

UDC 33

Legal model of ensuring food security in Russia

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Abstract

Objective. The aim of the work is to study the evolution of the legal model for ensuring food security in Russia. **Methodology.** The methodology of work includes the application of historical and legal analysis. **Results.** Indirect prerequisites for determining the concept of food security in the Russian Federation were presented in the Federal Law "On Security". The definition of the concept of "food security" as a separate term occurred much later, in the draft Federal Law "On Food Security", which was never adopted. This document defined such concepts as food security of the Russian Federation, food independence of the Russian Federation, physical and economic accessibility of food products, and other concepts. Virtually all of the concepts corresponded to the 1996 Rome Declaration on World Food Security. Only in 2010, the country adopted the Food Security Doctrine, which defined the main terms and definitions related to food security. So, economic accessibility means "the possibility of purchasing food products at current prices in volumes and assortments that are not less than the established rational consumption norms, provided by the corresponding level of income of the population." Thus, economic accessibility implies the ability of the population to purchase food at prevailing prices, and reflects the level of the well-being of the population. The modern legal model is characterized by full compliance with international law, on the one hand, and on the other hand does not fully determine the food diversity and affordability of food for various categories of the population.

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Keywords

Food security, food availability, national security, individual rights, legal model.

Introduction

The country's food security in the modern world is one of the main components of national security. It follows from the modern definition of the concept of "food security" and from fundamental rights and freedoms defined in the Constitution of our country.

The Constitution of the Russian Federation defines basic human and civil rights and freedoms, including the right to life (Article 20), the state's protection of motherhood and childhood (8, Article 38), social security by age, in case of illness, disability, loss of family support, for the upbringing of children (8, Article 39), the right to health care and medical care (8, Article 41). All these rights indirectly determine a person's right to adequate nutrition. Thus, the right to life can not be realized without overcoming hunger; the right to social security implies the provision of sufficient funds for normal living, which, in turn, presupposes the availability of adequate nutrition; protection of motherhood and childhood, also involves the provision of certain categories of citizens with the necessary food; the right to health requires a full-fledged variety of nutrition. Thus, the achievement of food security, which implies the food availability in the country, determines the ability to exercise basic constitutional rights of a citizen of the Russian Federation.

Thus, it is necessary to define the concept of "food security".

Main part

For the first time, the indirect prerequisites for defining the concept of food security in the Russian Federation were presented in the Federal Law "On Security". In particular, this document defines security as "a state of protection of the vital interests of the individual, society and the state from internal and external threats", and vital interests is "a set of needs, satisfaction which reliably ensures the existence and opportunities for the progressive development of the individual, society and the state" (Article 1). Based on these data, food security is an integral part of security in general, since the ability to consume the required amount of food at every stage of a person's life is key to ensuring its existence and the possibility of progressive development of the individual.

In addition, the National Security Concept approved by the Decree of the President of the Russian Federation of 17.12.1997 No. 1300 considers the increase in the import of food, including essential food as a threat to the national security of the Russian Federation in the sphere of the economy.

During 1995-1997 there were adopted several resolutions of the Federation Council of the Federal Assembly of the Russian Federation related to ensuring food security of the Russian Federation. These documents repeatedly mentioned the "insufficiently active" work of the Government of the Russian Federation in the field of food supply, and proposed various measures for economic, financial and legal support of domestic food producers. But they did not give definitions of the concepts of "food security", "food availability", "food independence".

The definition of the concept "food security" as a separate term was given much later, in the draft Federal Law "On Food Security", which was never adopted. This document defined such concepts as food security of the Russian Federation, food independence of the Russian Federation, physical and economic accessibility of food products, and other concepts. Virtually all of the concepts corresponded to the 1996 Rome Declaration on World Food Security. Unfortunately, the document adopted by the State Duma and approved by the Federation Council was returned to the State Duma by the President

of the Russian Federation without consideration. The reason for this was the failure to comply with the requirements of the Constitution of our country (Article 104, part 3), and since this legislative act was not rejected by the President of Russia, it was not submitted for reconsideration by the State Duma, due to the absence of procedural rules. Only in February 1999 the bill was again submitted to the State Duma of the Federal Assembly of the Russian Federation, after which on July 1, 2005 the draft law received a response from the Government of the Russian Federation, in connection with which the State Duma rejected the bill.

