On the issue of security of land transfer from agricultural to industrial and transport use

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Abstract. The present paper raises the questions that directly relate to the contemporary development of national economy of the Russian Federation. The main orientations of the strategic development of Russia are enshrined in Decrees of the President of Russia “On the Strategy for the Economic Security of the Russian Federation for the Period until 2030” and “On Approving the Doctrine of Food Security of the Russian Federation”. Having analyzed the aforementioned documents, the authors came to a conclusion that the primary challenge for Russia’s economy today is the development of industrial and transport which is impossible without the expansion of a production areas. Growth of zones of manufacture entails the necessity to acquire supplementary areas, which often is carried out at the expense of agricultural lands. Rezoning of agricultural lands is regulated and strictly regimented by the legislation of the Russian federation. The paper describes an attempt to solve a conflict situation, which consists in the fact that agricultural lands are aimed at fulfilling a food program, while the food program demands the rezoning of lands including agricultural, which may lead to the decrease in production of agricultural goods. In the present paper, the authors make several proposals that will minimize security risks for national economy.

1. Introduction

Article 9 of the 1993 Constitution of the Russian Federation stands: “... lands and other natural resources are used and protected in the Russian Federation as the basis of life and activities of peoples living in the respective territory”.

Land is one of natural resources. Its uniqueness consists in the fact that, just like all natural resources, land is exhaustible, difficult to restore and sometimes non-recoverable. This fact characterizes the importance of agricultural lands. This category of land is aimed to provide the country’s population with food products in order to meet people’s vital needs. Thus, defining goals, objectives and main directions of the state socio-economic policy in ensuring food security, the President of the Russian Federation in the Doctrine of Food Security indicates the improvement of quality of Russian citizens’ life as one of the national interests, which is to be fulfilled by means of providing sufficient food security through sustainable development and modernization of agriculture, fishery and domestic market infrastructure (Decree of the President of the Russian Federation of January 21, 2020 N 20 ”On approval of the Doctrine of food security of the Russian Federation”).

One of the main tasks registered in the Decree of the President of the Russian Federation "On the Strategy of Economic Security for the Period until 2030" is to promote the development of Russian
enterprises of the non-resource-based sector of the economy, to help them achieve the level of global leaders of the world economy.

The Land Code of the Russian Federation legislatively enshrines the division of lands into the following categories:

1) agricultural lands;
2) settlement lands;
3) lands of industry, energetics, transport, communications, radiobroadcasting, television, computer science, lands for space activities, land of defense and security and lands of other special purposes;
4) lands of specially protected areas and objects;
5) forest reserve lands;
6) water reserve lands;
7) reserve lands.

The legislator clearly defines purposes of lands of the Russian Federation, which involves the targeted use of these land categories.

Land for industry and transport intended for the construction of production facilities do not constitute the largest percentage of the total land of the Russian Federation. In this regard, there is an issue of looking for opportunities to rezone lands from agricultural to industrial and transport use. A combination of two not conflicting, yet inconsistent approaches to the development of national policy poses a threat to the security of the Russian Federation.

2. Materials and Methods

Specialness of agricultural lands and current environmental problems make people be concerned of the efficiency and feasibility of using agricultural lands. Industrial lands are usually developed on the basis of land parcels that have been created by means of:

1. Coordination of disposing them on agricultural lands.
2. Joining settlements.
3. Changing the category of land.

A certain conflict arises between the significance of agricultural lands and the need to expand areas of production zones. The use of land parcels as they have been designed, that is for industrial purposes, requires large financial investments, including expenses for a transport junction, installation of utilities and communication lines and for other elements of industrial infrastructure. Therefore, it is inefficient to locate industrial facilities in the territory of settlements due to the lack of areas. Many manufacturers build their production out of the city boundaries, in those areas where a territory of an industrial complex, which will be space-effectively located in one place, may be expanded. This usually refers to agricultural lands.

There appears a challenge, which consists in rezoning lands from agricultural to industrial use. When addressing land category issues, conflicts of various nature arise at all stages from land rezoning to its official registration.

3. Results

The legal regulation of land rezoning is performed on the basis of the land legislation of the Russian Federation, which relates to the subject of joint jurisdiction of the Russian Federation and the constituent entities of the Russian Federation under the Constitution of the Russian Federation.

