

**EDUCATIONAL ANALYSIS OF THE RUSSIA'S BILATERAL AGREEMENTS ON
FOOD SECURITY**

***ANÁLISE EDUCACIONAL DOS ACORDOS BILATERAIS DA RÚSSIA SOBRE
SEGURANÇA ALIMENTAR***

***ANÁLISIS EDUCATIVO DE LOS ACUERDOS BILATERALES DE RUSIA SOBRE
SEGURIDAD ALIMENTARIA***

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ABSTRACT: This article presents the results of legal and educational analysis of Russia's bilateral agreements with other partner states on the issue of ensuring various aspects of food security: trade in wheat and its processed products; conditions for the supply of fish and seafood, plant-based products in terms of the content of pesticides, nitrates and nitrites. It is established that legal liability and product certification are important types of guaranteeing the food security of the states. However, the implementation of such guarantees is fully hindered by the formalization of Russia's bilateral relations with partner states within the framework of memoranda that do not entail consequences that are immanent in the norms of international law.

KEYWORDS: Food security. International treaty. Educational analysis. Legal responsibility.

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RESUMO: Este artigo apresenta os resultados da análise jurídica e educacional dos acordos bilaterais da Rússia com outros estados parceiros sobre a questão da garantia de vários aspectos da segurança alimentar: comércio de trigo e produtos processados a partir dele; condições de abastecimento de peixe e marisco, produtos à base de plantas em termos de teor de pesticidas, nitratos e nitritos. Fica estabelecido que a responsabilidade legal e a certificação de produtos são importantes formas de garantia da segurança alimentar dos estados. No entanto, a implementação de tais garantias é totalmente dificultada pela formalização das relações bilaterais da Rússia com os Estados parceiros no âmbito de memorandos que não acarretam consequências iminentes às normas do direito internacional.

PALAVRAS-CHAVE: Segurança alimentar. Tratado internacional. Análise educacional. Responsabilidade jurídica.

RESUMEN: Este artículo presenta los resultados del análisis legal y educativo de los acuerdos bilaterales de Rusia con otros estados socios sobre el tema de garantizar varios aspectos de la seguridad alimentaria: comercio de trigo y sus productos procesados; condiciones para el suministro de pescados y mariscos, productos de origen vegetal en cuanto al contenido de pesticidas, nitratos y nitritos. Se establece que la responsabilidad legal y la certificación de productos son formas importantes de garantizar la seguridad alimentaria de los estados. Sin embargo, la implementación de tales garantías se ve totalmente obstaculizada por la formalización de las relaciones bilaterales de Rusia con los estados socios en el marco de memorandos que no conllevan consecuencias inmanentes a las normas del derecho internacional.

PALABRAS CLAVE: Seguridad alimentaria. Tratado internacional. Análisis educativo. Responsabilidad jurídica.

Introduction

Food security, taking into account the doctrinal interpretation (PORTER *et al.*, 2014; BROWN; FUNK, 2008; MAXWELL, 1996; CARVALHO, 2006), as well as the provisions of international law, is an integral part of the national security of the state (BELYAEVA; BELYAEV, 2018; BELYAEV *et al.*, 2018), the preservation of statehood and sovereignty, the most important component of demographic policy (SEKHAMPU, 2017) the life support system, a necessary condition for the protection of health, physical activity, longevity and high life quality (DADALKO, 2014).

Food security is a problem not only for a single country, but also for all states. At the same time, almost every state develops a certain system of measures by which this problem is solved (DONDOKOV; LIPICH, 2016).

A regulatory legal framework has been formed at the national level to ensure the declared type of security in the Russian Federation. However, due to the cross-border nature of

the issue, Russia's bilateral and multilateral relations with other states regarding the implementation of food security measures are objective. In this work, the author focuses on the analysis of Russia's bilateral agreements with other partner states on this issue.

Methods

The methodological basis of the study was a combination of general scientific methods and private scientific methods of scientific cognition.

The general scientific methodological approach allowed defining the scope of this study, the parameters of the main concept, as well as identifying the key aspects and problems of the topic under consideration.

The paper mainly uses a comparative method to identify and comprehensively analyze the existing bilateral agreements on ensuring food security concluded between Russia and its partner states.

Results and discussion

Based on the provisions of the universal international level, it is necessary to combine efforts and experience to work within the framework of the global partnership on agriculture, food security and nutrition (UN, 2009). In particular, taking into account the above norm, the Russian Federation is developing bilateral cooperation on various aspects of food security.

Then, we will present the results of our analysis, which has allowed systematizing the existing agreements, depending on the subject of the international treaty.

Thus, wheat and its processed products are the subject of agreements between Russia and other partner states. It should be emphasized that the Russian Federation is a traditional grain importer, so the existing agreements are more aimed at preventing negative consequences in formal cooperation for Russia.

