

Large-scale land acquisitions in the former Soviet Union. A study of rural social movements and land conflicts¹

Oane Visser and Natalya Mamonova

Abstract

The post-Soviet land reforms that allowed private ownership of land in Russia and Ukraine, and the recent rise in global interest for land resources have made the fertile land of these countries an object for investment and a cause of disputes among land investors, peasants, and government. In similar circumstances in other agricultural countries, social movements rose to the defense of rural dwellers' interests². However, until now, rural social movements in the former Soviet countries are considered to be among the weakest ones globally (Sanukov, 1993). Nevertheless, according to our research, on the wave of recent land conflicts and rising interests for land and agriculture, collective actions of rural dwellers are emerging in Russia and Ukraine. Rural social movements are getting more power and claiming to take a role in land (grab) issues.

In this paper we analyze large-scale land acquisition in Russia and Ukraine and the role of rural social movements in the process of land governance. We investigate the reasons for land conflicts in these two countries, the history of land reforms and its consequences. We describe the magnitude of land grabbing and the types of investors involved. Also we look at land governance in Russia and Ukraine from the perspective of different stakeholders: government, investors and rural civil society, with the main focus on the last one. We study Russian and Ukrainian rural social associations and agrarian unions, their organization, goals and participation in land management and land policy making. Furthermore, we analyze several land conflict cases to see what methods the rural social movements use to solve them, as well as their impact.

Key points: Land grabbing, land conflicts, Russia, Ukraine, rural social movements

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² The land rights movements of Latin America and Africa, peasant farmers' organizations in Asia, progressive campaigns and rural community initiatives in Europe and North America, radical farmers' groups in Europe, North America and Australia.

Introduction

Large scale land acquisitions or 'land grabbing' takes many forms³, with acquisitions of agricultural land in particular accounting for very large amounts of land. Large-scale acquisitions of agricultural land have received considerable attention worldwide and in Africa in particular, while in the transition countries of post-socialist Eurasia (Eastern Europe, the former Soviet Union and Central Asia) it has gone largely unnoticed. However, domestic and foreign state and private companies are acquiring vast areas of farmland also in this region (Visser and Spoor 2011). It is remarkable that land acquisitions in the under-used (and often unused) land masses of post-Soviet Eurasia have practically been ignored. The more so since this former breadbasket of the 19th and early 20th century contains so much fertile and well-endowed agricultural land.

These two countries started their land reforms in 1991, after the collapse of the USSR. In the Soviet era practically all agricultural land belonged to *kolkhozes* and *sovkhozes* (respectively, collective and state farms) and was state-owned. During the post-1991 land reforms the former employees of the *kolkhozes* and *sovkhozes* became shareholders of the reorganized farm enterprises. Just a few shareholders withdraw their shares and established private family farms, most of them rented out their shares to the reorganized farm enterprises. Since the early 2000s increasingly land shareholders are selling their shares to farm managers and since the mid-2000s increasingly outside investors (or leasing them out⁴). As a result the rural dwellers become landless workers on their former land.

Currently, large farm enterprises (LFEs), the reorganised successors of the state and collective farms, are bought up by foreign or domestic investors and merged into even larger agricultural companies consisting of multiple LFEs (the so-called agroholdings) of a scale probably unmatched in the world. The growth in number and size of agroholdings is increasingly leading to land conflicts in Russia, since the early 2000s when the Land Code allowed land sales. In Ukraine, despite a moratorium on land sales, which is (yet) in force till 2013,, an, illegal or semi-legal, land market emerged also.

The governments of these two post-Soviet countries have little attention for the downsides of large-scale land acquisitions, and are not active in designing policies to address problems caused by the infringement on the rights of small-scale landholders/local communities by large-scale investors.

This paper will show that rural people and members of farm associations generally do not believe that changes in legislation or (formal) federal policy will solve the

³ Zoomers, A. (2010) 'Globalization and the foreignization of space: seven processes driving the current land grab', *Journal of Peasant Studies*, 37(2), 429–47.

⁴ In the case of Ukraine, as selling land is forbidden.

infringements on their rights by (a part of the) large-scale investors.⁵ This attitude is strengthened by a recent speech by the Russian president, stressing that the (rural) population should not expect much help from the state, but that citizens should take their faith in their own hands. The only realistic scenario within the current political system, it seems, is for the local population to gather in unions or associations to address conflicts over land, thus putting the authorities and investors under pressure to solve the issue of unfair land acquisitions in concrete cases. This raises first the question; which (if any) rural social movements could take up this role?

This paper will study large-scale land acquisitions in Russia and Ukraine and social conflicts related to them. It will analyze rural social organizations and farmer's unions and what role they play in land governance in these two countries. Based on the analysis of the successful stories and from failings we will pursue to map various mechanisms used by rural movements to assert influence on making large scale land acquisitions fair and sustainable. By studying Russian and Ukrainian rural social movements, their activities, and interactions with large scale land investors this research hopes to contribute to generating knowledge about the possible mechanisms that ensure social responsibility of land investors.

Despite some differences, Russia and Ukraine share many similarities that enable them to cast light on one another. These similarities include the initial conditions facing agriculture and the economy as a whole at the onset of transition, as well as commonly inherited socialisations and attitudes regarding key reform topics such as enterprise privatisation, market liberalisation and land reform (von Cramon-Taubadel, 2002).

Russia and Ukraine are the largest countries of the former Soviet Union in terms of agricultural land area. Russia, with 125 million hectares of agricultural land (Central Intelligence Agency 2007; Csaki, 2002), and a low population density, is one of the countries with the largest availability of arable land per capita in the world – 0.9 hectares per person (World Bank 2010).⁶ Ukraine, the largest country wholly located in Europe, comprises approximately 42 million hectares of agricultural land (SAC, 2008), with an availability of arable land per capita of 0.7 hectares per person.

Our research is based on interviews with representatives of rural social movements and political agrarian parties that were conducted by Mamonova in March 2011 in the Moscow region (Russia) and in June 2011 in the Kiev region (Ukraine). In total, 6 Russian and 7 Ukrainian social organizations were studied for this paper. Besides that, this research builds on earlier interviews by Mamonova, pursued in October 2010 in Moscow, and interviews by Visser in Moscow in 2010 and 2011. In addition,

⁵ Visser, O. (2010) 'Insecure Land Rights, Obstacles to Family Farming and the 'Absence' of Protest in Rural Russia', *Laboratorium*, vol. 2, no. 2, pp. 275-295

⁶ The percentage of land which is arable is rather low (7.1 percent).

data was obtained from web-pages of social movements and political parties, as well as from statistical sources of the Russian Ministry of Justice, the Federal State Statistic Service of Russia, the results of the All-Russian Agricultural Census 2006, the State Committee on the Land resources of Ukraine, and the State Inspection for Control on Use and Protection of Land.

Land reforms: setting the stage for land grabbing⁷

The land reforms in Russia and Ukraine aimed at changing the ownership of post-Soviet farmland from state to private property. In many post-socialist countries in Central Eastern Europe, as well as in the Baltic States, it was decided to hand land over to peasants living on the territories in the same proportions as before the land nationalization (Poshkus, 2009). Within Russia, Ukraine and much of the post-Soviet territory it was impossible to determine the previous landholders as land nationalization in the Soviet era was accompanied by migration, imprisonment and deportation of large numbers of peasants. Also the various farm enlargement campaigns in the later Soviet period, were often accompanied by multiple relocations of rural settlements, further adding to the alienation of the rural population from their former or ancestral land. Therefore, among both policy makers and the rural population there was no serious interest in restitution of land to the pre-socialist owners. Instead, land was to be distributed equally among the current rural inhabitants (World Bank 1992).

RUSSIA

The preparation for land reform in Russia started in 1990, a year before the dissolution of the Soviet Union. Then, Russia adopted a constitutional amendment recognizing the right of private ownership of agricultural land, but at the same time imposed a ten-year moratorium on buying and selling privately owned land.

Land reform in Russia started in 1992 with transferring 10 percent of *kolkhoz* and *sovkhos* land (respectively collective and state farm land) to local authorities for distribution among peasants who were willing to establish a private family farm. However, only 1 percent of the country's agricultural land was actually distributed among private family farms. According to Poshkus (2009) an important reason for this meagre result was that local authorities were not interested in this process. A

⁷ This title indicates that the post-Soviet land reforms in the 1990s (and early 2000s) enabled the current land grabbing. It does *not* intend to suggest that overall the land reforms from its starts aimed at enabling land grabbing, although some of the actors involved in the design of (or lobbying for) these land reforms (especially in the later stages) probably had large-scale land acquisitions in mind. Also, it does *not* intend to suggest that another variant of land reform (e.g. such as prevalent in Central Europe) would have (fully) precluded the opportunity of land grabbing. For more on the consequences of post-Soviet land reform in Russia for land grabbing see (Visser, Mamonova and Spoor 2012).

new stage in land reform started in 1993, when the first Russian President Boris Yeltsin proclaimed the privatization of *kolkhozes* and *sovkhozes*, into new juridical forms (mostly joint-stock companies). Former *kolkhozes'* and *sovkhozes'* employees became shareholders of these companies. Subsequently, every employee received asset shares and land shares for free. However, the land shares⁸ did not include real, individual ownership of land plots, they were just paper certificates, that substantiated rights to unspecified land plots on the territory of former state or collective farms (Poshkus, 2009: 68). To turn the land shares into demarcated private land plots, peasants had to start a complex process of registration.

During President Vladimir Putin's first term a new Land Code (2001) was adopted that modified property rights for land, with the exception of agricultural land, and in 2003 the law 'On Agricultural Land Transactions' came into force. This law enabled the sale of agricultural land (Wegren, 2010). Rural social movement leader Tamara Semenova (Krestyansky Front) suggested in an interview that this law 'was lobbied by a group of oligarchs who had already bought or planned to buy land. This law was worked out to legalize their purchases'.

By Putin's second term (2004-2008) rich Russian and foreign investors became interested in buying agricultural land, which meant that they started to buy land shares, leading to the rapid growth of large agrohholdings. The number of private family farms in Russia that was expected to increase with the years, was only increasing until the mid-1990s and after that started to gradually decrease.⁹

According to the All-Russian Agricultural Census (2006), private farmers own about 30 million hectares or 13 percent of agricultural land in Russia. All other land is basically controlled by large farm enterprises, the successors of the collective and state farms, and increasingly by agrohholdings, both domestic and foreign (There is a prohibition of land acquisition by foreign entities, but it does not apply to Russian subsidiaries established by foreign companies).

First Deputy Premier Viktor Zubkov revealed in February 2009 that of the 12 million land shareholders, only 400 000 owners have been able to convert their shares to private property. More than 90 percent of privately owned land is owned as land shares, not as physical plots of land (Poshkus, 2009). A major consequence of the privatization of land through the land share system was that large farm enterprises retained *de facto* control over former state-owned agricultural land, with most land shareowners renting their share allotments back to the large farm in return for (often in kind) payment. Large investors are acquiring land shares from rural dwellers for

⁸ on average three to fifteen hectares

⁹ In the beginning of the land reform, in 1990, there were 4.4 thousand private family farms In 1995 this number increased to 280.1 thousand, but since then, the amount of private family farms has been decreasing. By 2006 this number has already declined to 255.4 thousand. Recently, there is again some limited growth in the number of private farms.

low prices, sometimes forging documents if the land share holders do not agree to sell their shares, which leads to land grabbing and social conflicts (cf. Visser and Spoor 2011; Visser, Mamonova and Spoor 2011).

