

ANNOUNCEMENT

Public Forum “Towards Peasants’ Rights to Land in Ukraine - Through Responsible Management of Land Tenure and Land Use System” was held in Kyiv on the 26th of November 2019 with participation of the representatives of private farms, peasant farms, farming households, civil society organizations, academia and representatives of UN Human Rights Committee in Ukraine (UN HRC), Food, Agricultural Organization of the United Nations (FAO), and European Coordination Via Campesina. Forum was attended by 62 participants who:

- declared for the support of lifting the moratorium on agricultural land sale with the only acceptable option – legalizing land transactions on the basis of a separate law rather than the modifications to the current legislation;
- put the accent on insufficiently balanced decisions towards public interests and inadequately prepared in terms of procedural and institutional performance approaches to the introduction of market agricultural land turnover in Ukraine, particularly in the absence of Specialized State Organization – a land market regulator that has broad power and rich resources;
- outlined an incompleteness of decentralization processes and important reforms, such as a judicial, pension, agrarian, and social that will not guarantee real property rights for all market participants and distribution of economic benefits from its implementation on an equitable basis.

Resolution and Open Letter to the President of Ukraine, Verkhovna Rada of Ukraine, Cabinet of Ministers of Ukraine and National Security and Defense Council of Ukraine were adopted in the course of Public Forum “Towards Peasants’ Rights to Land in Ukraine - Through Responsible Management of Land Tenure and Land Use System” (*applied*).

By the adoption of Resolution and Open Letter, the participants of the Forum look forward to being heard by the policy-makers and expect the public opinion to be considered in the adoption of the final document for the benefit of Ukrainian people.

Head of Organizational Committee of the Forum,
Doctor of Economics, Professor,
Corresponding Member of NAS of Ukraine,
Head of Coordination Committee
of Ukrainian Rural Development Network,
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Olena Borodina

Resolution

of the Public Forum ‘Towards Peasants’ Right to Land in Ukraine – Through Responsible Management of Land Tenure and Land Use System’

Public Forum of the representatives of private farms, peasant farms, farming households, civil society organizations, and academia,

Invoking Article 13 of the Constitution of Ukraine, where it is stated that land shall be the object of property rights of the Ukrainian people, and the State shall ensure the protection of rights of all property rights holders and economic operators, and the social orientation of the economy,

Taking into account the Article 17 of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, where it is stated that peasants have the right to land, and States shall take appropriate measures to facilitate the broad and equitable access to land necessary to ensure that peasants enjoy adequate living conditions,

In accordance with the objective of limiting excessive concentration and necessity to set the public control of land, taking into account its social function,

Concerned about insufficiently balanced decisions towards public interests and inadequately prepared in terms of procedural and institutional performance introduction of the market agricultural land turnover in Ukraine, as reflected in the Draft Law on Amendments to Various Legislative Acts of Ukraine Relating to the Agricultural Land Turnover (Draft Law No 2178-10 of 10 October 2019), which is adopted on first reading on 13 November 2019,

Declares the following:

1. Uncertainty with the national model of agriculture and delaying the development of mechanisms for market agricultural land turnover as a major instrument of such model provided the basis for prolonging the moratorium on land sales. It conflicted with the right of landowners to sell their land plots and caused illegal schemes for land acquisition and its seizure (land raiding). The prolongation of the moratorium is unreasonable in this context.

2. Legislative control of the agricultural land market should be implemented through the adoption of separate Law on Turnover of Agricultural Land, but not through the implementation of amendments to various legislative acts of Ukraine, as provided for in the Draft Law No 2178-10. New separate Law on Turnover of Agricultural Land should provide requirements and conditions to be met by buyers of agricultural land, conditions for transactions, restrictions to avoid land concentration, responsibilities for secure and intended land use.

3. Agricultural land turnover should provide the public and social function priority of land property – ensure the right for food at the national level and rights of peasants for decent livelihoods. If public and social functions of land are ignored in its unregulated turnover, agricultural land will become just a financial asset to be a target for speculative investments and intensify the monocropping of agriculture. It will also risk food sovereignty and then national sovereignty.

4. Agricultural land being the property of state should not be eligible for sale but remain in the state’s ownership for the involvement of youth and future generations to agriculture, family farming, addressing gender issues in land use, and meeting the needs of people with special status in farming.

5. Implementation of agricultural land sale is to be conducted on a staged basis when a Special Body on Land Market Regulation with its regional branches is created in accordance with Ukrainian legislation. Anyone with land property rights can be a seller of land at the Ukrainian land market, but it should be strictly regulated who is allowed to buy agricultural land.