There is an agreement between the Ministry of Agriculture of the Russian Federation and the Ministry of People's Power regarding industrial agriculture and land plots of the Bolivarian Republic of Venezuela to ensure safety and phytosanitary requirements for the export of wheat and its processed products from Russia to Venezuela (Agreement..., 2017). The agreement was concluded and entered into force in 2017. Its subject was the creation by the parties of the most favorable conditions for trade in wheat and its processed products; the development and strengthening of mutual cooperation and the guarantee of safety and

compliance with the phytosanitary requirements for wheat and its processed products in accordance with the legislation of the Bolivarian Republic of Venezuela (Agreement..., 2017, Article 2).

We believe that the definitive part of the agreement, which reflects the definitions of wheat and its processed products (Agreement..., 2017, Article 3), is important.

The universal rule of cooperation under this agreement is that each delivery of wheat and its processed products shall comply with the applicable norms and requirements of the legislation of the importing state and be accompanied by a document recognized by the importing party with information, among other things, on the results of laboratory tests for the content of mycotoxins in wheat and its processed products (Agreement..., 2017, Article 4).

The remaining provisions of the agreement are devoted to interaction, as well as the necessary institutional issues.

As an example, we can mention among the first the interaction regarding the information transmission by the competent authorities of the parties to each other about the structure of their organizations, the scope of responsibility, as well as the communication of the names of contact persons appointed to resolve technical issues that may arise during agreement implementation (Agreement..., 2017, Article 5).

As for the institutional part, if necessary, the competent authorities of the parties have the right to establish a working group with the subsequent agreement on the agenda, date and place of its meeting (Agreement..., 2017, Article 8).

Importance is also given to the product certification issues in the agreement. Thus, each exported batch of Russian wheat and its processed products is accompanied by a phytosanitary certificate, which includes information about the disinfection (fumigation) carried out, with the indication of pesticide, dose, temperature and processing time (Agreement..., 2017, Article 7).

In our opinion, it is the certification of products that is important for ensuring the food security of the countries.

It should be noted that the subject under consideration is the memorandum on cooperation between the Federal Service for Veterinary and Phytosanitary Surveillance (Russian Federation) and the Ministry of Agriculture and Rural Affairs of the Republic of Turkey in the field of ensuring the quality and safety of grain and its processed products (dated May 12, 2010) (Memorandum..., 2017). The memorandum is not an international treaty and does not create the rights and obligations regulated by the international law for the member states.

The memorandum contains a terminological part ("grain", "products of grain processing", "certificate of quality and safety of grain and its processed products", "requirements for the quality and safety of grain and its processed products").

The provisions of the memorandum, like the above agreement, are mostly informational, including the aspect of product certification.

There are no institutional mechanisms for implementing the memorandum. In this part, the parties have fixed the consultation format.

We positively assess the inclusion in the memorandum of the norm on the consequences of non-compliance with safety requirements for the quality of grain and its processed products. In this case, the Parties reserve the right to return grain and its processed products to the exporting organization, to carry out disinfection of grain and its processed products or part-time processing of grain and its processed products in order to bring its condition to the quality and safety indicators established by the regulatory legal acts of the importing party. In case of impossibility of disinfection or part-time processing, they have the right to its destruction, with the mandatory notification of the other party of the non-compliance of the supplied products with the quality and (or) safety requirements in each individual case.

If one of the parties fails to comply with the provisions of this memorandum, the other party, in turn, reserves the right to temporarily suspend the import of grain and its processed products into its territory until the reasons for the introduction of such a measure are eliminated by the exporting party (Memorandum..., 2017, clause 5).

We believe that the aspect of legal responsibility is objectively associated with the guarantee of food security.

Another area of Russia's bilateral cooperation with partner states is the safety of aquatic biological resources and their processed products, as well as the conditions for the supply of fish and seafood from various countries to Russia (Memorandum..., 2011; Memorandum..., 2010; Memorandum 2010].

Before proceeding to the characterization of bilateral documents in this area, let us clarify that they, as well as the subsequent documents identified by us, have the form of a memorandum. As we have already noted, such a document does not entail for the parties the consequences of the norms of international law.

Using the example of the memorandum of the Russian Federation and the Republic of Singapore, we will consider the main provisions on the implementation by the states of measures aimed at ensuring the safety of aquatic biological resources and their processed

products, regarding the conditions for the supply of fish and seafood from Singapore to Russia (Memorandum..., 2011).

In order to effectively control these supplies, the Federal Service for Veterinary and Phytosanitary Surveillance (hereinafter - Rosselkhoznadzor) and the Agency for Control of Plant and Animal Products (hereinafter - AVA), responsible for the safety of aquatic biological resources and their processed products, have agreed on a number of administrative measures.

Thus, the memorandum sets out requirements for fish and seafood. They can only originate from fish production, fish processing enterprises (vessels) and refrigerators approved by the Rosselkhoznadzor to be exported to the Russian Federation (clause 1). In this regard, Part 17 of the AVA guarantees that fish and seafood produced at the enterprises of the Republic of Singapore and exported from the Republic of Singapore to the Russian Federation meet the current veterinary and sanitary requirements; it will take all necessary measures to prevent possible deliveries of fish and seafood to the territory of the Russian Federation that do not meet these requirements (clause 3).

