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AGRICULTURAL COOPERATION AS A BASIS FOR ENSURING FOOD AND ENVIRONMENTAL SECURITY IN UKRAINE: LEGAL ASPECTS

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Khrishcheva O.G. Agricultural cooperation as a basis for ensuring food and environmental security in Ukraine: legal aspects.

The article examines the legal aspects of the agricultural cooperation, which is important for the economic and social development of the state, especially in war and post-war times, as the basis for ensuring food and environmental security in Ukraine. The concepts of «sustainable agriculture», «food security» and «environmental security» are considered. It has been established that at the present stage limited attention is paid to the issue of implementing sustainable agriculture as a priority direction for achieving food and environmental security of Ukraine. It was determined that in order to implement sustainable agriculture, it is necessary to harmonize social, ecological and economic factors in the agrarian sector of the economy of Ukraine, especially in the field of agricultural cooperation. It is emphasized that there is an insufficient level of synergy between the environmental and agrarian policies of the state, environmental factors are not sufficiently integrated into the system of agrarian relations, into cooperative legislation, particularly in the context of the agricultural cooperation. In conditions of European integration processes, the specialized Law of Ukraine «On Agricultural Cooperation» is not fully oriented towards ensuring sustainable agriculture: it does not contain the term «sustainable agriculture» or provisions on environmental protection, food and environmental security. The Law of Ukraine «On Cooperation» also does not cover environmental aspects. In the course of the study, it was substantiated that a necessary condition for the proper implementation of the Sustainable Development Goals, the introduction of sustainable agriculture in Ukraine in the field of the agricultural cooperation is the strengthening of the legal framework, the creation of an appropriate legal field that will reflect the focus of agricultural cooperation on achieving sustainable agriculture, as well as ensuring food and environmental security. In this context proposals for improving the cooperative legislation of Ukraine are made in the article.

Key words: agricultural cooperation, cooperation, agricultural cooperatives, agricultural cooperative, food security, environmental security, agrarian policy, environmental policy, sustainable agriculture, cooperative legislation.

Хрещева О.Г. Сільськогосподарська кооперація як основа забезпечення продовольчої та екологічної безпеки на теренах України: правові аспекти.

У статті проведено дослідження правових аспектів сільськогосподарської кооперації, яка має важливе значення для економічного та соціального піднесення держави, особливо у воєнний та повоєнний час, як основи забезпечення продовольчої та екологічної безпеки на теренах України. Розглянуто поняття «стале сільське господарство», «продовольча безпека» та «екологічна безпека». Встановлено, що на сучасному етапі приділяється незначна увага питанню впровадження сталого сільського господарства як пріоритетного напрямку для досягнення продовольчої та екологічної безпеки України. Визначено, що задля впровадження сталого сільського господарства необхідно гармонізувати соціальні, екологічні та економічні чинники в аграрному секторі економіки України, особливо у сфері сільськогосподарської кооперації. Підкреслено, що спостерігається недостатній рівень синергії екологічної та аграрної політики держави, екологічні чинники недостатньо інте-

гровані в систему аграрних відносин, у кооперативне законодавство, зокрема в контексті *сільсько-господарської кооперації*. В умовах євроінтеграційних процесів профільний Закон України «Про сільськогосподарську кооперацію» від 21 липня 2020 року не є повноцінно орієнтованим на забезпечення сталого сільського господарства: не оперує терміном «стале сільське господарство», не містить положень про охорону навколишнього природного середовища, продовольчу та екологічну безпеку. Закон України «Про кооперацію» також не охоплює екологічних аспектів. У ході дослідження обґрунтовано, що необхідною умовою для належної реалізації Цілей сталого розвитку, впровадження сталого сільського господарства на теренах України у сфері сільськогосподарської кооперації є зміцнення нормативно-правової бази, створення належного правового поля, яке буде віддзеркалювати спрямованість сільськогосподарської кооперації на досягнення сталого сільського господарства, а також на забезпечення продовольчої та екологічної безпеки. У цьому контексті у статті зроблено пропозиції щодо удосконалення кооперативного законодавства України.

Ключові слова: сільськогосподарська кооперація, кооперація, сільськогосподарські кооперативи, сільськогосподарський кооператив, продовольча безпека, екологічна безпека, аграрна політика, екологічна політика, стале сільське господарство, кооперативне законодавство.

