministry of Defense of Russia*, designed to fully ensure the production and supply of food products to support the Armed Forces of the Russian Federation during everyday life and mobilization deployment through the introduction of organizational and managerial mechanisms for optimizing functions and improving the activities of its activities, especially since there is positive experience in this area”. At the initial stage, it is proposed to use the lands of the military department, including empty lands of training grounds, airfields and military units [31].

Among the methods of state regulation of food security, enshrined in the Doctrine of Food Security, the following notions attract attention: "the formation of a state reserve of agricultural products, raw materials and food ..." (subparagraph "c" of paragraph 18 of the Doctrine); “improvement of mechanisms for regulating the market of agricultural products, raw materials and food ... in terms of increasing efficiency and eliminating price

imbalances in the market” (subparagraph "k" of paragraph 19 of the Doctrine). These methods are important, first of all, due to the contradiction of "market competition" to the main mechanism for the formation of food security, since the latter assumes guaranteed sales of products of Russian agricultural producers, at least partially.

Accordingly, these measures imply consolidation in the legislation, in particular in the Federal Law “On the Development of Agriculture” [32].

5 Conclusions

When there is an active search for a national idea for a breakthrough on the path of truly Russian development, the strategic interests of the country require primary attention to the development of agriculture. The main advantages of such a national priority are the rational use of the enormous agricultural potential, which allows ensuring not only the country's food independence, but also its active participation in world trade as a major supplier of food products and agricultural raw materials. In addition, agriculture, focused on satisfying people's main need for food, essentially has no competitors among other sectors of the economy, since the quantity and quality of food ultimately determine the standard of living of the population. This largely determines the possibility and necessity of developing a new state agrarian policy, without which many of the goals of the State Program will not be achieved, it is impossible to transition the agricultural sector of the economy to an innovative and investment path of development and ensure the food independence of the country. It is by the successes or failures of agricultural development that one can largely judge not only the reliable provision of the population with domestic food, but also the successes or failures of the country.

The most vulnerable link in Russian food security for plant growing is ensuring independence in seeds of the main agricultural crops of domestic selection, which implies maximum state support for this area for the most vulnerable types of agricultural crops.

In turn, increasing the independence of food can be facilitated, firstly, by measures to develop state property, including the restoration of the defense-agricultural complex of the Russian Federation on the basis of agricultural enterprises of the Ministry of Defense of Russia; secondly, by legal regulation of measures for the sale of agricultural products during periods of rush demand. These methods of state regulation need to be detailed in special agricultural legislation.

In addition, we propose to exclude the effect of WTO documents that contradict the Doctrine of Food Security on the territory of Russia.

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