UKRAINE

Throughout the 1990s, observers acquainted with agriculture in both countries often concluded that agricultural reform in Ukraine was lagging behind Russia by several years. This was partly due to Ukraine's preoccupation with what might be referred to as 'state-building' following independence: for several years following 1991, policy making in Ukraine revolved around creating the institutions and symbols of an independent state, while coherent economic policy took a back seat (von Cramon-Taubadel and Zorya, 2001).

Land reform in Ukraine, as in Russia, began on the eve of the collapse of the Soviet Union. The first round of farm reforms started in 1990 with the privatization of land through the distribution of paper shares to the rural population (as in Russia) and mandated the transformation of former *kolkhozes* and *sovkhozes* into corporate shareholder structures enterprises (Csáki and Forgács, 2008).

The second round of reforms began in 1999, when the corporate farms were obliged to convert the paper land shares into fully titled land plots for their shareowners. The land received through the conversion of the share certificates could be used to establish a new private farm or to enlarge an existing household plot. Corporate farms could continue to use the land represented by privately owned land shares only if they signed a formal lease contract with the landowners. Collective agricultural enterprises have completely disappeared since 1999. At that time, nearly 7 million rural residents became owners of physical land plots, not just paper shares, and 70 percent of agricultural land became private property (Lerman et al., 2007).

Although the majority of agricultural land has been turned into private hands, this land has not yet become a marketable object, since the selling of agricultural land by private persons and companies is prohibited by law. Originally, this moratorium on land sales was only valid until 2005, but this deadline has since been extended several times: first until January 2008, then January 2012.

At present 6.79 million citizens (out of 6.91 million entitled) have received a land certificate as result of the land-sharing of former collective farms, and about 5.7 million of these have already received land titles. Corporate farms today control less than 60 percent of agricultural land (down from nearly 95 percent prior to the start of reforms in 1990) and account for about 30 percent of the gross agricultural output (down from 70 percent in 1990). The individual sector (consisting of the traditional household plots and the independent peasant farms that began to emerge after

1992) nowadays controls more than 40 percent of agricultural land, representing 70 percent of agricultural output (Dels, Fedorchenko et al., 2008)

The number of private farms has been growing. By 1996, roughly 35,000 private farms with an average of 23 ha had emerged. In 2005 the number of private farmers in Ukraine reached 46.600. However, during the last years due to the financial crisis and a new government policy¹⁰ the number of farmers in Ukraine has dropped by approximately 3 000 farmers.

Currently, private farms are permitted to own at most 50 ha of land, but there is no limit on the amount of land they are allowed to lease. Foreigners are not permitted to own agricultural land in Ukraine. In 2000, the 5.6 million land lease contracts covered 22 million ha of land (53 percent of Ukraine's total agricultural land). The limitations on the amount of land in private property and moratorium on land sales seemed to contribute to intransparency and corruption in the land market. Loopholes in the Land Code allow acquiring land in semi-legal way with the help of bribes, given to authorities. Many experts and opposition lawmakers state that limitations, such as the moratorium and unattractive investment climate for foreigners, allow domestic oligarchs to monopolize the agrarian sector of Ukrainian economy. According to the estimation of Kommersant Ukraine (2008) the top 10 of Ukrainian oligarchs manage about 1 million hectare in Ukraine, i.e. 3.5 percent of arable land in Ukraine. Foreign companies are also present in Ukraine. According to the research of Visser and Spoor (2011) more than 1 million hectares of Ukrainian land is controlled by foreign investors. Despite the moratorium "some companies acquired the land, established an agrocompany and than sell it to a foreigner", - said Anton Kutsenko, partner of an analytical agency in Ukraine.

Land grabbing: The types of actors doing large-scale land acquisitions

Domestic investors

In the 1990s, most Russian and Ukrainian companies considered agricultural business as unprofitable and preferred to invest in other branches, while also interest from foreign investors was very limited (with a few exceptions, see below). In the early 1990s the new Russian government sharply curtailed investment in the agriculture sector (Barnes 2006), and a similar tendency was observed in Ukraine. The large-scale successors of the kolkhozes (collectives) and sovkhoses (state

¹⁰ According to the interview with Mikola Strizhak, vice president of the Association of Farmers and Landowners of Ukraine, the policy of current president Viktor Yanukovich (2010 – present) is not oriented at the development of small-scale farming in Ukraine.

farms), which now have various juridical forms, and which we call '(large) farm enterprises' (LFEs), faced severe financial conditions.

Due to the dire straits of the large farm enterprises, in the 1990s part of their lands ended up in the hands of creditors, in order to pay off the farm debts, in particular to suppliers of fuel (a main expense of the farm enterprises), such as Gazprom and Lukoil in Russia (Barnes 2006: 161). The first substantial agricultural land bank, operated by energy giant Gazprom, started in the early 1990s, when farm enterprises were unable to cover their fuel debts and had to pay back with their lands. The total property of Gazprom is more than 500 000 hectares according to a report by Uzun in 2003. These days Gazprom is in a process of selling off its agricultural land again, as the company was not successful in agribusiness due to the absence of skills and knowledge in agriculture, - (cf. Uzun 2009).

What Wegren observes for Russia also applies for Ukraine: 'Attendant with strong economic growth that ensued from 1999 through 2007, land began to be perceived as a valuable commodity from which to build wealth. Agricultural land became the new frontier for those with money' (Wegren, 2010). Agroholdings only started to acquire land on a large scale later when the sale of large plots of private land was allowed at the Federal level, through the 2003 land code (before that, various federal decrees and regional regulations already allowed *de facto* transfer and sale of land in several regions). Especially for the Financial-Industrial Groups (FIGs) and foreign investors it was true what Gustav Wetterling - Member of the Board of Directors of Agro-Invest Group - a subsidiary of Swedish Black Earth Farming, one of the largest foreign landholders in Russia, stated; 'Until the issue of property rights was solved, no one wanted to invest. There were too many risks with uncertain rewards', In Russia, as indicated earlier, as in the Soviet Union the majority of the land continued to be controlled and used by farm enterprises, whereas since the early 2000s a growing percentage of it is controlled agro-holdings and huge corporations. However, it should be noted that the absence of the possibility to sell land in Ukraine, has not precluded mounting land acquisitions by domestic and also foreign investors. In

Ukraine land is acquired through lease, informal and/or illegal ways of obtaining land, and schemes which include buying control over land with the right to buy it once the moratorium is lifted.

It is hard to say how many land transactions are conducted. But definitely the number of land acquisitions is growing in both countries. In Russia overall, about 5 percent of agricultural land was transacted annually (Shagaida, 2005), a figure which undoubtedly has risen further in the last years. According to some estimates, the registered transactions (at Rosreestr) in 2010 were almost a third more than during the same period before the crisis of 2008.

Foreign land acquisitions: an overview

Foreign land acquisitions are clearly on the rise in Russia and Ukraine since the mid-2000s (cf. Visser and Spoor 2011). Although already in the mid-1990s some Western companies started attempts to enter Russian agribusiness. It is hard to determine precisely how many foreign companies operate on the Russian and Ukrainian agricultural land market these days. In both countries it is forbidden to sell land to foreign companies. Therefore, foreign investors operate in Russia via their Russian subsidiaries, which enables them to buy land. According to our most recent web-research and calculations currently this figure has risen to roughly 50 foreign companies owning up to 2,5 to 3,5 million hectares of Russian agricultural land in Russia. However, the accumulation of land is a highly sensitive issue both for the leasing and the hosting countries, and therefore it is likely that the process of land grabbing in post-Soviet Eurasia has advanced further than official statements and media reports (cf. Billette, 2009; Visser and Spoor, 2011).¹¹

There are no reliable figures on how much land belongs to domestic companies and how much belongs to foreign ones. First of all, this question is very sensitive and not free from fraud and illegal land acquisition. Second, foreign companies, as was mentioned above, operate on the Russian land market under their subsidiaries that are considered to be Russian companies. 'The majority of agricultural holdings have their funds or capital from abroad', - according to Tamara Semenova, stating that foreign companies invest in Russian agriculture mostly via the creation of Russian agro-holdings. However, another complicating fact is that many of the foreign funds, actually are offshore vehicles of Russian oligarchs, with money on tax havens such as Cyprus, Guernsey, and the Virgin Islands. These points also apply to Ukraine, although the number of super-wealth oligarchs with offshore vehicles is less than in Russia.

Although in terms of the total size of the land obtained, Russia is not a top target of foreign investment, investment by outside investors is indeed huge, and the size of the average land deals and the agroholdings established, is probably unmatched in the World. Although, the foreign investment is small compared to the domestic land grab, and not in the 'top' target countries in terms of the total land mass, the speed of land acquisitions is high, and the influence in particular sub-sectors and regions quite, large (also due the fact that they acquire the most fertile land, and due to modern technology achieve high productivity) (Visser, Mamonova and Spoor 2012). In Ukraine, the number of foreign investors (which are attracted by the proximity to

¹¹ The International Poultry Development Program (UIPDP), even estimates that the agricultural market (in particular the poultry sector) in Russia has more foreign investors than Argentina or Brazil each, countries that earlier were considered to be major target countries for large scale foreign investment in agribusiness.

the EU market, and the good port infrastructure in Ukraine) is even larger than in Russia.

The origin of the companies that are interested in Russian and Ukrainian land acquisitions is quite diverse (Visser and Spoor 2011). Roughly we can distinguish the Western companies investing primarily in the European part of Russia and in Ukraine, and the Asian (most notably Chinese companies) in Siberia and the Far East. Land acquisitions originating from the West consists of private investors (agro/food-companies, banks, financial funds), whereas China involvement shows a mix of state initiated deals (mostly very large-scale up to half a million hectares in one case), and investment by private entrepreneurs ranging from small-scale farms along the borders to farm enterprises spanning thousands of hectares (ibid).

A brief note about the investors from the Middle East (in particular from the Gulf States). Investors from these countries are only searching for land in the former Soviet area very recently, and have not yet concluded major deals (Visser and Spoor 2011). Moreover, until now Middle-Eastern countries have focused more on Ukraine (as well as Kazakhstan), than Russia.