Formulation of the problem. Agricultural cooperation, that is a basis for the development of the national agricultural industry, is of great importance for economic and social development of the state, especially in the war and post-war times, which are characterized by economic instability, significant difficulties in the agricultural sector, in particular, the aggravation of food and environmental security issues, shortcomings in the system of environmental and agrarian policy. There is an insufficient level of synergy between the environmental and agrarian policies of the state, environmental factors are not sufficiently integrated into the system of agrarian relations, into cooperative legislation, particularly in the context of the agricultural cooperation. In the conditions of the European integration processes, the special Law of Ukraine «On Agricultural Cooperation» is not fully oriented towards ensuring sustainable agriculture: it does not use the term «sustainable agriculture», it does not contain provisions on environmental protection, food and ecological security. The Law of Ukraine «On Cooperation» also does not cover environmental aspects, which indicates the need to improve the cooperative legislation of Ukraine and determines the relevance of the chosen research topic.

The state of the study. Various aspects of food and environmental security were investigated in works of O.M. Pashchenko, O.I. Hoychuk, V.I. Kurylo, O.V. Tolkachenko, S.I. Varlamova, I.S. Varlamova and other scientists. Works of O.I. Pankova, L.I. Kalachevska, O.P. Slavkova, A.V. Nevesenko, O.O. Yusupova, etc. are devoted to separate issues of sustainable development in the agriculture. At the same time, insufficient attention in the science of agrarian law is paid to the legal aspects of the agricultural cooperation as a basis for ensuring food and environmental security.

The aim of the article. The aim of the article is to study the legal aspects of the agricultural cooperation as a basis for ensuring food and environmental security, to determine the conditions for the proper implementation of sustainable agriculture in Ukraine in the context of agricultural cooperation.

Presentation of the main material. The war in Ukraine affects the country's food and environmental security. Pashchenko O.M. emphasizes that «Ukraine is suffering from significant economic losses due to the mass destruction of industrial facilities and civil infrastructure facilities, serious damage is being done to natural resources, in particular to agricultural lands, which are the main means of producing food and raw materials, and to the surrounding natural environment» [1, c. 285].

«The agricultural sector of the economy of Ukraine is a system-forming component of the national economy; forms the basis for the preservation of sovereignty and statehood, national food security; is the social and economic basis for the development of rural areas...» [2, c. 98].

According to the information of the regular monitoring of food security and agrarian policy in wartime, which is carried out by the Center for Food and Land Use Research together with the Ministry of Agrarian Policy and Food of Ukraine, «agriculture is an important sector in terms of GDP and employment (about 15% of the total population of Ukraine), agricultural producers provide the local population with almost 100% of the consumption of the main agricultural crops, vegetables and at least 80% of the meat consumption» [3].

Supporting the position of Dobrunik T.P. and Kuznetsova O.V., who expediently point out that «the agricultural sector...can become a locomotive for the recovery of the entire national economy under the condition of ensuring the appropriate state agrarian policy and financial support» [4], we emphasize the

importance of the cooperative segment of the agricultural sector for the development of the economy of Ukraine.

In the conditions of martial law, the cooperative segment of the agrarian sector of Ukrainian economy, an important element of which is agricultural cooperation, needs comprehensive state support, legislative changes, as well as an effective agrarian and environmental policy, which will be aimed at ensuring sustainable agriculture and achieving food and environmental security in Ukraine.

Pashchenko O.M. expediently proposes to determine at the legislative level the priority areas that should become the basis for ensuring food security in the conditions of martial law and in the post-war period, including: «state support for small and medium-sized agricultural producers; state support for the restoration and development of rural areas; giving priority to the development of sustainable and environmentally friendly practices in agriculture...» [1, p. 289].

Kalachevska L.I. and Slavkova O.P. note that «in rural areas the creation of an agricultural cooperative consists in finding a unique combination of resources aimed at increasing the social, ecological and economic value of rural areas» [5, p. 138].

It is worth stating that social, ecological and economic aspects are the basis of sustainable agriculture, which is extremely important for humanity in terms of the implementation of global goals of the sustainable development.

The decree of the President of Ukraine «On the Sustainable Development Goals of Ukraine until 2030» stipulates: «supporting the global goals of sustainable development until 2030 declared by the resolution of the United Nations General Assembly dated September 25, 2015 No. 70/1 and the results of their adaptation, taking into account the specifics of Ukrainian development, set out in the National Report «Sustainable Development Goals: Ukraine», to ensure compliance with the Sustainable Development Goals of Ukraine until 2030: ...promoting the sustainable development of agriculture» [6].

«Sustainable development is such a development of human activity that includes a balanced consideration of economic, social and environmental aspects and takes into account the interests of future generations» [7].