Given Singapore's status as a supplier of products in these legal relationships, it is natural for the AVA to be responsible for regular supervision of approved enterprises (vessels) to ensure that the relevant veterinary and sanitary requirements are met on an ongoing basis. If it turns out within the framework of such supervision that the approved enterprise (vessel) does not comply with these requirements, the AVA suspends deliveries from such enterprise and notifies the Rosselkhoznadzor thereof (clause 5). Russia will re-examine the approval of such enterprise (vessel) based on the guarantees provided by the AVA stating that the deficiencies have been corrected and the enterprise (vessel) meets these requirements again, or, depending on the degree and nature of the risk, after inspection by the Rosselkhoznadzor for as short a period as possible (clause 7).

In addition, the Rosselkhoznadzor has the right to carry out inspections in the Republic of Singapore to verify the guarantees. These inspections may include on-site inspections of a certain representative number of enterprises (vessels) determined by the Rosselkhoznadzor, taking into account the statements of Russian importers, based on the risk analysis from the list provided by the AVA. The Rosselkhoznadzor will submit the inspection report to the AVA and consider possible comments from the latter. Based on the inspection results, the existing list may be changed (clause 6).

The memorandum also outlines institutional cooperation in this area. Thus, the Rosselkhoznadzor and the AVA reached an understanding on the need to continue a constructive dialogue on regulating the issue of fish and seafood supplies from the Republic of

Singapore to the Russian Federation and agreed to establish a permanent expert group of representatives of the Rosselkhoznadzor and the AVA in order to effectively resolve issues arising in the process of trade in animal products between the Republic of Singapore and the Russian Federation (clause 10).

Unfortunately, Russia's interaction with other countries is also determined regarding the safety of plant products in terms of the content of pesticides, nitrates and nitrites at the level of memoranda (Memorandum..., 2009).

Using the example of the memorandum between the Republic of Serbia and the Russian Federation, we will reveal the basic foundations of such cooperation in order to ensure the safety of plant-based food products for human health (hereinafter - the plant products) exported from Serbia to Russia (Memorandum..., 2009).

Thus, information interaction comes down to the following:

- the Serbian Party notifies the Russian Party of the results of monitoring the content of pesticides, nitrates and nitrites in the plant-based food products of the Republic of Serbia. Each batch of the plant-based food products delivered from Serbia to Russia shall be accompanied by information about pesticides used during its production and storage, indicating the last processing date;

- the Russian Party notifies the Serbian Party of the results of monitoring the safety of plant products supplied from the Republic of Serbia to the Russian Federation in relation to the content of pesticides, nitrates, nitrites.

To detail the assessment actions of the Russian Federation, the memorandum establishes the following provisions: if the Russian legislation does not set the maximum permissible level (hereinafter - the MPL) of the content of pesticides, nitrates and nitrites for any type of product, then the MPL is applied for the closest products belonging to the same product group established by Russian legislation; if the MPL is not established for the product group, then the MPL of the Codex Alimentarius is applied; if there is no MPL established by the Codex Alimentarius, then the MPL established by Serbia's legislation is applied (clause 3).

In order to implement the provisions of the memorandum, the Russian Party has the right to visit Serbia (by prior agreement) to familiarize itself on-site with the Serbian monitoring system for the residual content of pesticides, nitrates and nitrites in the plant-based food products intended for export to Russia, as well as to check laboratories conducting research on these products.

Of course, it is advisable to fix the responsibility measures in the memorandum. Thus, if the Russian Party finds repeated cases when shipments of plant-based food products of a

certain type coming from Serbia do not meet the safety criteria, in accordance with the requirements of Russian legislation regarding the content of pesticides, nitrates and nitrites, the Russian Party shall have the right to take appropriate restrictive measures, including the requirement that each batch of relevant plant-based food products supplied to Russia from Serbia, shall be accompanied by safety certificate in terms of the content of pesticides, nitrates and nitrites with the application of a test report for these indicators, according to the maximum permissible levels of pesticides, nitrates and nitrites in it, established by the Russian legislation in the form according to the annex.

At the same time, the safety certificate is issued by the authorized state or private laboratories, which can be checked by the Russian Party.

If the Russian Party establishes in a restrictive legal process (MAKOGON, 2019) significant risk-oriented (KORNYUSHKINA, 2017) deficiencies in the product testing methodology, or if the Russian Party discovers facts indicating that the safety certificate does not reflect the actual condition of the product, the Russian Party shall have the right not to accept the safety certificates issued by the laboratory that committed the violation. The Russian Party will notify the Serbian Party thereof as soon as possible.

The negative consequences presented should be eliminated for the further constructive cooperation of the parties.

Conclusions

Legal liability and product certification are important types of guaranteeing the food security of the states. However, the implementation of such guarantees is fully hindered by the formalization of Russia's bilateral relations with partner states within the framework of memoranda that do not entail consequences that are immanent in the norms of international law.

As a conclusion, we will note the specialization of the authorities representing the states within the framework of the agreements.

All the cooperation areas between Russia and other states that we have considered are necessary for ensuring food security and, we believe, require initiative in replacing memoranda with the full-fledged international treaties.

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