When discussing the origin of investors it is important realize that the identity of investors might be different, and more complex, than what it seems at a first glance. Various recent studies in Africa have shown that what seems foreign investment is in fact investment by diasporas from the target country. Furthermore, Ruth Hall has shown that the widespread land acquisitions by South-African investors across the African continent, indirectly, are largely based on Chinese investments in South-African companies, carrying these acquisitions.¹² Part of what seems foreign investment appears to consist of investment by Russian oligarchs. Except from such offshore investment, we have not found evidence that the primary foreign investment company is 'misleading'. Within the category of Western investors, we see mixed investment from various Western countries, but also investment in foreign agroholding with shareholders which are very clearly and consistently from one nationality (this is for example the case with Swedish agroholdings, which are the main Western investors in Russia). No evidence has been found that Chinese companies are investing in Russian land through Western companies, or through Russian companies in other former Soviet countries.¹³

Finally, a note about the aim/orientation of the farm land acquisitions. Globally a large share of the large-scale farmland acquisitions are not for food or fodder, but for biofuel production, for instance in regions such as Matto Grosso in Brazil and large

¹² Personal communication 21 January 2011, Institute of Social Studies, The Hague the Netherlands.

¹³ Middle Eastern investment funds, which are currently exploring opportunities for land acquisitions in Ukraine, are also considering investment in Western companies operating there. For instance, a Saudi-Arabian investor visited the British agroholding Landkom in Ukraine (which was later taken over by the Swedish agroholding Alpcot Agro, with large landholdings in Russia).

parts of Africa. In Russia, the share of the land acquisitions aimed at biofuel production is rather insignificant. Various factors seem to play a role here. Russia, which is itself a prime oil and gas exporter, with low internal fuel prices, does not actively stimulate biofuel production as do for instance Brazil and the US. Foreign investors who want to produce biofuel for export (mainly to the nearby EU), prefer Ukraine, which has better port infrastructure, and a government which is more interested in stimulating biofuel production and processing, being very oil-dependent on neighbouring Russia.¹⁴

The agrarian land triangle: State-Investors-Citizens

The main actors in land distribution and accumulation process are: authorities (federal, regional and local), investors (foreign and domestic) and rural dwellers. In the research of Boltrik, Krush and Faydor (2011) 65 percent of Ukrainian population stressed in a survey that officials are the perpetrators of land scandals in Ukraine, 23 percent marked land investors as the perpetrators of land scandals, and only 12 percent answered that citizens are the cause of land problems. This section will analyze the roles of the state, investors and civil society in the land related conflicts in Russia and Ukraine.

STATE

Since the early 1990s Russia and Ukraine went through a process of institutional reforms towards more decentralisation¹⁵ similar to many other countries that undergo land reforms¹⁶. A tangible result of such decentralization is the increased prevalence of elected local governments in rural areas (Hilhorst, 2010). In Russia and Ukraine there are three levels of government: federal (national), regional and local. In both countries the main functions of land governance and land management are given to regional and local authorities, while the federal level has a legislative function¹⁷.

¹⁴ In addition, a probably unexpected motivation for biofuel production is the following; in Ukraine biofuel production is used as a means to generate value from the Northern area around Chernobyl, which due to the radioactive contamination cannot be used anymore for food and/or fodder production.

¹⁵ Democratic decentralization (or devolution) is defined as the transfer of a sphere of decision-making from the central state apparatus to an elected sub-national government, which is downwardly accountable to citizens. In the case of *deconcentration*, only functions are transferred to a sub-national level of government which remains upwardly accountable (e.g. the departmental office of the cadastral service).

¹⁶ Mali, Benin, Burundi, Cameroon, Madagascar

¹⁷ Only special environmental and cultural parks are under the supervision of the federal government

The role of the state in Russian land governance

The *State Duma* of Russia¹⁸ works out the amendments to the Land Code and other legislative documents related to the land management of state and municipal land; develops principles of the turnover of agricultural land; and provides the legislative base of land reform. Federal policies and finances are recently directed more towards agriculture than during the 1990s. This is shown by the announcement of a new 'Food Security Doctrine' in 2010. This doctrine marks the agrofood sector as a strategically important sector and sets ambitious goals for self-sufficiency in food production (Wegren, 2010). However, sometimes personal interests predominate the national interests in law making policy. Various Russian oligarchs seem to have a considerable influence on the development of legislation in the country. Thus, Tamara Semenova, member of peasant movement *Krestyansky Front* suggests that the Law on Agricultural Land Transactions (2003) that allowed land sales 'was lobbied by a group of oligarchs who had already bought or planned to buy land. This law was worked out to legalize their purchases'.

On the regional level¹⁹, land governance is implemented by creating conditions for attracting investment to the region. Regional governments provide tax benefits, support infrastructure, pursue social programs, etc. Moreover, regional government is allowed to work out regional laws. Thus, regional authorities may create extra rules that hinder the emergence of private farms. In the southern Krasnodar *Kray* (territory) aspiring private farmers require 300 hectares of land in order to start a farm. Another example of regional government initiatives are the additional requirements for land transactions in Moscow. Due to numerous cases of land speculation in Moscow, in 2011 the Moscow government adopted a supplement to the Federal Law "On the transfer of land or land plots from one category to another" that made the land changes from agricultural to constructional category more difficult.

Local self-government bodies (mostly municipalities²⁰) and regional governments in Russia have the rights to convert unclaimed, unwanted, and abandoned land to state property; increase fines and/or land taxes for land that is used inappropriately or is not used for its intended purpose; as well as to create a unified system of state monitoring of agricultural land. According to president Medvedev, the amount of

¹⁸ The State Duma is the lower house of the Federal Assembly, the parliament of the Russian Federation

¹⁹ The regional government in Russia includes: governments of republics, territories (*krais*), regions (*oblast's*), and governments of the cities of Moscow and St.Peterburg. It should be noted that the classification of regions as republic, krai or oblast is derived from historical reasons and does not generally provide any indication of status.

²⁰ The municipality – is the primary unit of local government, any populated territory (city, town, township in rural districts, or any combination of these on a contiguous territory) which is self-governed and possesses municipal property, a budget and an elected local government body (the federal Law on Local Self-government in the Russian Federation)

unused or inefficiently used agricultural land may total 30 million hectares.²¹ According to some estimates up to half of Russian arable land has been abandoned during the economic decline of the 1990s following the demise of the Soviet Union in 1991.²² However, this is not easy to substantiate in practice that such land is unused. According to Sarbash, a head of Agricultural department of the Dmitrov district administration, "the process of substantiation, that land is abandoned, is very bureaucratic and lasts very long, but if the owner of this land mows the grass once in 3 years, the land is not considered as abandoned anymore".

Local self-government often solves issues of local importance which, normally, are not a part of state administration. Some local authorities are engaged in solving disputes between agroinvestors and local inhabitants. For example, a commission, founded by the Dmitrov²³ district administration, investigates cases of illegal land acquisition and tries to find a solution that is suitable for both parties (land investor and peasants, whose land was grabbed). However, often the local authorities are not a neutral party in the land conflicts. We have found several cases of illegal and semi-legal land acquisition where the falsification of land purchases was done with the permission of local authorities (see further on). Moreover, local authorities have the right to veto any land sale.

The bodies responsible for land registration in Russia are district committees, the cadastral chamber and registration chambers²⁴. The information about every land deal in Russia goes to the Federal Service for State Registration, Cadastre and Cartography (*Rosreestr*).²⁵ The plurality of bodies makes land registration a multistep and opaque operation which could take up to one year. Although certificates of land ownership rights are the same as new entries, in practice each new transaction requires full registration of the previous rights (Lerman and Shaigaida 2005, 22). That causes long queues and people have to find a solution for faster land registration. Thus, Ninel Shuliarenko, a Moscow region inhabitant, who privatized her land plot, told: "There was an enormous amount of people. I had to be at the doors of the registration chamber at 4 a.m. to be able to register for the next available day for an appointment. Fortunately, my neighbour worked at that chamber. She took my documents, when the chamber was closed already. Of course, I have to pay officially for the services and "thank" my neighbour personally. [...] It took me about 2,5 years to register my land. I know people, who started at the same time as I did, who are still busy with their registration."

²¹ *Sel'skaya zhizn'*, February 4-10, p. 2, referred to in Wegren (2011: 152).

²² Source: (No Author) 2006 'Russia - The worst drought in 100 years', *Moscow Times* 26 September, www.moscowtimes.ru, accessed 15 October 2010.

²³ Dmitrov is a city of the Moscow region

²⁴ The cadastral chambers register land plots. The registration chambers register use rights and transactions.

²⁵ Both information on parcels and the legal and administrative information can be accessed online by the public. These days Russia introduces 3D cadastre modelling.

The role of the state in Ukrainian land governance

In Ukraine the legislative function belongs to the Parliament of Ukraine. It adopts amendments to the Land Code and is currently working out laws related to lifting the moratorium. However, some specialists argue that state decisions are influenced by personal interests of some powerful entrepreneurs and oligarchs. For example, it is argued by Visotsky (2011) that “the rule, prohibiting the land sale to foreigners, was established in order to let entrepreneurs, that are in close relationship with the national authorities, get profit from land resale to profiled foreign companies” (2011, p.24).²⁶

The system of administrative-territorial division of Ukraine consists of the regional level, district level and local level (cities, city districts, townships and villages). Regional administrations pursue the monitoring and supervising of land. District administrations are subordinated to the regional administrations and are most actively involved in the management of state owned agricultural land. They take decisions on the allocation of the state land through permanent use, lease, sale or – within the scope of land reform – granting ownership at no charge.

Registration of land parcels, land titles and lease contracts is taking place on regional and district level (in cadastre offices). The procedures vary across the country. According to Andrew Koshil, head of the Land Union of Ukraine, the list of documents needed for land deal registration in one region of Ukraine may be totally different from another region, which makes the land deals non-transparent.

The information of every deal is transferred to the State Committee on the Land Resources of Ukraine that is responsible for bundling and processing all data regarding land use. However, the cadastral system is underdeveloped. According different estimations, 30-50 percent of the land plots are registered in the Cadastre these days. In 2003 the World Bank’s Board of Executive Directors approved a US\$195.13 million loan for the Rural Land Titling and Cadastre Development Project in Ukraine, However, it did not change the situation with the registry system.

According to Andrew Koshil, head of the Land Union of Ukraine, the non-transparent system of land cadastre in Ukraine allows fraud with land plots. Anton Kutsenko, partner of an analytical agency in Ukraine, observes not only disorganization in land registration, but also corrupt practices of officials. He described: “I could collect all documents, everything is in order, but the official rejects my request. I go to a court, the court compels him to do what I ask, but the official does not do this. And there is no criminal liability, only the administrative liability, which is small money and the

²⁶ Besides, Rachkevich (2011) sees this legislation as a “protection of domestic oligarchs’ agrobusiness from foreign competitors” (2011, p.11).

official would pay it. Thus, coming to this official, I am in a situation, when I have to "negotiate" personally to force him to do something, what he is obligated to do according to law".

While Ukraine, as shown in the previous section, went further in the conversion of land share into private plots, security of land rights is undermined by a cadastral system that is less developed as in Russia. In sum, in practice the Ukrainian and Russian systems of land management by the state are functioning quite similar. From our perspective, these systems are too complex, which leads to "overregulation", lack of clarity, ample opportunities for bribe taking, and which hampers effective land management.