In turn, the goal of sustainable farming is «productivity and profitability, resource conservation, environmental protection, supply of safe for health food» [8, c. 102].

Strapchuk S.I. emphasizes that «sustainable agriculture involves the use of balanced food production systems and the implementation of the best agricultural practices that increase productivity, which at the same time can help support ecosystems without losing the quality of water and soil» [9, c. 12].

In our opinion, the harmonization of social, ecological and economic factors in the agrarian sector of the Ukrainian economy, in particular in the field of agricultural cooperation, will lead to the introduction of sustainable agriculture and will determine the achievement of a high level of food and environmental security of the state.

We agree with the opinion of Tolkachenko O.V. that «a component of the national security of any state is food security» [10, p. 74].

Paragraph 2.13 of Art. 2 of the Law of Ukraine «On State Support of the Agriculture of Ukraine» establishes that: «food security is the protection of the human vital interests, which is expressed in the state's guarantee of unhindered economic access of a human to food products in order to maintain his normal life activities» [11].

Hoychuk A.I. and Kurylo V.I. define food security as «the guaranteed ability of the state on the principles of self-sufficiency in basic products with their economic and physical availability, regardless of the influence of external and internal factors, to satisfy the needs of the population in the person of each citizen with foodstuff in the necessary volume, assortment and quality at a level that ensures their health and intellectual development» [12, p. 3].

At the same time, Tolkachenko O.V. rightly notes that «in legal science, much attention is paid to quantitative, not qualitative characteristics of food security, which can be considered as a inconsistency with the principle of ensuring environmental security and the legal norms on the right to life, health and safe food» [10, c. 74].

The scientists note that «the priority tasks and areas for participation of the agrarian cooperation in the post-war reconstruction of the Ukrainian economy in cooperation with enterprises of other spheres of the cooperative sector are to strengthen the food security of the state by expanding the activities of agrarian cooperatives in the key markets of agricultural products (grains, corn, sunflower seeds, oils, dairy products, meat, etc.)» [13, p. 292].

At the same time, despite the significant importance of the agricultural cooperatives activity for ensuring the national food security, the Law of Ukraine «On Agricultural Cooperation» unfortunately does not contain provisions that would emphasize the orientation of agricultural cooperation to ensure the food security.

In addition to food security, it is necessary to emphasize the importance of the issue of ensuring environmental security, which is related to the impact of agricultural activities of economic entities, in particular, agricultural cooperatives, on the surrounding natural environment.

Environmental security is also one of the components of the Ukrainian national security.

«Environmental security is the basis of sustainable economic development and an indicator of its component structure» [14].

Art. 50 of the Law of Ukraine «On Environmental Protection» defines that environmental security is «such a state of the natural environment that ensures the prevention of the environmental degradation and the occurrence of danger to human health» [15].

The Law of Ukraine «On the Main Principles (Strategy) of the State Environmental Policy of Ukraine for the Period Until 2030» establishes that one of the main principles of the state environmental policy is «ensuring environmental security...on the territory of Ukraine» [16].

At the same time, the specified legal act does not contain provisions that would provide for the need to ensure environmental security in the agriculture.

Environmental security in the agriculture can be defined as a set of legal, social, economic, technological etc. measures aimed at ensuring the protection of the natural environment during the agricultural activity.

Yusupova O.O. operates with the term «ecologically sustainable agriculture», which is «characterized by ecologically safe practices of conducting agricultural business, which not only does not harm natural ecosystems, but also has a positive effect on the natural resources and wildlife» [17, c. 294].

We agree with the opinion of Varlamova S. I. and Varlamova I. S. that «ensuring environmental security based on the principles of sustainable development is the main way of solving the environmental and socio-economic problems, which guarantees the proper level of development and living conditions of the population, opens new opportunities» [14].

However, unfortunately, despite the importance of food and environmental security for the state, at the current stage, little attention is paid to the issue of implementing sustainable agriculture as a priority direction for achieving food and environmental security of Ukraine.

There is an insufficient level of synergy between the environmental and agrarian policies of the state, environmental factors are not sufficiently integrated into the system of agrarian relations, into cooperative legislation, particularly in the context of the agricultural cooperation. The Law of Ukraine «On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period Until 2030» does not contain provisions that would directly provide for the integration of environmental policy into agrarian policy (only general formulations are available), since agriculture, an element of which is agricultural cooperation, has a significant impact on the natural environment.

