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The improvement of the regional mechanism for the rational use and protection of agricultural land in the Russian Federation on the example of the Lipetsk region

La mejora del mecanismo regional para el uso racional y la protección de las tierras agrícolas en la Federación de Rusia en el ejemplo de la región de Lipetsk

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Abstract.

This article examines the composition and condition of the lands in the Lipetsk region and determines the main causes hindering the creation of an effective mechanism for the rational use and protection of lands. In line with modern land reforms in the region, the authors substantiated the need for a systematic and comprehensive implementation of a land policy. Having assessed the land reforms in the Lipetsk region, the authors revealed some current problems in public administration and land management. Insufficient and fragmented information on land use was considered one of the main challenges. At present, there is no comprehensive reliable information about many land plots, their boundaries, and the lands of special purpose. Cadastral works require further regulation, and there are many contradictions in the current state registers. All this confirms the need for further comprehensive reform in land legislation aimed at creating an effective system for the rational use and protection of land with special emphasis on agricultural land. To solve the problems in land management relations at the regional level, the authors proposed developing the Law “Fundamentals of the Legal Regulation of Land Relations in the Lipetsk Region”, which should reflect the objectives and principles of sustainable socioeconomic development of the region in the long term.

Keywords: land law, land management, agricultural land, regional land management.

Resumen

Este artículo examina la composición y el estado de las tierras en la región de Lipetsk y determina las causas principales que obstaculizan la creación de un mecanismo efectivo para el uso racional y la protección de las tierras. En línea con las reformas agrarias modernas en la región, los autores corroboraron la necesidad de una implementación sistemática e integral de una política de tierras. Tras evaluar las reformas agrarias en la región de Lipetsk, los autores revelaron algunos problemas actuales en la administración pública y la gestión de la tierra. La información insuficiente y fragmentada sobre el uso de la tierra se consideró uno de los principales desafíos. En la actualidad, no existe información completa y confiable sobre muchas parcelas de tierra, sus límites y las tierras de propósito especial. Las obras catastrales requieren una mayor regulación, y hay muchas contradicciones en los registros estatales actuales. Todo esto confirma la necesidad de una reforma más integral en la legislación de tierras con el objetivo de crear un sistema efectivo para el uso racional y la protección de la tierra, con especial énfasis en las tierras agrícolas. Para resolver los problemas en las relaciones de gestión de la tierra a nivel regional, los autores propusieron desarrollar la Ley "Fundamentos de la regulación legal de las relaciones de la tierra en la región de Lipetsk", que debe reflejar los objetivos y principios del desarrollo socioeconómico sostenible de la región en el a largo plazo

Palabras Claves: ley de tierras, gestión de tierras, tierras agrícolas, gestión regional de tierras.

Introduction

At present, one can witness the increasing significance of the issues of legal regulation connected with the rational use and protection of land in the Russian Federation in the constantly changing economic environment. This is especially true considering the fact that the agricultural sector is currently facing important strategic tasks: providing the country with domestic organic agricultural products and entering world markets as an exporter, which requires more rational use of land.

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The demographic policy adopted by Russia has led to population growth. This definitely influences the demand for food. As a result, the load on agricultural land is increasing, and there is excessive pressure on land resources (Skryabina and Van-Chu-Lin, 2013). Consequently, soil fertility in different Russian regions is declining, while both the environmental situation and the condition of agricultural lands are deteriorating. I. I. Poiseev notes, “up to half of the arable land is now used in a way causing depletion, with higher than reasonable loads. As a result, from 50 to 70 thousand square kilometers of land are annually withdrawn from agricultural use, including more than 3% of the arable land used per year” (Poiseev, 2013). Part of the land is not used in agricultural production due to mineral exploration, various surveys, including archaeological, geological, construction, and due to a significant reduction in the volume of land reclamation works. The urgency and complexity of the problem of the rational use and protection of agricultural land is determined by the fact that the degradation and pollution of soil cover undermines its main environmental functions, worsens the quality of water and food, and has a negative impact on people’s health. To prevent this, the government should take appropriate measures aimed at increasing the priority of agricultural land, which would primarily require a major adjustment of the existing approaches and finding new forms of ensuring the rational use and protecting this category of land at the regional level.

Many Russian scientists considered regulation of land relations, including the effective protection and rational use of land, among which we would like to name S. A. Bogolyubov, E. S. Boltanova, T. V. Volkova, Yu. G. Zharikova, K. Kh. Ibragimov, S. A. Lipsky, N. G.

Narysheva, F. P. Rummyantsev, V. V. Ustyukova, V. N. Khlystun, E. Yu. Chmykhalo, and A. A. Yalbulganov.