INVESTORS

Land investors gain control over land in these countries in many ways. In Russia companies are allowed to buy land, what they often do through acquisition of the whole agricultural enterprise with its lands or buying land shares from every landholder. Moreover, leasing is also common practice in Russia. In Ukraine, companies control the land largely by leasing it, as buying land by commercial entities is prohibited by the moratorium on land sales.

In Russia investors often prefer buying over leasing land. In our interview Gustav Wetterling said: 'We have significant costs related to getting rid of all the weeds, all the trees... So that's why we want ownership. So we know that we have it for a long period, so we will get this money paid back. There is a significant investment in the beginning...'. Investors buy land shares from every land shareholder or acquire an enterprise with its lands in Russia. However, due to the complex and time-consuming procedures for registering land, a substantial part of the land is leased.

In Ukraine leasing dominates on the land market. The minimal size of cost-effective farming in Ukraine, according to some estimations of specialists (Guzenko, 2011), is around 3 000 hectares. Although estimations on the optimal size of farm enterprises differ, the size of land plot is clearly far below it. The approximate size of land plots, given to a peasant during privatization, was 4 hectares. This meant that the agro company has to make agreements with approximately 750 peasants. The biggest agroholding in Ukraine Mironovskiy Khleboproduct has concluded 100 000 agreements with peasants to be able to cultivate 280 000 hectares of land. Many investors prefer to *buy* Ukrainian land. Despite the moratorium, there are several ways to acquire the land in the country. Companies can acquire non-agricultural land and change the status of it to "for agricultural purposes"; or exchange this land for agricultural land, according to a rule in the Land Code that allows land exchange in Ukraine.

In Russia the process of land acquisition by buying land shares from every shareholder is a complicated and long process. For example, Agro Invest Brinky, a Dutch poultry company operating in Russia had been buying thousands of shares from former kolkhoz workers during several years. "It was problematic not only to agree on the (conditions of the) sale, but even to find all these people: someone died, someone had left, et cetera. So on paper, these were co-owners, but they do not exist on the boards of directors or the reporting, nor anywhere else' (Luchev 2009). Due to these hassles many companies try to acquire land on the secondary land market, where they can buy a whole enterprise with land shares contributed to its authorized capital. However, land which is concentrated in the hands one (or a few) owners (instead of dispersed among hundreds of shareholders), is less available on the land market. The process of large-scale land acquisition is often accompanied by illegal behavior of investors, as part of the investors try to avoid complicated negotiations with numerous shareholders, or do not want to pay the market price for land (this will be discussed further on).

In Russia some investors help peasants to receive the title for their land to further its acquisition. The Swedish company Black Earth Farming, which operates in Russia under the name of its subsidiary Agro-Invest, makes agreements with rural dwellers to register the land units on their name and on their behalf and then buys this land according to a sale-purchase agreement. In 2004, the company paid 90 euro per hectare (Kandell, 2009). According to the director the shareholders were happy to sell their land shares as they were not able to register the lands themselves [due to bureaucratic obstacles and the costs of registration which can be too high for poor villagers] so consequently their land did not provide them with any income. So, due to the fact that the financial situation in rural areas is difficult, rural dwellers often were happy with every penny they got for their unused land. Now, Agro-Invest manages more than 300,000 hectares of agricultural land in the Central Black Earth area of Russia (Visser and Mamonova, 2012).

The majority of the rural dwellers owning land, are not aware of the precise value of agricultural land, thus, many land investors acquire land shares at very low prices. For example, in 2006, there was gasification in a Ukrainian village Kozakovichi and peasants were offered to sell their shares in exchange for gas pipes. The shares (2 hectares each) were bought for 5 000 grivnas (equal to 450 euro), when the market price of this land was 10 000 dollars (approximately, 7 000 euro) per share. More than 300 deprived peasants went to court, but the court found no corpus delicti in this acquisition (Danilenko, 2011). Beside that, "more than 73 percent of rent contracts is paid in natural form in Ukraine", as Andrew Koshil, head of The Land Union of Ukraine, indicated.

However, some land investors prefer to offer a better price for the acquired shares to avoid scandals and to sustainably develop their business. For instance, in 1997-1998

a Russian businessman Arkady Kornadsky bought up the whole village Chausovo 2 (Mykolaiv oblast, Ukraine). He paid to the market price of 1.500 dollars per share to the shareholders. "At that time it was fabulous money, - said Anton Kutsenko, who analyzed the deal, - It was a social boom, peasants have bought cars, renovated their houses, their children went to universities". Nowadays, the most successful farm enterprise in the surroundings is this farm in Chausovo 2. All those who have sold their shares work at their former lands that are property of the businessman Kornadsky.

Large agroinvestors may influence government bodies in their decision making. Investors may influence the the authorities' decision making in an official way via participations in public councils and social unions that have regular meetings with the government. Many representatives of agro companies in Russia and Ukraine are actively involved in the cooperation with local and national authorities in the development of the legislative and normative base. Representatives of many agrocompanies have a membership in the Public Council under the President of the Russian Federation, which consults the Russian government about agriculture development. In Ukraine, many companies are members of the Council of Entrepreneurs under the Cabinet of Ministers of Ukraine and the Council of the State Entrepreneurship Committee. On the basis of Russian survey data, Frye (2002, 2004) shows that of those firms reporting at least some success in influencing new laws and regulations at the federal level, half reported having used the services of business organizations.²⁷

The informal (and illegal) ways in which large investors influence decision making of authorities concerning land governance, seem to be even more important. This is related to land distribution, redistribution, disputes with local population, and reallocation of the land plots. Informal agreements with local governments are common practice. Tamara Semenova, a member of peasant movement Krestyanskyy Front said: "when the raiders arrived to our land and started acquiring it, they did not arrived just from the street. It was by prior arrangement with the regional and district authorities. Who will let the strangers do this business in the Moscow region!? Well, we suppose they got the possibility to do their business for "otkati" ("kickbacks" - money or other gifts to authorities)."

Recently, in many regions of the world investing companies have been getting more involved in the process of land governance (presentation by T. Hilhorst 2011), in ways that are aimed at benefiting not only the own companies but also at improving

²⁷ Campos and Giovannoni (2007) draw on the same cross-country dataset as Hellman et al. (2003) and Gelbach (2006) to show that lobby membership is positively related to firms' self-reported influence on officials in the legislative and executive branches.

the wider rural community.²⁸ They pursue corporate responsibility programs and support settlements in the areas they operate. However, such initiatives often are still far away from the level of wider responsibility aimed at by FAO's "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests" or the "Principles of for responsible agricultural investments (2010)" written by the FAO, IFAD, UNCTAD and the World Bank Group. Observations have been carried out by one of the researchers (Visser) during FAO's consultative meeting on the Voluntary Guide for the former Soviet Union region, in Moscow in the autumn of 2010. Here it appeared that especially government officials from Russia, were not much inclined to insert social criteria concerning corporate (and neither state) social responsibility related to land governance into these guide lines.

Due to the lack of state-wide social programs in the countryside of Russia and Ukraine, many large-scale farm enterprises traditionally have a paternalistic role. They provide support for the household plots of the villagers and often offer a range of social services to the community, contributing to the quiescence in Russian villages (Visser, 2010). This is related to corporate social responsibility policies and a matter of survival in post-soviet business environment. The CEO of a Russo-American agroholding said: "the social support has a double effect. If you do not want to go down to bribes to local authorities you should better solve their social problems. And if you help the local population, they also help ensure that theft and sabotage on your territory stays at a minimum. If you do not participate in social issues, than people have less of an incentive to protect your interests".²⁹

Relatively short land lease contract (and absence of laws allowing private land sales) in Ukraine are a possible reason why investors are hesitant to invest their money into the maintenance of soil fertility. Nikolay Vernitsky, director of a consulting company in Ukraine, stresses that "these days the land is rented approximately for 5 years. During this time it is impossible to change anything. Consequently, the Ukrainian soil is "squeezed" by investors. As they understand that tomorrow a peasant can decide not to prolong the leasing contract with them and they have to leave" (Guzenko, 2011). On the other hand it should be noted that it is not a given that a change of legislation would substantially improve this situation in the short-term. The currently low level of land prices (especially in the more shadowy deals), and the abundance of land, might still stimulate short-term production strategies at the cost of soil fertility.

RURAL CITIZENS

The third group in the agricultural land governance triangle consists of the rural

²⁸ Thea Hilhorst, "Regulating (transnational) large-scale land acquisition" presentation at the Utrecht Summer School "Land Governance for Development", July 2011, Utrecht

²⁹ A. Danilenko, president of agroholding "Russkie Fermi", interview conducted by Mamonova in Moscow, October 2011.

dwellers, which own (or owned) agricultural land. After privatization, some of the peasants started private farming. Though, because of lack of proper state support for private family farming and the high credit costs, new farm creation is meager, and overall the number of farms is declining, as mentioned earlier on.³⁰

During the All-Russian Agrarian Census 2006, peasants were asked to answer a question "What do you do with your land?". Peasants in the weak agricultural region Smolensk answered "nothing". In the well-endowed, fertile Rostov region they answered "rent to someone else". If peasants cultivate their land, the purpose of the cultivation is "to feed my family" in two of three cases³¹.

During the land distribution after the collapse of the Soviet Union, land was given to people without asking them if they really wanted it, stated Vasiliy Vershinin, a president of Russian Union of Agricultural Cooperatives. In interviews, conducted by Danilenko (2011) in Ukrainian villages, many respondents preferred to give their land plots back to the state, as they are not able to cultivate them. A pensioner Mikola Martinenko from Kozarovichi village said: "In 1991 sugar beet production was 5 million ton; in 2009 it was only 1,2 million ton. There is a need of 2 millions ton to feed Ukrainians with sugar. Thus, 3 million you can sell and replenish the state budget. All pensioners will tell you: state-owned land is gold; in the hands of poor pensioners it is a platform for weeds. That is why we sell our land as we can do with it nothing".

In Russia rural dwellers as a rule did not appreciate the value of the land before the land grabbing started. According to our research on rural social movements in Russia by Visser and Mamonova (2011), many civil actions against unfair land shares acquisition have as the main purpose to receive a financial compensation for land shares (see further on). Land holders in most of the cases are old people that do not have the energy and money to cultivate their land. Their grandchildren have moved to cities and are not interested in farming, argued Anton Kutsenko.

People are afraid to take a risk and start commercial farming. Alexandr Panasyuk from Veselyy Kut village (the Taraschenskiy district, the Kiev region) describes the entrepreneurship in his village as follows: "you can sow your 3 hectares with

³⁰ In Ukraine, according to official data, the individual sector more vibrant than in Russia. In Ukraine, the traditional household plots and the independent peasant farms control more than 40 percent of agricultural land, contributing to 70 percent of agricultural output. These independent peasant farms are middle sized farm enterprises (thus corporate farms instead of private family farms), but because of the Ukrainian legislation it is more profitable to be registered as private farmer. The interview with Viktor Sheremet, a private farmer in the Pereyaslav-Hmilnitskiy district (the Kiev region, Ukraine) who controls more than 2 000 hectares and has a large staff of hired workers, substantiated this: "if you are a private farmer you can register for a program of State support for farming in Ukraine and benefit from it".