Legal rules that regulate relations according to categories and purposes of lands are accumulated in legal acts, such as Federal Law No. 172 that defines exceptional cases of rezoning lands from agricultural to other categories of usage, Federal Law No. 101 "On the Turnover of Agricultural Lands". A set of legal rules has been adopted by the regional authorities of the Russian Federation, which are aimed to thoroughly regulate issues that are not covered in federal legislation.

The authors have revealed the need to resolve conflicts between the need to preserve agricultural lands for their intended purposes and the tasks assigned to the subjects of economic development in terms of expanding the production capabilities of the Russian Federation.
To solve the problem of economic security development, it is necessary to expand the field of production activities in order to increase the level of production, including agricultural goods. Such issues cannot be regulated at the legislative level by any single legislative act. Only a set of measures on introducing new or improving the existing legal acts relating to various fields of activity, but intended to regulate and protect interests of the state and its citizens in the field of land resources, will allow all parties of economic relations to evaluate their actions and plans correctly.

4. Discussion
At the present stage, technological progress has already enabled finding new forms of transforming such natural resources as water, air and minerals. This allows humanity to look into the future positively from the environmental and economic security perspective. Such a resource as land is difficult to replenish and does not have any analogues. Exploration of space, Moon, Mars and other planets of the solar system does not give an answer to the question of replaceability of earth on planet Earth. The state of land cover depends not only on humans, but also on natural climatic conditions. Since the last century, environmental problems have been the main concern of the authorities not only of the Russian Federation, but of the entire world community. That is why it is important to create a legal framework and legal protection to maintain land quality.

Since the times of Ancient Russia, land has been divided into categories according to its qualitative composition. This division began in the period of feudal disunity, when the right of ownership, including ownership of land, was being formed. There were such categories of lands as ones belonging to a state, lands of private ownership, of independent principality, cabinet lands, monastery lands and many others. The division of lands into categories is explained not only by political and environmental, but also by economic reasons, since land is considered as a means of getting revenue by a state.

Despite the fact that the concept of land is not only enshrined in the Constitution and in the land legislation of the Russian Federation, declared and regulated by regional legislation and by decisions of municipalities, judicial practice shows that the misuse of lands is one of the major infractions in Russia (Figure 1).

![Figure 1. Administrative offenses in environmental protection and natural resource management.](image-url)

This graph provides statistical data on court proceedings, that are posted on the official website of the Judicial and regulatory acts of the Russian Federation under Art. 8. Of Code of Administrative Offences in the field of environmental protection and nature resource management. These graphs allow observing the growth of the amount of court hearings in the field of land relations.
Land is an object of land relations, specifics of which are being continuously discussed. Some authors, focusing on the properties of the land, divide it into reproducible and non-reproducible. This deserves attention since the land is heterogeneous in its qualitative composition. K.H. Ibragimov proposes to divide lands according to the value of agricultural holdings into the following groups: valuable, medium-valuable and especially valuable, which will be registered in the State Register of valuable agricultural lands with the assignment of a corresponding number [1]. The above-listed suggestions of theorists are rational to a certain degree, since agricultural land ranks the second of the total land area of the Russian Federation, but its percentage is not very large. According to the Public Cadastral Map of the Russian Federation in 2019, the territory of the country consists of lands belonging to the categories having the following percentage ratio (Figure 2):

![Figure 2. Percentage of land categories in the Russian Federation in 2017.](image)

In 2017, the rezoning of agricultural lands was prohibited, and since then only Federal Law No. 172 has defined exceptional cases of rezoning.

1. Rezoning of agricultural holdings or land parcels to another category is allowed in exceptional cases associated with:
   1) conservation of land;
   2) creation of specially protected natural areas or with the assignment of lands to lands of nature conservation, historical, cultural, recreational and other highly valued purposes;
   3) definition or change of settlements’ boundaries;
   4) placement of industrial facilities on lands, cadastral value of which does not exceed the average cadastral value in a municipal district (urban district), as well as on other lands with other non-agricultural purposes, in the absence of other options for the placement of these facilities...;
   5) inclusion of lands that are unsuitable for agricultural production into forest reserve lands, water reserve lands, reserve lands.
   6) construction of roads, power lines, communication lines (including linear cable structures), oil pipelines, gas pipelines and other pipelines, railway lines and other similar structures ... if there is an approved design project for the reclamation of a part of agricultural holdings provided for the period of construction of linear infrastructure;
7) fulfillment of the international obligations of the Russian Federation, ensuring the country’s defense and state security in the absence of other options for the placement of relevant facilities;
8) extraction of mineral resources in the presence of an approved land reclamation project;
9) placement of social, communal, public health or education facilities, in the absence of other options for the placement of these objects.