Thus, we can see that Russian legal science has developed numerous concepts, ideas, and scientific views on the rational use and protection of land. At the same time, having analyzed Russian research papers on the topic of research, we found out that agricultural science has not paid due attention to modern problems of the protection and efficient use of agricultural land at the regional level. This necessitates comprehensive scientific consideration of these issues.

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Effective agriculture and soil protection are in the focus of attention not only in Russia but also abroad. For example, T. Shumba, A. De Vos, R. Biggs, J. M. Ament, and H. S. Clements (2020) consider some aspects of maintaining natural soil cover and the integrity of biodiversity in the work. These researchers assessed the effects of the loss of natural soil cover on biodiversity conservation, which allowed developing standard approaches to quantify effectiveness. They proved that farms can support more species than other land uses (such as mines), which probably explains why the loss in biological diversity was smaller than the loss in natural soil cover.

M. Lipscomb and N. Prabakaran (2020) assessed the impact of land reform on the right to wood harvesting and agriculture in the Brazilian Amazon. They analyzed the ongoing changes in deforestation considering the number of registered small, medium, and large holdings, and found confirmation that land tenure reform can create incentives to slow down deforestation, as long as these incentives are aimed at intensifying production rather than expanding it. According to the researchers, these measures can lead to a reduction in deforestation.

R. Sanji, Y. Kooch, and A. Rey (2020) studied the impact of forest degradation and reforestation with *Alnus* and *Quercus* species on soil quality and function in northern Iran in detail. M. Shabanpour, M. Daneshyar, M. Parhizkar, M. E. Lucas-Borja, and D. Antonio Zema (2020) considered the influence of crops on soil properties in agricultural lands of

northern Iran. These researchers contributed to better understanding of the variability of soil properties in different types of land use. They claim that some of these properties require careful consideration to avoid soil degradation.

A study by S. B. Pena, M. M. Abreu, M. R. Magalhães, and N. Cortez (2020) showed that land degradation due to water erosion is a serious problem in the Mediterranean region. Scientists proved that the main cause of land degradation is the wrong land use and management practices. Solving the problem of soil erosion allows reversing the process of land degradation, as well as ensuring land safety: conservation of water resources, improvement of biodiversity, provision of ecosystem services, and improvement of landscape balance.

These studies once again confirmed that the issues of land protection, rational and efficient land use are relevant not only for Russia, but also for other countries. Therefore, to achieve the goals of agricultural land conservation, the government must improve the regional mechanism of rational use and protection of land in the Russian Federation, taking into account modern transformations in the land sector, and in this article, we considered this issue on the example of the Lipetsk region.

Methods and Materials

As the main document on the state regulation of the rational use and protection of agricultural land, the Land Code of the Russian Federation defines the basic principles of land legislation (Article 1). One of the main principles is the idea of land as a natural object. In addition, it claims the priority of land protection as the most important component of the environment and means of agriculture production. The second chapter of the Land Code describes the objectives and content of land protection. As a rule, the goal is formulated in one thesis, but in Article 12 of the Land Code, the goal of land protection is expressed in two theses. They determine the leading directions of action that ensure the integrated approach to solving this problem

Results and Analysis

The Land Code considers the prevention of degradation, pollution, littering, and other negative effects of human activity. The document also states that it is necessary “to ensure the rational use of land, including the restoration of soil fertility on agricultural lands and land improvement.” Therefore, the Land Code does not regulate the concept of “the rational use of land” and considers it as an integral element of land protection.

We can assume that the lack of an effective mechanism for implementing state policy in the field of conservation and environmental management can be due to the lack of a legal definition of “the rational use of land” at the federal level. Consequently, there are no approved criteria for assessing land use as rational. In fact, the Russian legislator took an opposite course. The criteria for the rational land use are not listed in the Land Code, but it states the consequences of non-compliance with the rules of rational use: a decrease in the fertility of agricultural land and the deterioration of the environmental situation.

Currently there are no elements of land violations, for example, irrational use of land, or the use of land intended for agricultural production with a gross violation of the rules of rational use, leading to a significant decrease in the fertility of agricultural land. Neither administrative nor land legislation regulates the elements of such an offense as non-use of land for its intended purpose. In a generalized form, the assessment criteria for the non-use of land are presented in Decree of the Government of the Russian Federation No. 369 of April 23, 2012 (The Land Code of the RF, 2001), which is not sufficient for the accurate classification of such an offense and timely prosecution of the offender.

All this creates certain practical difficulties when it is necessary to hold individuals accountable for the violation of land legislation.