³¹ This number varies across the regions. Thus, the republic Ingushetia 99 percent of peasants use their households only for personal use, and in the republic Dagestan, 70 percent of households does not produce anything (from a presentation of Vasily Uzun, a head of the department of agricultural reform of All-Russian Institute of Agrarian Problems and Informatics, at the Gaidar Forum, Moscow 2011)

buckwheat and you will be bankrupt next autumn: too small a turnover, too much risk to take a loan" (in interview, conducted by Danilenko, 2011). Viktor Sheremet, a farmer from the Pereyaslv-Hmalnitskiy district (the Kiev region, Ukraine) said rural people lack entrepreneurial talent: "they are inert, they are afraid to take responsibilities and risks to organize private business. I think, only 10 percent of the Ukrainian population can do entrepreneurial activities. All the others – no. They are passive. They would prefer to work for somebody else".

However, it is not only the passivity of rural population. "The conditions are not appropriate for private farming, - argued Tamara Semenova, a member of peasant movement Krestyansky Front, - Not only expensive credits and administration risks are the problem. They [farmers] are often pushed out off agricultural business". An example, is the farmer's family Ivlevs in Odintsovo district (the Moscow region). The Ivlevs have three land shares and managed to privatize only one. They have several cows and want to expand their business. They constructed a new cowshed, but the local administration does not allow them to connect the cowshed to the electricity grid. They have all documents in order, but the answer from the administration was "no". Semenova suspects that the reason could be competition for their land by the local farm enterprise, suggested by the faith of the two not yet registered land shares to which the Ivlevs are entitled, but which the former kolkhoz (nowadays, JSC "Gorki-2") does not want to give to the Ivlevs for privatization. Or the (additional) reason could be the expectation of a bribe by the local administration.

The findings of a rural society showing limited interest in agriculture (and low but increasing appreciation of land ownership), might easily lead one to conclude that collective action by the rural population in rural areas does not take place in these countries. However, on the wave of increasing investors' and state interest for the agrofood sector, the activity of citizens increased and social organizations and agrarian unions have been getting some power in these countries. They aim to protect the rights of peasants, stimulate development of private farming and civil initiatives in rural areas. In the next section, we will take a look at rural social movements in Russia and Ukraine, and their role in land governance in these countries.

Rural social movements in Russia and Ukraine

Of the all farmers movements in the world, the movements in the large former Soviet countries are traditionally among the least developed and weakest ones.³²

³² Wegren, S. (2000) 'Socio-economic transformation in Russia. Where is the rural elite?' *Europe-Asia Studies*, vol. 52, no. 2, pp. 237-71, and see previous note.

Research on civil society in post-socialist countries, showed that the emergence of social movements since *Die Wende* was tiresome, especially in post-Soviet countries like Russia, Ukraine and Kazakhstan. In Russia, in particular, the re-centralisation of the state, and the increasingly nationalistic and authoritarian approach of the Putin regime, went hand in hand with containing civil society organisations (CSOs), especially the ones with foreign support. As in most of the post-socialist areas, CSOs tend to be concentrated in urban areas. With the stagnation of the rather small and short-lived farmer movement that emerged after the fall of the Soviet Union in the early 1990s, it seemed that any organized form of civil society within (or focussed at) rural areas was dead, and research on this topic halted.³³

However, since the mid-2000 some generally overlooked, but important, changes have taken place. In the mid-2000s various new rural movements have emerged in Russia and Ukraine. Moreover, some of these movements are clearly grassroots movements defending the rights of the rural population. They fight for land rights of peasants, rural development of the countries and against land speculation and environmental degradation.

REASONS FOR WEAK RURAL SOCIAL MOBILIZATION

The deprivation and unfair conditions for rural inhabitants do not necessarily lead to peasants' protest, appealing to courts, and other actions, aimed to protect their rights. Field studies conducted by the Center for Nationwide Monitoring of Social and Labor Sphere of the Village in 2004 in the rural areas of 18 subjects of the Russian Federation (3 thousand respondents surveyed) showed that if mass protests against the rural poverty and misery would begin, then 30.2 per cent of the rural dwellers would intend to participate in them, 32.6 per cent would not accept participation and 37.2 per cent did not decide.

The avoidance of the risks of mobilization and protest in the Russian and Ukrainian countryside can be explained, both in terms of the Soviet legacy engrained in Russian and Ukrainian rural society, as well as in terms rational behavior in a situation of current disincentives. During the 70 years of communism, the expression of disagreement with government actions was heavily frowned on at the least, with serious protest leading to deportation to labour camps of the *Gulag* (during Stalin's reign) or prosecution (later periods).

The absence of protests by rural dwellers can be attributed to a large extent to their dependence upon large farm enterprises, operating in their region. Private farmers, the most independent people in the countryside, only account for a small percentage

³³ Wegren, S. (2000) 'Socio-economic transformation in Russia. Where is the rural elite?' *Europe-Asia Studies*, vol. 52, no. 2, pp. 237-71, and see note 3.

of the population (with on average just a few functioning farmers per district), which makes collective action difficult (Visser and Bidaseca, 2010).³⁴ The large farm enterprises (the successors of the collective and state farms) still constitute the main source of formal jobs with the village. The real unemployment in rural areas in Russia is about 55 per cent, according to the estimations of Kalugina and Fadeeva (2010), when the official sources state from 8 till 15 percent³⁵. The official unemployment in Ukraine village is on average 7 percent³⁶ of the economically active population in 2005. The real unemployment rates are not known. Moreover, there are no powerful trade unions that would protect the interests of agrarian employees. All this factors lead to mass fear of losing a job by showing open disagreement with the current situation in Russian and Ukrainian villages.

Another explanation for peasants' passivity is the belief, not totally groundless, that courts and authorities in Russia and Ukraine are "bought" by rich and powerful entities. Subsequently, poor peasants hardly stand a chance for fair decisions, made by authorities and courts. There is clear evidence that rural residents of 234 households have been deprived of their lands illegally in the Moscow region (Krestiyansky Front, 2010). Petitions to courts are not a salvation for landless peasants. Tamara Semenova, a leader of deprived shareholders movement in JSC "Agrocomplex Gorki-2"³⁷ recounted: "courts did not work for us [note: deprived land-shareholders], of course. In courts we lost every case. Totally absurd decisions were taken by courts, which were sometimes even hard to believe: is that a circus or a court?" (T.Semenova, Krestyansky Front, October 2010).

Visser (2010) stresses that the demographic situation in Russia works against peasant mobilization in rural areas, especially, in peripheries. Because of low living standards and lack of work, young and middle-aged people moved to cities, left the depopulated villages with often only a few *babushkas* (old women) remaining. In Russia in the 1990s, the number of young people declined sharply. The share of people below working age went down from 24 percent in 1990 to 16 percent in 2006, with 20 percent above working age and 63 percent of working age (Rosstat 2007:66–71). In Ukraine, according to statistics, the average age of village inhabitant is 56 years old. In the nearest future this level will increase to 60 years (Stadnik, 2011). Andrew Koshil, head of the Land Union of Ukraine, said about

³⁴ In Russia three types of agricultural producers are distinguished: 1) the large farm enterprises (the successors of the kolkhozes and sovkhozes), 2) the private family farms, 3) the household plots (often operated as subsidiary production, complementing a formal job, such as in a large farm enterprise.

³⁵ According to information of the All-Russian Agrarian Census 2006.

³⁶ Research of the International Labor Organisation, 2005.

³⁷ JSC "Agrocomplex Gorki-2" was involved in a land scandal with substantial media-coverage during 2002 – 2008. The land of former sovkhoz "Gorki-2" was acquired illegally and 600 land-shareholders were left without any compensation. During almost 6 years the group of deprived shareholders picketed the Rublyovo-Uspenskoe highway (where the office of the JSC "Agrocomplex Gorki-2" is situated), and appeared in different courts and state organizations. In 2008 the shareholders got financial compensation for their lands.

Ukrainian peasants: "more than 70 percent of the land share holders are pensioners. They are not in a position to organize a strike or something alike. Moreover, they have very little money. They are, in general, an inertial mass".

STATE POLICY TOWARDS CIVIL SOCIETY

In the Soviet time all civil organizations were established top-down, and open forms of disagreement with the state policy were forbidden. Therefore it is difficult to talk about real civil society in Soviet period in the mainstream (Western) conceptualization of this term. The first wave of social movements in Russian village took place in 1990s, spurred by the proclaimed democratization of the society. The Federal law "On public associations" (1995) gave the green light to the realization of citizens' right to association. However, the Law did not give stimuli for their appearance. Many social movements, which were established at that time, existed only on the paper. Others were generally inconsiderable in terms of members (at most a few thousand people), organizationally amorphous or lacked clear programs (Osokina, 2009).

While the Yeltsin administration did not attempt to impede the nonprofit sector and citizen activism more generally, it also implemented relatively few policy initiatives to encourage it. Nor were there many formal mechanisms or channels of communication between the federal government and society, and those that existed were infrequently used. The nonprofit sector that emerged in the first decade of the post-Soviet era was weak, fragmented, and poorly connected with political elites and with the populations it claimed to represent. Of the organizations that did operate, many were holdovers of the Soviet era, and a small minority was heavily dependent on Western aid and support for their survival (Henderson, 2011).

Reflecting the centralizing trends in the realm of institutionalized politics³⁸. President Putin established a much more directed approach towards citizen activism. This was supported by a changing international environment in the post 9/11 era in which many states were able to leverage national security concerns into rationales for revisiting fundamental civil rights and liberties (Tiwana and Belay, 2010). If the Yeltsin administration presided over a negligent state *vis a vis* civil society, President Putin established a vigilant state, paying much more attention to NGO. Stating a desire to involve directly Russia's citizens in Russia's regeneration, the Putin administration, among other things, created a federal level Civic Chamber to advise the Duma on social issues, increased government funds for NGOs, pushed through a

³⁸ For example, the change to the presidential appointment of governors, the change in the electoral laws to proportional representation with a 7percent hurdle, and the increased hurdles for political parties to register and contest elections, all of which combine, in addition to the selective use of "rule by law" to create a Duma dominated by United Russia

variety of legislative acts that impact NGOs' activities and citizens' abilities to organize, and increased state oversight of NGOs (Henderson, 2011).

In Ukraine there is different attitude to civil society in western and in eastern territories. Even in the 19th century Western Ukraine had a developed civil society in European terms, including political parties and Ukrainian national societies (Kolodii, 2002). Potential foundations for both democracy and civil society, such as Kazakhs tradition in eastern Ukraine, were repressed under Russian rule. Therefore there was less development of (proto-) civil-society organizations in eastern regions.

During the Soviet period, there was a certain extent of "leveling", which made the conditions for the emergence of a full-fledged civil society after the collapse of the USSR more unified throughout Ukraine (Steward, 2009).