Thus, in the conditions of the European integration processes, which provide for the approximation of the Ukrainian agricultural cooperatives to the European model, the legal basis of the agricultural cooperation, namely the special Law of Ukraine «On Agricultural Cooperation» is not fully oriented towards ensuring sustainable agriculture.

The above-mentioned legal act does not use the term «sustainable agriculture», does not contain provisions on food and environmental security, which is an obvious omission.

A one-time mention of sustainable development exclusively in the context of the principle of the agricultural cooperation «consideration of the interests of the territorial community», which provides that «an agricultural cooperative, an agricultural cooperative association... must consider the interests of the territorial community, on the territory of which the corresponding activity is carried out, in order to ensure sustainable development of such a territorial community...» [18], in our opinion, does not indicate a full orientation of the special legislation on agricultural cooperation to ensure sustainable agriculture.

Under such circumstances, in our opinion, a necessary condition for the proper implementation of sustainable agriculture in Ukraine in the context of the agricultural cooperation is the strengthening of the legal framework, the creation of an appropriate legal field that will reflect the focus of agricultural cooperation on achieving the sustainable agriculture.

That is why, in order to effectively implement the goals of sustainable development of Ukraine in the future and bring agricultural cooperatives closer to the European model of the agricultural cooperation, which provides for «ensuring equality in business for farms of any size and specialization, rapid adaptation to the growing requirements for environmental security of the industry» [19, p. 16], we consider it necessary to supplement Part 1 of Article 3 «Main goals of the agricultural cooperation» of the special Law of Ukraine «On Agricultural Cooperation» with the following content: «ensuring the sustainable agriculture aimed at achieving economic, food and environmental security of the state».

In addition, the Law of Ukraine «On Agricultural Cooperation» does not contain norms dedicated to the protection of the natural environment, although the activity of agricultural cooperatives is directly related to the impact on the environment and, as a result, on the ecological security of the state, which is an ecological component of the sustainable agriculture.

«The impact of agriculture on the environment is rapidly gaining momentum and is constantly growing due to difficult economic conditions in the state, the imbalance of the agrarian sector, climate changes and excessive technogenic load» [20].

The above indicates the need to supplement the legal act dedicated to the agricultural cooperation with regulations on environmental protection.

Taking into account the principle of priority of the environmental security requirements, provided for in clause «a» of Article 3 of the Law of Ukraine «On Environmental Protection», in order to fully legal ensure environmental security in the context of the agricultural cooperation, we propose to supplement part 3 of Article 12 of the Law of Ukraine «On Agricultural Cooperation» paragraph 5 and to determine that the main duties of a member of an agricultural cooperative also include «compliance with the requirements of the legislation on environmental protection in order to ensure the ecological security of the state».

The Law of Ukraine «On Cooperation» also does not cover environmental aspects and does not contain norms devoted to the issue of compliance with the requirements of legislation on environmental protection.

We propose to supplement the Law of Ukraine «On Cooperation» with Article 23-1 «Environmental principles of cooperative activity» and to define at the legislative level that «a cooperative organization ensures compliance with the requirements of the legislation on environmental protection in order to ensure the ecological security of the state».

Conclusions. Thus, based on the conducted research, it can be concluded that agricultural cooperation is important for ensuring food and environmental security in Ukraine. At the same time, at the current stage, there is an insufficient level of synergy between the environmental and agrarian policies of the state, environmental factors are not sufficiently integrated into the system of agrarian relations, into cooperative legislation, particularly in the context of the agricultural cooperation, little attention is paid to the issue of implementing sustainable agriculture. In the conditions of the European integration processes, the special Law of Ukraine «On Agricultural Cooperation» is not fully oriented towards ensuring sustainable agriculture: it does not use the term «sustainable agriculture», it does not contain provisions on environmental protection, food and ecological security. A necessary condition for the proper implementation of the Sustainable Development Goals, introduction of the sustainable agriculture in Ukraine in the sphere of the agricultural cooperation is the strengthening of the legal framework, that will reflect the focus of the agricultural cooperation on achieving the sustainable agriculture, as well as ensuring food and environmental security. Proposals made in the article regarding the improvement of the cooperative legislation of Ukraine, which provide for the orientation of agricultural cooperatives to ensure sustainable agriculture aimed at achieving economic, food and environmental security of the state, inclusion the duty to comply with the requirements of the legislation on environmental protection in order to ensure the ecological security of the state among the main duties of a member of an agricultural cooperative, will bring Ukrainian agricultural cooperatives closer to the European model and emphasize the priority of sustainable development of agriculture in Ukraine.

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