The Russian legislation provides for the possibility of termination of the right to a land parcel if its use “violates the requirements of the legislation of the Russian Federation, namely when the land is used for other purposes or if its use leads to a significant decrease in the fertility of agricultural land or environmental damage” (Clause 2, Article 45 of the LC, 2001). There is no administrative responsibility for this offense.

However, paragraph 2 of Article 8.7 of the Code of Administrative Offenses of the Russian Federation provides liability for “failure to comply with established requirements and mandatory measures to improve, protect land and soils from wind, water erosion, and prevent other processes and other negative environmental impacts that worsen the quality of land” (Decree No. 201, 2004). Thus, according to the text of this article, the Code of Administrative Offenses does not reflect the mandatory requirements and measures for the owner of the land, which creates certain difficulties in the enforcement of this rule.

The difficulties in the rational use and conservation of agricultural land are closely connected with the low efficiency of public administration in this field. Drawbacks in the mechanism of state land management in practice are because there is no clear understanding of which state bodies should maintain supervision over the rationality of land use.

In accordance with paragraph 1 of Decree of the Government of the Russian Federation of April 8, 2004 No. 201, “the Federal Service for Veterinary and Phytosanitary Surveillance (Rosselkhozadzor) is the federal executive body that exercises control and supervision in this field, including land relations (also over agricultural land)”. In our opinion, this public authority should regulate the compliance of land users with the rules for the rational use of agricultural land. Therefore, paragraph 4 of Decree of the Government of the Russian Federation of January 2, 2015 No. 1 should be revised and amended in line with the above.

Thus, we propose to fix the concept of “the rational use of agricultural land” at the legislative level. It should be understood as the “land use in accordance with its intended purpose, in compliance with the requirements that prevent pollution, depletion, degradation, and damage, land destruction and other negative impacts, with the concomitant implementation of measures to ensure (preserve and enhance) its fertility and the optimal use of the territory to achieve the most effective result from such use” (Badulina, 2018).

Even now, it is perfectly clear that many issues related to the creation of a modern mechanism that ensures effective protection and rational use of agricultural land can be solved only with the comprehensive approach to this problem. In this regard, there is a need to address legislative gaps at the federal level, which will not only expand and strengthen legal standards in the field of protection and rational use of agricultural land, but also improve the legislation of the Russian Federation in this area. Therefore, there is a need to eliminate legislative gaps at the federal level, which will not only expand and strengthen legal standards in the field of protection and rational use of agricultural land, but will also improve Russia's legislation in this area.

Assessing the ratio of Russian federal and regional legislation in the land sector, one can observe the imbalance, lack of compliance with modern social and economic conditions of certain regions of the Russian Federation. The regional legislation of some constituent entities of the Russian Federation should be updated and expanded, so that it becomes complete and capable of addressing the issues of the rational use and protection of land. At the same time, the legislation of the constituent entities of the Russian Federation should be improved in line with the specifics of the composition and condition of the lands in a particular region, existing gaps and contradictions in the norms of the federal land legislation.

Let us consider ways of improving the regional mechanism for the rational use and protection of agricultural land in the Russian Federation on the example of the Lipetsk region, which is located in the central part of European Russia. The area of the Lipetsk region is 24,000 square kilometers. The most common soils in the region are chernozems. Typical thick chernozems represent 16% of arable land, and the rest is leached and podzolized chernozems, as well as dark gray and gray forest soils (Law No. 81-OZ, 2003). Table 1 presents the classification of the lands of the Lipetsk region according to the intended use for the period from 2015 to 2018.

Having analyzed the land composition and area of the Lipetsk region, one can note that currently agricultural land dominates in the structure of the land fund, representing 80% of the total land area. Having studied the structural changes in the land fund of the Lipetsk

region over the past 4 years, we found out that the total area of agricultural land has reduced. Moreover, in 2018 its area decreased by 2,400 hectares compared to 2017, which can be explained by several reasons. Firstly, the total land area of localities expanded by 2,300 hectares due to changing administrative boundaries of municipalities in the territory of the Lipetsk region. Secondly, the area of industry land and the land of other special purposes increased by 100 hectares.

The main element of state accounting is land. As of December 31, 2018, the total area of non-agricultural land in the Lipetsk region amounted to 451,000 hectares, or 18.8%, and agricultural land covered 1953,700 hectares, which was 81.2% of the total land fund of the region. The composition and area of agricultural land are presented in Figure 1.

Compared to 2017, the total area of agricultural land in the region decreased by 100 hectares. This negative trend can be observed not only in the Lipetsk region, but also in other areas of Russia. Given the current situation in the food market, the demand for these lands will definitely grow in the coming decades. This resource is crucial not only for food security, but also for the national security of the Russian Federation. The development potential of the Lipetsk region and the whole country is determined by the attitude to this strategic resource. In this regard, the development and implementation of an effective mechanism for rational use and protection of agricultural land is one of the most urgent goals in the current socioeconomic conditions in Russia.