In Ukraine, after independence 1991, the building up of a civil society took place. In the studies conducted by Bandera (2003), Dyczok (2003), and Havrylyshyn (2003) it is observed that the self-organization of society in Ukraine, as in a number of other FSU countries, has been a problematic process that proceeded at a rather slow pace. Sarah Phillips stresses in her research the dependency of NGOs on the state. That is, "NGO members, not only cooperate with the state, but also often personally depend on the state for their livelihood and there is a tendency for the state institutions to co-opt or co-opt NGO members" (Phillips 2002: 181-263).

However, Ukrainian policy towards civil society and NGOs has changed due to activities of foreign donors and funds.

Western funded pro-democracy NGOs often led the opposition forces, and were widely credited with playing a pivotal role in pushing for a more democratic (and pro-Western) electoral outcome. This suspicion concerning Western donors soon turned to hostility as a result of the color revolutions in the neighboring countries of Georgia, Ukraine, and Kyrgyzstan in 2003 - 2005. In each country, massive protests, in reaction to disputed elections, led to the resignation or overthrow of the previous, more authoritarian leadership.

In 2004, the Ukrainian Orange revolution focused the World's attention on Ukrainian civil society, when the country clearly manifested its pro-European choice. However, these days many specialists question the right application of Western civil society to Ukrainian reality. Volodymyr Sheyhus, executive director of ISAR "Ednannia"³⁹

³⁹ ISAR "Ednannia" Ednannia was founded in autumn 1997 and officially registered on February 1, 1999. Ednannia's roots, however, go back to 1993, when the American organization ISAR: Initiative for Social Action and Renewal in Eurasia opened an office in Kyiv, Ukraine. (ISAR was founded in 1983 as the Institute for Soviet-American Relations; ISAR has six field offices throughout the former Soviet Union and an office in Washington, DC.) ISAR's Kyiv-based program was created to serve the countries of Belarus, Moldova and Ukraine, also referred to as the Western Sector of the Newly Independent States. ISAR's initial work in the Western Sector involved administering the small grants program "Seeds of Democracy," funded by the US Agency for International Development (USAID), in order to provide support to NGOs in these three countries working on environmental projects.

affirmed that “the results of the Orange revolution did not lead to anything good for the Ukrainian society. There were wrong methods, wrong leaders... People do not believe in them anymore”.

Suspicion regarding the real motivation of Western donor in Russia soon turned into hostility against Western interference in Russia’s informal “sphere of influence” as well as Russia’s “sovereign affairs.” The Kremlin has created onerous requirements for NGOs seeking foreign funding, and most Russian NGOs subsist on donations from Kremlin approved businesses. That seems also to be a reason, for example, peasant movement Krestyansky Front rejected the proposal of current researchers to connect the movement with a Dutch Fund.

In Ukraine the cooperation with foreign funds is very popular. However, some questions whether civil society activities will continue and to what extent both the NGOs and other private organizations would be able to establish clear lines of accountability once external support is removed (Kaldor 2002). Igor Gerasimov, coordinator of a project “Community Based Approach on Local Development”⁴⁰ in Pereyaslav-Hmelnitskiy, had to admit, that when the community receives the money it undertakes initiatives to solve the local problems, but when there is no financing the initiatives discontinue.

Thus, Ukraine is different from Russia in the country’s policy towards civil society and the attitude towards foreign donors. In the next chapter, we will describe several social organizations in these two countries and their different goals and activities.

SOCIAL MOVEMENTS: POSITIONING AND ROLE IN LAND GOVERNANCE

In trying to map the current rural movements in Russia we will focus on the social-political aspects and positioning of the movements, in particular their relation to the state.

Rural social movements in Russia

In Russia it appears there is quite a divide between two types of organizations. On the one hand those organizations that cooperate closely with the state (and often are even created by the state) and the more grassroots movements, which are critical of the government and its policies.

AKKOR (Russian Association of Russian Farmers and Agricultural Cooperatives), is a clear example of the first category. It is the oldest of the current rural associations,

⁴⁰ The project is within the United Nation Development Program. The project is funded by the European Union and is co-financed and implemented by UNDP, with the support of the Government of Ukraine and in partnership with local executive bodies/ bodies of self-governance. The Project’s total budget is €17 million with 98.4percent contribution from EU and 1.6percent cost sharing from UNDP. Project time frame is 4 years (June 2011 – June 2015).

being established by an informal order of the Russian Ministry of Agriculture in 1990, when privatization started. At that time, government subsidies and credits for private farms were allocated via AKKOR and gave a lot of power to the association. After the reduction of the amount of subsidies AKKOR, the projects on the ground to support farmers were curtailed, while lobbying among and cooperation with governmental bodies were maintained. Recently AKKOR got the position of the main government subsidy allocator back. This close engagement with the authorities appears to exclude more active forms of protest, such as demonstrations (cf. Visser 2010). The protection of land rights held by private farms, let alone of farm workers, is not a part of the association's activities. Nowadays, AKKOR lobbies the government on behalf of farmers and cooperatives. However, the farmers themselves do not feel the support by AKKOR. In 2010, farmers of the Altai region appealed to president Medvedev with an open letter, complaining that AKKOR does not fulfill its direct task of protection of farmers' interests (Information Agency Regnun Novosti, 6 April 2010).

The Russian movement *Krestyansky Front* (Peasants' Front) represents the most notable, and largest movement on the other side of the spectre. Starting its history from the cooperation of several rural dwellers deprived of their land shares in 2005, the Russian movement *Krestyansky Front* (Peasants' Front) now accounts for about 25,000 members in Russia. This organization is focused mainly on fighting for land rights and against illegal land acquisition. The leaders organize public events such as meetings, pickets, large mass rallies, in order to draw the attention of federal authorities to these issues. The Front represents its members in courts, and fights against land 'raiders' by demonstrating in front their offices, requiring statutory documents and public explanations. Due to the efforts of *Krestyansky Front* many peasants got compensation for lost land plots.

Within Russia *Krestyansky Front* is more or less unique in its grassroots origin and critical stance towards the state. Most of the rural movements (which mostly emerged in the 1990s) are oriented at the ruling party, and much less, or not at all, active in defending the land rights of peasants. The 'Russian Agrarian Movement' is even chaired by the minister of agriculture. Several of the movements are trying to form a political party (or have done so in the past). The political orientation and ambitions of many of these movements originate from the difficulty to solve rural problems without support of any political party. Moreover there is a political niche as there is no agrarian party in Russia. The Agrarian Party of Russia existed from 1993 to 2009. It was reorganized and became a part of Russia's leading political party 'United Russia'.

Rural social movements in Ukraine

In Ukraine, there is a larger number of rural movements and there is less of a divide visible between state-oriented movements and oppositional grassroots movements.

In contrast with Russia, the social movements in Ukraine declare their independence from politics. Every interviewee (7 in total) of our research, who represented a civil rural organization in Ukraine, stated the politics free policy of his/her organization. Volodymyr Sheyhus, executive director of ISAR "Ednannia", said "the majority of civil organizations have no relations with leading political parties. Just a few of them, but it is more an exception, rather a rule. We still have the principle that when people are unified in a social movement they determine themselves what relationships they will have with politics." Whereas for instance AKKOR is (again) strongly linked with the government (carrying out the allocation of state loans to farmers), in Ukraine the movement AFLU, which had the same history as AKKOR being set up to carry out government programmes, has been withering further away from the state. This is partly caused by the fact that the state decide to stop these subsidy programmes. With declining state support AFLU and other movements instead have build ties with foreign donors, a strategy that is more difficult for Russian movements due to the more strict regulation of the NGO sector.

In the protection of peasants' rights in Ukraine AFLU (Association of Farmers and Landowners of Ukraine) plays a main role. It claims to represents the interests of more than 43 thousand private farmers and large numbers of (subsidiary) household plots owners. The aim of the Association is to stimulate the emergence of a mass rural movement in Ukraine and proper social control over the authorities to respect the rights and legitimate interests of farmers and (subsistence) land plot owners. The AFLU undertakes activities to protect farmers: appeals, press conferences, statements to the Parliament of Ukraine, the Cabinet of Ministers of Ukraine, executive bodies, local authorities, joint working groups, meeting with government officials, meeting with foreign authorities, meetings, actions, picketing Cabinet and Parliament, and strikes.

Coming back to the issue of the relation with politics, it should be noted that in Ukraine various small agrarian parties exists already, and social movements seem to have no incentive to engage in politics. However, Sheyhus added that recently in Ukraine, maybe due to the regime change, the political orientation gets stronger in some movements. Also it should be noted that one of the movements (the Agrarian Union of Ukraine) has its office within the ministry of agriculture. In Ukraine we noticed the process of bureaucratization. In the fight against arbitrariness and lawlessness of officials, rural social movements in Ukraine often obtain state features themselves. Thus, such features of the state such as bureaucracy, routine and

formalism, strong centralization in management, the possibility of being controlled by another powerful entity, are present in Ukrainian rural social organizations.

Movements in Russia and Ukraine compared

Overall it can be observed that whereas in Russia there is a strict divide between types of movements and their strategies, in Ukraine a range of movements employ both strategies of lobbying as well as some collective protest. Even rural movements which represent the large farm enterprises, have engaged in a demonstration (against the limitations on grain export).

How much support do the rural social movements have among the rural population? It is difficult to measure this, but the rural social movements in Russia and Ukraine differ with respect to the support among the rural population, as measured by membership among farmers, farm enterprises and the rural population.

In Russia, AKKOR, the oldest of the rural organizations, claims to have 68 regional branches, which cover of 600 district level farmers' organizations and 1500 cooperative associations and other enterprises. The AKKOR website and documents do not provide information on how many farmers are member of AKKOR. The federal AKKOR site does also not provide any information on how an individual farmer, let alone a rural dweller without an officially registered farm, can become a member. It only provides information on how associations and unions (consisting of at least 50 individual members) can become a member. The annual fee of 50,000 ruble (over 1250 euro) per member association, seems to be inhibiting for associations of small family farms. Even if membership of AKKOR would cover a substantial share of the 280,000 private farmers in Russia, it would only account for a tiny percentage of the rural population. In a survey among of 45 farmers in two Russian regions conducted by Visser (2008) in 2001/2002 only a few farmers indicated membership of an association). This suggests that membership of AKKOR among private farmers is also not widespread. The Agrarian Party of Russia has 40,000 members, which is 0.1 percent of the rural population. Krestyansky Front has 20 regional branches and 25.000 members (mainly rural dwellers, including private family farmers, but dacha owners can also become members), which is 0.06 percent of the over 38 million rural dwellers in Russia.

In Ukraine, the Association of Private Farmers and Landowners of Ukraine (AFLU), has 43 000 farmers (which accounts for practically every farmer in Ukraine) and claims 4 000 000 peasants as members. This last figure accounts for about 28 percent of the rural population in Ukraine. The Agrarian Union of Ukraine (AUU) has 13 000 agricultural enterprises as members, which accounts 87 percent of all agricultural enterprise in Ukraine. Thus, if we compare both countries, the rural

social movements in Ukraine clearly have much more support among their constituency as indicated by membership rates.