6. At the first stage within seven-ten years:

- The right to acquire land can be exercised by (listed in order of priority): a) citizens of Ukraine who live near these land plots, work in agriculture, have higher or professional education and/or professional experience of at least five years; b) territorial communities; c) the Government-selected Body;
- Citizens of Ukraine who meet the above-mentioned criteria are allowed to acquire agricultural land at most 200 hectares for farming activity in a free-selected organizational and legal form (family farm, private farm, company, cooperative, agricultural corporation, etc.). Resale of the acquired land is prohibited for the period of 7 years;
- The System of Financial Mechanisms is to be applied in order to provide target-oriented credits to make possible acquiring agricultural land by citizens of Ukraine for on a preferential basis and modernization of economic activity respecting the principles of agroecology;
- Temporary restrictions on the introduction of land plots as security for civil debt as well as contributions to statutory funds of companies are to be implemented to prevent fast and uncontrolled redistribution of land property in favor of non-farm economic agents and foreign natural and legal entities;

7. Following the results of the first stage, the conditions of land purchase and sale, and market mechanisms can be reconsidered.

8. It is necessary to suspend further consideration of the Draft Law No 2178-10 of October 10, 2019 in Ukrainian Parliament as this document contradicts to Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012), key provisions of the Declaration of the United Nations on the Rights of Peasants and Other People Working in Rural Areas (2018), the Global Action Plan of the UN Decade of Family Farming (2019-2028), the Report “Agroecological and Other Innovative Approaches for Sustainable Agriculture and Food Systems that Enhance Food Security and Nutrition” (2019) prepared by the United Nations Committee on World Food Security and appeal to international organizations of UN – FAO, UN Office of the High Commissioner for Human Rights (UNOHCHR), the Committee on World Food Security (CFS), and European Union with claim to express their opinion on the correspondence of this document with international principles of world food security, Sustainable Development Goals, human rights, environmental conservation, climate change, and so on.

APPEAL
**of the Public Forum “Towards Peasants’ Rights to Land in Ukraine – Through Responsible
Management of Land Tenure and Land Use System”**
**to Office of the President, Verkhovna Rada, Cabinet of Ministers, National Security and Defense
Council of Ukraine**

Dear Sir/Madam,

The processes of lifting the moratorium on agricultural land sale and implementation of the practically unregulated land market are being quickly deployed in Ukraine. Rather than keep land at the property of peasants to ensure means of subsistence for their families, the accent is put on the right to sell land plots. This, in turn, will result in further concentration of agricultural land in hand of so-called “effective owners” – Ukrainian agricultural oligarchs and transnational corporations. Farmers and peasants’ access to land will be blocked because of their poor financial sufficiency.

Such an avowed promotion of the large-scale agricultural business in Ukraine contradicts to the Opinion of Intergovernmental Panel on Climate Change (2019) on that the industrial agriculture and large-scale monoproduction play a key role in the climate change on the planet and there acute need of urgent actions exists globally to move from industrial methods of food production to agroecological ones that provide achieving the Sustainable Development Goals.

Ukrainian people are being convinced through massive propaganda that opening of land market will facilitate the rise of investments and, perhaps, promote additional economic growth. If it happens, then exceptionally new landowners will benefit from this growth. And those peasants who sell their land plots to solve urgent problems will join marginal social groups very soon requiring substantial and constant state social assistance. Such assistance will become a heavy burden for the state budget and through the tax increase - will be borne by society. The population will also have to deal with catastrophic consequences of alike “growth” model – land deterioration and ecological degradation, decline in rural employment, progressive social differentiation and escalation of social conflicts, loss of prospects for future generations to manage their land and destruction of the social foundations of Ukrainian national culture.

Having no contradictions concerning the necessity of moratorium lifting the Forum participants emphasize that the worldwide accepted principles of the UN documents should be taken into consideration during the legalization of agricultural land turnover. The first step of Ukraine in this direction would be suspension of the “boost” mode in the adoption of the amendments to the land law, creation of the Ministry of Rural Affairs, and elaboration and implementation of the development strategy oriented towards conservation of the environment, local food security, support of farmers and rural communities’ ability to achieve United Nations Development Goals.

Forum participants call You for including Resolution statements in making balanced decisions during the introduction of agricultural land turnover. It will provide the fullest implementation of peasants’ rights to land, demonstrate political commitment and real support for the development of family farms in order to increase the living standards of Ukrainian people.

Respectfully, participants of the Forum,
Kyiv, 26th November 2019