The regulation of land relations in the Lipetsk region is based on the Constitution of the Russian Federation, as well as federal and regional legislation. The main regional act is Law No. 81-OZ "On the Legal Regulation of Land Relations in the Lipetsk Region", adopted in 2003. It is short and includes six chapters. The second chapter of this act considers the provisions on the circulation of agricultural land. At the same time, the Lipetsk region has adopted a small number of regulatory acts regulating land relations. Thus, we can conclude that at present the improvement of land legislation in the Lipetsk region is carried out at a slow pace. The relations related to the protection and rational use of land are mainly regulated by federal legal acts.

In view of this, there are prerequisites for the adoption of a modular law at the regional level that will regulate the principles and reflect the priorities of the regional land policy of a region in line with the particular composition and condition of the land. Creating incentives for ensuring the efficient and rational use of lands, their protection from bad management and degradation should become the main goal of legal regulation. This legal act should be based on the updated domestic land legislation and environmental standards. In our opinion, this law should become the framework that will contribute to the unification of regional land legislation.

Considering the above, we propose to develop the Law “Fundamentals of the legal regulation of land relations in the Lipetsk Region”, which should reflect the objectives and principles of sustainable socio-economic development of the region in the long term. The Law should provide for the clear regulation in the following chapters. The first one should establish rights and delimit powers and responsibility for the efficient use of land and its protection between state bodies at the regional and municipal levels. The second chapter should determine the system of organizational and legal measures of regional incentives for the rational use and protection of land.

In addition, the structure of the Law should include chapters on ensuring fertility reproduction and regulating the circulation of agricultural land, state monitoring of land use and condition, land management, the creation of a system for forecasting and planning of the use and protection of land at the regional and municipal levels, state land supervision, and responsibility for land offenses that are relevant for the Lipetsk region.

When developing the foundations, it should be borne in mind that each category of land should be used according to particular independent principles; therefore, the legal regulation of land relations in the region must be considered for each category of land. Moreover, given that 80% of the land fund in the Lipetsk region is agricultural land, the Law must contain a chapter on “The rules for the rational use and protection of agricultural land”. In this regard, we suggest setting mandatory requirements for landowners, landowners, land users, and tenants. We consider it viable to oblige land users to carry out on-farm land management and agrochemical examination of agricultural land soils

within one month after the registration of land rights. In our opinion, these measures are extremely important for maintaining the fertility of agricultural lands and their rational and careful treatment.

A special emphasis in the Law should be placed on the regulation of a set of economic and legal measures to stimulate the efficient use and protection of agricultural land:

- 1) Providing tax benefits for individual entities, namely, exemption from land tax for land users who invested their own funds in measures aimed at conservation and restoration of agricultural land;
- 2) Granting efficient users of agricultural land with the priority right to access budget and credit funds, as well as funds from other sources, to maintain and restore soil fertility, to carry out agricultural, land reclamation and other soil protection measures;
- 3) Offering partial or full compensation from the regional budget to land users, tenants, and owners of agricultural land for the costs they incurred related to:
 - Establishment and registration of land parcels and land shares;
 - Protection of land and increasing its fertility;
- 4) Developing a system of payments for violations that led to the degradation of agricultural land; the calculations should be based on the total of all costs incurred during the restoration or reclamation of such land.

Conclusions

At present, the formation of a modern mechanism for rational and efficient land use in the agricultural sector requires solving many issues, and this target can be reached only with an integrated approach to this problem. The region should use financial, regulatory, and administrative levers.

It seems viable to develop uniform acts regulating land relations at the regional level that will clearly and consistently determine the norms ensuring the rational use of land. In addition, the criteria for their effective use should be proposed. When creating these regulatory documents, the legislator should consider the territorial features and natural and climatic conditions of a particular region.

Therefore, the primary task is to improve regional legislation in the field of the rational use of agricultural land by adopting a modular law that will:

- Regulate the legal status of owners and land users during the activities aimed at soil fertility restoration;
- Create favorable conditions for the implementation of programs adopting measures that improve soil composition, as well as providing for partial reimbursement of expenses for reclamation works;
- Establish effective interaction between territorial government bodies and local authorities in the field of regulation of land relations through the optimal concentration of their functions;
- Increase the responsibility of industrial enterprises and land users to reduce their damage to the land due to production activities;
- Create conditions for increasing the production of high-quality and environmentally friendly agricultural products at the regional level along while ensuring soil conservation and compliance with environmental requirements.

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