Analyzing rural social movements in Russia and Ukraine we distinguished several types of social organizations. Because of strong state control over NGOs in Russia, there are many top-down organized rural social organizations and just a few grassroots movements. The top-down organizations are state oriented and often do not fulfill their direct responsibilities in protecting their members' interests. However, the grassroots organization at some stage in their development attained commercial interests and their noble strives become questionable. Thus, we question the practice of Krestyansky Front to insist on financial compensation for the land shares of their members, but not the restitution of land plots. Taking a percentage of every won deal the Front has financial resources to continue its activities, but these measures do not develop small-scale private agriculture in the country.

In both countries there are a lot of phantom rural movements. Many civil organizations were registered in order to fulfill goals that are different from those in their statutes. Among the reasons for the creation of phantom rural movements are: personal interests and ambitions of their leaders, realization of the programs of their founders (in the case when a rural social organization is established by another social organization), realization of pre-election programs. In Russia, politicians often create social movements, because they cannot fulfill the conditions of the Ministry of Justice on the minimum number of members and other requirements to get elected by other means.

Forms of protest in reaction to land grabbing

Analyzing the activity of Russian rural dwellers, Elchaninov (2007) asserted that "The Russian peasantry shows remarkable long-suffering, and, therefore, spontaneous peasant mass protests, most likely, will not occur in Russia" (2007, p.53). Andrew Koshil, a head of the Land Union of Ukraine, convinced that rural people are not able to organize mass protests: "they are very passive and legally illiterate. Moreover, the land reform in Ukraine lasts for almost 20 years and they do not believe that anything could be changed". Nevertheless, from time to time the patience gives a crack and peasants express their disagreement with the current situation in the agricultural sector. Further, we describe different forms of protest, which take place in Russian and Ukrainian village.

The first, widespread form of protest, is hidden protest. Alexandr Nikulin considers gossiping, stealing, and foot-dragging as hidden forms of protest among peasants: "This is not to say that individual and more hidden forms of protest do not exist: such behaviors as gossiping, stealing, and foot-dragging, fall into this category and

are described by Scott (1985) as the "weapons of the weak" (A.Nikulin, the Center for Peasant Studies and Agrarian Reforms in Moscow, 2010). This behavior may be explained by Soviet era psychology of common value. The interview with an inhabitant of Krasnogorsk, Moscow region, explained this: "in the Soviet period it was normal, that we could bring something from the enterprise to our homes. It was not considered stealing at that time. We thought if everything belongs to us, it belongs to me as well."⁴¹ These days many companies have to accept this behavior and call these losses as the "angel's share" (interview with Gustav Wetterling, Black Earth Farming, October 2010). Consequently, these forms of protest do not represent a significant force to change the current situation. This behavior may only satisfy peasant needs for food or for vengeance.

The second form of protest we distinguish, is open, individual protest. Individual protests are a very rare practice in rural Russia. We managed to find only one prominent example of individual resistance, in our web research. In Sakhalin region, in the Far East, a farmer by the named Atagishi Emeev, who operated a small farm of 30 hectares, blocked a road used by the oil multinational Shell/Sakhalin Energy for more than ten days to protest the withholding of the compensation he was promised for use of his land (Environment Watch 2004; Svobodnyi Sakhalin 2004). This case in itself already seems to confirm the exceptionality of open individual protest by the Russian population, due to the name of its actor. These days Sakhalin is populated by numerous Japanese and Chinese emigrants, and Atagishi Emeev is, most likely, not an indigenous Russian resident.

In Ukraine individual protests occur more often. However, because of its riskiness it takes place only in the most hopeless situations. For example, in May 2011 a farmer, named Alexander Biryuk from a village Drabova in the Cherkasy region threatened to burn himself. He has locked himself with a fuel canister in a cab of his truck next to the office of the district administration. The reason of his self-immolation was the illicit transfer by the district authorities of a land plot (100 hectares), leased by the farmer to another farmer from Ostapivka village. Biryuk explained: "I did this because of desperation. The head of the district administration and the other farmer made an internal agreement to take my land illegally. I have already purchased seeds, fertilizer and fuel. I came to my territory by my tractor to work and saw that my field was already sown." (Information from Gazeta.ua, 2011)

The third form of protest is open, collective protest. We have distinguished several reasons for collective protests. The first reason concerns the illegal acquisition of land shares. Collective forms of open protest in rural Russia are often related to one topic – large-scale land acquisition. An example, which we studied, and which was also covered in the Russian mass media, is the case of Gorki-2. The mobilization

⁴¹ Interview with N. Shuliarenko, Moscow region April 2011.

around this land dispute involved 6 years of juridical fight, gatherings and picketing in front of the offices of JSC "Agrocomplex Gorki-2" (the Moscow Region). The origin of the land dispute, was the fact that the new management of the agricultural company left 600 shareholders without their land shares and compensation. Another case we studied, the scandal around the international business School Skolkovo falls also into this category. The school was built on the land of peasants without any financial compensation to them.

Vasily Vershinin, leader of a rural political party, explains this as following: "The land here [note: in the central region of Russia] is highly appreciated. It is expensive. And the citizens just compete with those agricultural organizations to allocate their land share in order to sell them more expensively" (V.Vershinin, Agrarii Rossii, March 2011).

In Ukraine collective protests against illegal land shares acquisitions occurred as well. However, in the picture of different mass protests in Ukrainian villages, land shares related scandals are not the most frequently occurring type of conflicts. "The privatization in Ukraine was held in more civilized way than in Russia, that's why we do not have much conflicts related to land acquisition", - stated Andrew Koshil, head of The Land Union of Ukraine. We found evidence of land-related protest in Ukraine. An example, from 2003, concerns 550 rural inhabitants from Veseliy Kut village (the Taraschenskiy district, the Kiev region), who received state certificates for their land plots and rent it out at a price of 0,5 from the price of the certificate.⁴² They were paid 1 ton of grain per year per land plot. Later the investor decreased the amount of grain he paid and soon stopped paying at all. People wrote letters to the local administration, to the prosecutor's office, and to the president of Ukraine, but to no avail. After that, they took over the administrative office, and then lined up forming a live chain and blocked a highway to Chernigov city. These actions succeeded. The right of land leasing was taken from the previous investor and given to a new one, who pays 3 percent of the certificate's price and in addition provides social support such as help with funerals (Danilenko, 2011).

Another type of collective protest in Ukraine is related to the changes of legislation. As it was described earlier, the changes of Ukrainian laws are not always in favor of the rural population and private farmers. Thus, the recent limitations on the grain export raised protests in the country. In November 2011, a group of farmers went to the square in front of the Ministry of Agriculture with posters calling for cancelation of the restrictions on grain exports. This action was organized by the Association of Private Farmers and Landowners of Ukraine (which also involves also quite large private farms). The representative of the Association stated: "the grain export quotas and any other restrictions on the grain supply abroad are not logically

⁴² Usually the rent price is 3% of the certificate price, accounted to 100 euro per year

justified, and is nothing else but a manifestation of arbitrariness and lawlessness of officials, causing huge financial losses to the state" (Newskey, 2011).

Collective protests against arbitrariness and lawlessness of officials is the other major form of protests by the Ukrainian rural population. In June 2009 protestors occupied part of the street next to the State Committee for Land Resources (Goskomzem) in Kiev. The protesters insisted on the resignation of Oleg Kulinich, head of Goskomzem. The protesters accuse the official of unprecedented corruption, bribery, seizure of land and billions of dollars of theft. This action was organized by the Coalition against Corruption of the land. As a result, Kulinich resigned, and criminal proceedings were started against him (Pravda Ukraine, 2011)

Another reason for a collective mobilization in Ukraine and in Russia concerns land grabbing of land on historical sites of national value. A scandal concerning Borodino lands in the Moscow region raised (and still raises) mass protests. Illegal development was underway at the Borodino museum reserve, where the Russian army fought Napoleon's troops in 1812. This area is considered as national heritage by Russians. The boundaries of the Borodino reserve have never been officially defined or registered due to lack of funds. This has also enabled corrupt officials to manipulate this "no man's land." Private houses are being built on the Field of Borodino (approximately 65 hectares), a federal-level historical reserve, despite the continued efforts law enforcement bodies, let alone culture protection agencies. Public protests and letters from the reserve management to local administration heads had no effect. Public activists and the Borodino museum employees literally had to expel the "invaders" by force. Yet, no drastic steps have been made to actually stop the construction and return the illegally seized land to the reserve. Prosecutors only confirm the violations but for some reason stop short of sending the cases to court (RIA Novosti, February 2011)

In Ukraine a similar conflict took place when the land plots within the biggest national park in Kharkiv (the Gorky Park) were given out for construction of cottages. Under the shelter of the city development for the Euro 2012, local authorities ordered to cut down the trees in the Gorky Park, build a road, and construct cottages on its sides. More than 100 hectares were given in private property to a housing cooperative that provides housing for Kharkiv's nouveau riches. Hundreds of people participated in demonstrations against illegal deforestation and physically tried to stop bulldozers that uprooted trees. Due to mass protests by Kharkiv inhabitants the construction was suspended, but many doubt its full stop⁴³.

⁴³ http://www.youtube.com/watch?v=o9-Ghzji57A&feature=player_embedded, video was broadcasted by several Ukrainian TV channels, 2010

It is noticeable, that despite the similar situation rural dwellers face in terms of irresponsible land investors, arbitrariness and lawlessness of officials, inappropriate conditions for life and work in Russian and Ukrainian villages, as well as , the same Soviet background, nevertheless collective protests in Russia occur less, and also seems to be less successful in realizing their aims, than in Ukraine. Our research suggests that this might be explained by different state policy towards open forms of protests, activities of civil associations and social movements in Russia and Ukraine.

Conclusions

The current study of large-scale land acquisition, the conflicts related to it, and the role of rural social movements sheds light on the social dimensions and consequences of land grabbing in Russia and Ukraine. However, it would be hasty to draw any firm conclusions and recommendations about land governance and the involvement of rural social movements in these countries at this stage. Large-scale land acquisition in the former Soviet Union is overlooked in the global academic and policy researches and studies of rural social movements were not done before.⁴⁴ Therefore, in this section we try to draw some tentative conclusions based on our findings and discuss possible explanations.

The global debate on land governance (and by extension land grabbing) is characterized by a strong focus on the importance of secure property rights and related institutions. Indeed our research suggests that illegal land grabbing is partly caused by the complexity of land registration procedures, and the resulting insecurity of land rights. At the same time our comparison of Ukraine and Russia suggests that is necessary to question this predominant focus. We have observed a different timing of the later stages of reform (after a common starting point in 1991) in Russia and Ukraine. Further, important legal differences exist between the two countries. First, the Ukrainian government instigated a massive conversion of land shares into land plots, whereas in Russia land shares remain common, and land holders have to take initiative themselves. Second, in Ukraine a moratorium on land sales is still in place, whereas in Russia since 2003 land sales are allowed, and rising. Despite these differences (and the theoretically more secure land rights for the rural dwellers in Ukraine), in both countries we see a roughly similar (high) insecurity of land rights, and dispossession of land holders. Even the moratorium on land sales has not stopped the occurrence of informal buying schemes.