Only in 2010, the country adopted the Food Security Doctrine, which defined main terms and definitions related to food security. In accordance with this document, the concepts of the food independence of the Russian Federation are divided, meaning "sustainable domestic production of food products in volumes not less than the established threshold values of its specific weight in the commodity resources of the domestic market of the corresponding products" (part 5, section 1), and food security, which is "the state of the country's economy, ensuring the food independence of the Russian Federation, physical and economic accessibility for every citizen of food corresponding to the requirements of the legislation of the Russian Federation on technical regulation, in amounts not less than rational norms of food consumption required for an active and healthy life" (10, part 5, section 1).

In addition, the Doctrine of Food Security also defines the concept of economic and physical access to food. So, economic accessibility is understood as "the possibility of purchasing food products at current prices in volumes and assortment that are not less than the established rational consumption norms, provided by the corresponding level of income of the population" (10, part 5, section 1). Thus, economic accessibility implies the ability of the population to purchase food at prevailing prices, and reflects the level of the well-being of the population. The physical availability of food reflects the "level of development of the commodity distribution infrastructure, in which the population is provided with the opportunity to purchase food or catering by the population in volumes and assortments that are not less than the established rational norms for food consumption" (10, p. 1). Consequently, the physical availability of food determines the availability of the necessary quantities of food.

Conclusion

The food security doctrine defines the main tasks of ensuring the food security of our country, including: identification and forecasting of internal and external threats in the field of food security, and also their prevention through the formation of strategic food stocks; development of production of domestic food products and raw materials for their production; achievement and maintenance of physical and economic accessibility of food for all categories of the population of our country; food safety. Proceeding from the main tasks considered in the field of food security, the Food Security Doctrine is the basis for the development of normative and legal acts, directly or indirectly:

- agriculture;
- processing branches of the agro-industrial complex of our country;
- industries which produce the means of production for agriculture and food industry;
- distribution and redistribution of agricultural land;
- wholesale and retail of food products;
- social security of citizens of different categories;
- living standard of the population of our country.

In addition, the Food Security Doctrine identifies indicators for assessing the state of food security, as well as risks and threats to ensuring food security.

It should be emphasized that the Food Security Doctrine is consistent with and takes into account the recommendations of the Food and Agriculture Organization of the United Nations. Consequently, the modern legal model is characterized by full compliance with international law on the one hand, and on the other does not fully determine the food diversity and affordability of food for various categories of the population.

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Правовая модель обеспечения продовольственной безопасности в России

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Аннотация

Цель. Целью работы является исследование эволюции правовой модели обеспечения продовольственной безопасности в России. Методология. Методология работы включает применение исторического и правового анализа. Результаты. Косвенные предпосылки для определения понятия продовольственной безопасности в Российской Федерации были представлены в Федеральном Законе «О безопасности». Выделение понятия «продовольственная безопасность» как отдельного термина произошло гораздо позднее, в проекте Федерального Закона «О продовольственной безопасности», который так и не был принят. В этом документе определялись такие понятия, как продовольственная безопасность Российской Федерации, продовольственная независимость РФ, физическая и экономическая доступность продуктов питания, и другие понятия. Практически все понятия соответствовали принятой в 1996 году Римской декларации о всемирной продовольственной безопасности. Только в 2010 году в нашей стране была принята Доктрина продовольственной безопасности, которая определила основные термины и определения, касающиеся продовольственной безопасности. Так, под экономической доступностью понимается «возможность приобретения пищевых продуктов по сложившимся ценам в объемах и ассортименте, которые не меньше установленных рациональных норм потребления, обеспеченная соответствующим уровнем доходов населения». Таким образом, экономическая доступность подразумевает возможность населения приобретать продукты питания по сложившимся ценам, и отражает уровень благосостояния населения. Современная правовая модель характеризуется полным соответствием международному праву, с одной стороны, а с другой не полностью определяет продовольственное разнообразие и ценовую доступность продуктов питания для различных категорий населения.

Для цитирования в научных исследованиях

Елагина А.С. Правовая модель обеспечения продовольственной безопасности в России // Вопросы российского и международного права. 2018. Том 8. № 1В. С. 255-260.

Ключевые слова

Продовольственная безопасность, доступность продовольствия, национальная безопасность, права личности, правовая модель.

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