The legislator provides the possibility of rezoning lands from agricultural to other use, yet paragraph 4 of Art. 7 of the aforementioned law allows rezoning lands to industrial and transport use only in certain cases that depend on the cadastral value of an industrial facility in a municipal district, or in case when roads, power lines, communications, etc. are being built, or in order to place a facility that is aimed to ensure the country’s defense and security.

Thus, the change of an agricultural land’s category to industrial one is legally obstructed. However, the Food Security Doctrine sets the task of “… food independence of the Russian Federation, which will guarantee the physical and economic accessibility for each citizen of the country of food products that meet mandatory requirements, in volumes not less than rational food consumption standards, necessary for an active and healthy lifestyle”, and “…the development of agricultural production, raw and food products that meet established environmental, sanitary-epidemiological, veterinary and other requirements”. On the other hand, the President of the Russian Federation have set the task to improve the investment climate for entrepreneurship until 2030.

The authors believe that there is a legal imbalance between the two documents that determine the strategic development of the Russian Federation. Particularly, on the one hand, it is necessary to save agricultural land from degradation, bogging, contamination due to their value and irretrievability, and on the other hand, national interests The Russian Federation require expansion and strengthening of the country’s production potential.

Besides the legal component of the issue of rezoning agricultural holdings and lands to other categories (industrial production or urban settlement) [2, 3], the economic issue is poorly considered. Economic problems and ways of their resolution are often not considered at all, as well as the question of economic reasons representing the basis for rezoning these lands from one category to another.

Many state and municipal authorities, as well as those interested in developing their business do not consider how much this transfer may worsen or improve the economy of both the enterprise and the region as a whole.

From the economic perspective, the rejection of agricultural land entails a decrease in the potential of agricultural indicators, reduction of the potential level of agricultural development in a region. On the other hand, the rezoning of a part of lands from agricultural to industrial use boosts the development of industry and the improvement of the potential capacity of industrial rates.

In modern trends in the society development, the economy most often recognizes the increase in industrial potential as significantly useful and profitable. This is spoken of in the “Strategy for economic security for the period until 2030”. There are more than 20 indicators related to the development of industrial production, whole indicator of agricultural development is only one. Of course, this does not mean that the Government of the Russian Federation is more interested only in the development of industry, but under otherwise equal conditions, the interests of industrial production is higher than the interests of agriculture. Such a formulation of the issue is due to the fact that there are many agricultural holdings in the Russian Federation that are abandoned and not used at all. There still remain a lot of such lands which amount to 44% of the total number of croplands.

The Russian Federation annually breaks productivity records in growing various types of agricultural crops. This happens not by means of engaging a large number of abandoned croplands, but solely due to the increase in the efficiency of cultivated land use. A huge rate of abandoned lands proves that the amount of lands for agricultural development is still very large, and they need sufficient state and regional support for the improvement of fertile qualities of soils.

5. Conclusions
The authors defined the peculiarities of legal relations on rezoning lands from agricultural to industrial
and transport use. These peculiarities are reasoned by federal and regional legislation and the historically developed situation which implies that it is necessary to retain the agricultural category of lands and improve manufacture, particularly by increasing its scale, for the purposes of the sustainable development of the Russian Federation.

The lack of coordination when planning and fulfilling tasks and objectives that face the nation of the Russian Federation is a quite pressing problem. These tasks and objectives should be fulfilled for the purposes of not only environmental, but also economic security. The most effective solution to security problems, which arise because of inconsistency of legal acts, is possible when:

1. The economic losses associated with rezoning agricultural lands to zones of industry and transport are estimated.

2. The tasks for Russian scientific community are defined in order to find effective ways of preserving fertile agricultural lands.

3. The possibility of toughening administrative and criminal penalties for authorities and business entities is considered in order to limit the rezoning of agricultural lands to other categories.

4. All the lands of the Russian Federation are monitored in order to prevent and detect unaccounted lands and create a consolidated reserve.

5. The task of searching for new forms of control and supervision over the appropriate use of land is set.

The authors believe that these proposals will help reduce the risk of security threats in the future development of the Russian Federation.

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