⁴⁴ The paper "Emerging rural movements in Russia: Genuine movements, or virtual vehicles with concealed aims?" by Visser and Mamonova (2011) was partly written based on data collected within the Landac project.

More important in terms of mitigating or avoiding land dispossession caused by land grabbing, seems to be whether the legal system (and government policy more generally), as well as the characteristics of the rural population enable the disposed and/or endangered land holders to start collective action, organize themselves into rural movements and get heard by authorities. We have analyzed the role of the rural movements in defending rights of land holders, within what we called the agricultural land triangle: the state, investors and rural citizens.

Relationships between these main actors showed many similar patterns in Russia and Ukraine, which seem to be more important than the property rights *an sich*. Concerning the state (and its relation to investors) it was observed that in both countries went through a process of institutional reform towards a greater decentralization in land management. Regional and local authorities received more responsibilities in land management, which seems to have caused an increase in the amount of bribes and arbitrariness and lawlessness decisions of officials. According to interviews and media reports investors often make informal agreements with authorities in order to acquire land. In this case, authorities act on behalf of an investor and make a decision in its favor. Investors often lobby government bodies in order to get support in a particular deal, or change legislation in a more favorable way for them. The last one is applicable even on federal level. According to our informants, some federal laws were created by the petitions of powerful agri-businessmen.

On the positive side, part of the investors in Russia and Ukraine tend to support the social life of rural areas, where they do their business. These forms of social support by farm enterprises are hardly, if not all at, stimulated on the federal level. As mentioned earlier, observations during FAOs consultative meeting on the Voluntary Guide for the former Soviet Union region in Moscow, suggested that especially government officials from Russia, were not much inclined to insert social criteria concerning corporate (or state) social responsibility related to land governance into these guidelines. In most cases, the fact that farm enterprises take up a social responsibility for local communities is caused by pragmatic interests in gaining a positive image, which could protect them against anger of rural population and additional bribes to local authorities. Also in part of the cases local (and in a few cases regional) authorities actively stimulate such a role by farm enterprises.

Regarding the role of the rural population we distinguished several reasons for civil passivity in the countryside of these former Soviet countries. The avoidance of the risks of mobilization and protest in the Russian and Ukrainian countryside can be explained, first, by the Soviet legacy engrained in Russian and Ukrainian rural society. The second reason for rural passivity is the dependency from large farm enterprises, operating in their region and providing work and social services to the rural population. We found the third reason of weak rural mobilization in the absence

of the belief, not totally groundless, that courts and authorities in Russia and Ukraine make fair decisions and protect interests of the peasantry. Moreover, the demographic situation in Russian and Ukrainian villages works against peasant mobilization.

Despite the factors, new rural movements have emerged and expanded in the 2000s, partly (and in some cases such as Krestyanski Front; predominantly) as a reaction to land grabbing. The support among the rural population for these movements (as measure in membership) is clearly higher in Ukraine than in Russia. Despite the obstacles to mobilization, which prevented widespread protests among Russian and Ukrainian peasants, hidden protest, individual protest and to some extent also collective protests are taking place in these countries. Examples of individual protests were found more in Ukraine, than in Russia. Moreover, in Ukraine these forms of protests take more extreme forms. Our research suggests that collective protests occur more frequently in Ukraine. Further, whereas in Russia collective protests take place only in the case of illegal land shares acquisition, mass mobilization in Ukraine happens in case of illegal land shares acquisition; but also related to the changes of legislation; and arbitrariness and lawlessness of officials. Both Russian and Ukrainian inhabitants have mobilized against land grabbing on historical sites.

We suspect that the lower frequency of collective protests in Russia might be explained by different state policies towards open forms of protests, activities of civil associations and social movements in Russia and Ukraine. In Russia the state attention is focused on NGOs. With Russia's "regeneration", the Putin administration increased government funds for non-oppositional NGOs, pushed through a variety of legislative acts that impact NGOs' activities and citizens' abilities to organize, and increased state oversight of NGOs. Moreover, the Russian government tries to avoid the creation of a pro-European civil society, a tendency led to hostility against Western interference in Russia's social life. In Ukraine, on the opposite, foreign funds and donors are more than welcome. The Orange revolution was partly caused by the presence of several foreign developing agencies.⁴⁵

It is difficult to judge in which of these two countries, rural civil society is better developed. At the first impression, Ukrainian society is more democratic and the number of social organizations operating there, is higher than in Russia. However, the role of rural associations and unions in these countries is limited. Lobbying of the government on behalf of their members and promoting their amendments to varying success. Overall, rural citizens in Ukraine are more involved in rural movements and protests, which seems to be caused at least by the different state policy towards social movements and NGOs as well towards foreign promotion of pro-western civil

reality and the continuation of the civil society activities in Ukraine if the external support will be removed.

society in Ukraine. However, when we look at the impact of these collective protests in Ukraine, the results are (still) quite limited. Also, although rural social movement sector in Ukraine are more active, interestingly, it lacks a grassroots movement, like Krestyanski Front with a strong focus on protecting land rights. Here at least two factors play a role. First, it seems that the moratorium, and the subsequently less direct, rapid and visible dispossession of land held by rural dwellers in Ukraine, gave less incentive to the emergence of such a movement. Second, in Ukraine there are more movements which represent a wider variety of rural actors, and deal with a wide spectrum of rural problems. In Russia, on the other, most rural movements are strongly aligned with the state, and the large, commercial farmers. The strongly grassroots, oppositional character of Krestyanski Front, can be seen as a reaction to this.

We would like to stress that the role of the rural social movements in Russian and Ukrainian land governance should be considered carefully. Despite the proclaimed democracy in both countries the rural civil society is weak, especially in Russia with its tendency to an increasingly totalitarian state. The condition of rural civil society can be characterized as transitional period. If state control will continue to increase in Russia and, more recently in Ukraine, the role of independent civil organizations will undoubtedly become more precarious. Consequently, the third sector would not play a meaningful role in land governance in Russia and Ukraine, what may cause the full control over the rural issues by the state, depeasantization of society and of large agro producers in agriculture business of Russia and Ukraine, and a further continuation of illegal land acquisitions. Until now the recent rural movements have accomplished some successes in their fight with land dispossession, but these are mostly on local, specific cases. Only in Ukraine protests by rural movements have been able to address land grabbing (and various other rural issues) with some success at the national level.

In international comparison with for example Latin-America or Asia, rural movements in Russia, Ukraine and much of the former Soviet Union at large (Spoor 2004: 40) are weak, and their role in addressing land grabbing limited.⁴⁶ In various post-Soviet countries in the Caucasus and Central Asia (such as Georgia, Armenia, Kyrgyzstan), large farm enterprises were disbanded and a large numbers of small-scale farms emerged (Spoor and Visser 2001). With less of the large tracts of fertile land as in Ukraine and Russia, and a much more fragmented agriculture the above mentioned countries have attracted significantly outside investors interested in large-scale land acquisitions. In other post-Soviet countries where large scale farms remained predominant (Kazakhstan and Belarus), in particular the former country also experiences a rapid emergence of large agroholdings in search of land (Petrick,

⁴⁶ Although it should be noted that in Kyrgyzstan civil society organisations are quite developed, particularly in the cities, but also to some extent in rural areas (Spoor 2004).

Wandel and Karsten 2012). Rural social movements in Kazakhstan, where state control is very strong (ibid; Spoor 2004), are probably even weaker than in Russia and Ukraine. Nevertheless, occasionally, when land grabbing merges with nationalist sentiments, as in the case of the announcement of the deal between the Kazakh and Chinese government to rent out 500,000 hectares of agricultural land to China, this has led to mass protest (Visser and Spoor 2011).

Returning to Russia and Ukraine, it is clear that despite the weakness of rural social movements, as in many countries of the former Soviet Union, the situation certainly cannot be described as stagnation. Whereas in the 1990s and 2000s rural movements in especially Russia were virtually non-existent, in the second part of the 2000s various rural social movements have sprung up. Even if some of them are a kind of 'phantom movements', in the course of less than a decade the situation has markedly changed. Although, their role in addressing land conflicts is still limited, they have become a new actor, with growing influence in the post-Soviet landscape of large-scale land deals.

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- Fedorchenko, Maxim. Position Director of the Information Resource Center for Land Reform Policy in Ukraine, Interview: 20-28 June, via e-mail.
- Gerasimov, Igor. Position: Coordinator of a project "Community Based Approach on Local Development". Interview: 9 June, Pereyaslav-Hmel'nitskiy, Bogdan street
- Gorbunov, Aleksandr. Position: a deputy director of science department of museum "Borodinskoe Pole". Interview: 16 March 2011, Borodino, the Mozhaysk district, the Moscow region
- Koshil, Andrew. Position: president of the association "Land Union of Ukraine". Interview: 27 May 2011, Kiev, Zapadnaya street
- Kutsenko, Anton. Position: partner of analytical agency: "Open Knowledge". Interview: 6 June 2011, Kiev, Volynskaya street
- Malishko, Dennis. Position: vice-president of the association "Land Union of Ukraine". Interview: 27 May 2011, Kiev, Zapadnaya street
- Peunova, Svetlana. Position: a leader of a political party Volia (Will). Interview in 13 March 2011, via e-mail
- Sarbash, Valeriy. Position: a head of the Department of Agriculture and Food Industry of the Administration of the Dmitrov district, the Moscow Region. Interview: 15 March 2011, Dmitrov, the Moscow region
- Semenova, Tamara. Position: vice-chairman of the Central Executive Committee of Krestyansky Front. Interviews: 29 Sept 2010, Moscow, Chehovskaya; 09 March 2011, Moscow, Paveletskaya
- Sheremet, Viktor. Position: private farmer in the Pereyaslav-Hmil'nitskiy district Interview: 9 June, Pereyaslav-Hmel'nitskiy, somewhere on the field
- Sheyhus, Volodymir. Position: executive director of ISAR Ednannia. Interview: 30 May 2011, Kiev, Predslavynskaya street
- Shuliarenko, Ninel. Position: pensioner, the Moscow region, Interview: 10 April 2011 via telephone
- Strizhak, Mikola. Position: vice-president of "the Association of Private Farmers and Landowners of Ukraine". Interview: 27 May 2011, Kiev, O.Telegy street
- Varaksin, Mikhail. Position: a chairman of the Moscow regional office of the political party Selskaya Rossia (Rural Russia) and a sales manager of JSC "Troynoy Morskoy Dom". Interview: 10 March 2011, Odintsovo, the Moscow region
- Vershinin, Vasiliy. Position: a president of self-regulatory organization "Russian Union of agricultural cooperatives "Chayanov" and co-chairman of a political party Agrarii Rossii (Agrarians of Russia). Interview: 12 March 2011, Moscow, Molodezhnaya
- Voronin, Dmitro. Position: leader of the political party Patiya Vidrodzheniya Sela (Party of Village Renaissance). Interview: 30 June 2011, Kiev, Schersa street

Wetterling, Gustav. Position: Member of the Board of Directors of Agro-Invest Group;
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