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State Reclamation Credit in the System of Legislation in Ukrainian Lands at the XIX – XX Centuries

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Abstract---The article analyses the process of evolution of land reclamation legislation in general and land reclamation credit in particular of the Russian Empire of the late XIX - early XX centuries. This period of Ukrainian history is known for the sharp aggravation of the agrarian issue, which was influenced by both internal and external factors associated with the global agrarian crisis. It was this circumstance that influenced the position of the central authorities, which since the end of the XIX century have been actively looking for a way out of the crisis, using land reclamation legislation along with other methods. In this regard, the authors paid special attention to the reclamation laws of May 6, 1896, May 29, 1900, and May 20, 1902, as well as the activities of the "local committees on the needs of the agricultural industry" of the Ukrainian provinces in 1902-1903 in the corresponding direction of work. The period of the Stolypin agrarian reform, when land reclamation legislation became an integral part of a broader government program to improve the quality of agricultural land and Land Management, is also not ignored.

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Introduction

One of the characteristic features of the development of the world economy at the beginning of the XXI century is a sharp increase in food prices, which, according to the International Institute for Food Policy Research, only three years after 2005 increased by 75% (Kovalev, 2009; Fontane & Tuvel, 1994). This was a direct consequence of a pronounced shortage of food products on the world market, a significant excess of demand over their supply. Today, despite permanent pandemics of infectious diseases, wars, and natural disasters, the world's population is constantly growing. In addition, this population needs more and more food and clean drinking water to ensure their survival and life support. In addition, people need other benefits of civilization, artificially produced using many renewable and non-renewable natural resources and energy sources (Shulga et al., 2021). However, humanity has learned to replace a significant amount of non-renewable resources with synthetic artificial analogues (Tsertseil & Kookueva, 2017). Therefore, even after the most complete exhaustion of reserves of ferrous and non-ferrous metals on Earth, humanity will be able to use their substitutes. Moreover, there is still a hypothetical possibility, which is increasingly taking on the features of a real one, regarding the extraction of minerals on other planets, in particular on the Moon and Mars. In addition, the possibility of producing crop or animal products on other planets is not yet mentioned even in most science fiction novels (Batyrova et al., 2018).

In addition, after the depletion of hydrocarbon reserves on Earth, primarily oil, natural gas, coal, etc., humanity will be able to get energy from the existing hydropower, nuclear energy, as well as from the rapidly developing alternative "green" energy (Masliukova et al., 2021). Livestock and crop production products can also be classified as renewable resources. However, unfortunately, these cannot include the actual amount of land and Water Resources. At the same time, the growth of the world's population requires an increase in urbanized areas cities, and industrial areas - factories, factories and other industrial facilities (Bondarenko et al., 2018). The growth of areas under industrial and urban buildings is directly proportional to the decrease in the area of agricultural land (Vinichenko et al., 2020). In this regard, it is important to apply an intensive method of using agricultural land and, in general, land that is not used in human activities, in contrast to the extensive one used in many states and even regions of the world. The land should work not only because of its quantity and natural fertility but also because of the use of various modern economical technologies (Kookueva, 2014). Therefore, the issue of the permanent application of modern land reclamation measures is becoming increasingly important (Herzenstein et al., 2011; Yang et al., 2001).

Among some factors that do not allow for a rapid increase in food production, analysts recognize the limited natural resources, in particular, those agricultural land that underlies the production of grain and meat and dairy products (Trusova et al., 2020). Hence the problem of expanding the corresponding land due to their

reclamation, that is drainage or, conversely, waterlogging. In many countries, land reclamation is an integral part of the entire agricultural policy of the state. Ukraine is no exception in this regard, where a certain historical experience of both draining and watering land has accumulated, which made it possible not only in Soviet times but also at the turn of the XIX-XX centuries to significantly expand the area of so-called "suitable" land (Shynkaruk et al., 2021). In the Ukrainian general historical literature, some researchers have already touched upon issues related to the problem of land reclamation and, accordingly, land reclamation credit in the provinces of the Dnieper Ukraine during the Russian Empire (Fontane & Tuvel, 1994). However, the legislative framework of this process has not yet been the subject of research. Some subjects related to the characterization of the legal basis of land reclamation credit are found in the works of Russian publicists of the late XIX - early XIX centuries (Katsenelenbaum, 1914; Morachevsky, 1910). However, they are rather not scientific, but applied in nature, because their purpose was first to justify the need to adopt appropriate land reclamation laws, and then to criticize them to improve them following the needs of intensifying agricultural production. Therefore, the practice requires new studies of relations on the problems of legal support for the implementation of land reclamation measures and their financial support. And this can be achieved through the proposal and implementation of measures to improve the relevant provisions of the theory of law and, most importantly, special legislation. It is possible to invent directions for improving the relevant modern legislation only after analysing the corresponding provisions in the legislation of past eras (Kowalczyk et al., 2019; Waggle & Johnson, 2009).

The purpose of the article is an attempt to characterize the evolution of the legislative framework of land reclamation laws of May 6, 1896, May 29, 1900, and May 20, 1902, proposals for their improvement in the course of the work of "local committees on the needs of agricultural industry" (1902-1903) and the state policy in the field of improving the quality of land in the Ukrainian provinces of the Russian Empire at the turn of the XIX-XX centuries. At the turn of the XIX-XX centuries and their projection on modern state authorities and regulatory legal acts regulating such activities (Koutchadé et al., 2018; Arnawa et al., 2019).

Features of the initial stage of implementation of land reclamation credit in the Russian empire

The problem of lending by the state, banks, and other financial institutions for land reclamation activities is not limited to the historical stage (for example, the junction of the XIX and XX centuries) or geographical coordinates (for example, Ukrainian provinces within the Russian Empire), but has a global character. So, in the state of California, there is a problem with waterlogging of land. Mills & Asano (1996), indicate that since 1980 the California State Water Resources Control Board has approved financial assistance to local water supply agencies to design and construct water reclamation facilities. Gerard (2000), studied the problems of providing land reclamation bonds by mining enterprises. His paper begins by examining the rationale underlying reclamation bonds and discusses the strengths and weaknesses of bonding as a tool for enforcing reclamation requirements. The role of bonding mechanisms is to help enforce standards, not necessarily yield efficient outcomes, and these mechanisms are best viewed as a

complement to - not a substitute for - liability rules. Among industrial enterprises, it is mining enterprises that negatively affect the economic security of the region and the state, and most negatively affect environmental safety; in particular, they destroy fertile land (Derevyanko et al., 2018). Moreover, perhaps the most polluted are the lands where large metallurgical plants operate, such as, for example, in the Kryvyi Rih region (Derevyanko et al., 2021). Land reclamation is extremely important in Egypt. Adriansen (2009), paper concludes that while land reclamation may not be ecologically or economically sustainable, the new lands provide settlers with new opportunities. The use of modern pumps has an important impact on the efficiency of desert reclamation (Barnes, 2012). Therefore, the economic philosophy of using land and water resources to maximize the returns per feddan need to take into consideration water consumption concerning returns (Hanna & Osman, 1995). Shail (1976), explored land improvement and reclamation in England and Wales in historical retrospect. Other scientists have studied and presented and discussed the results of such studies in a historical retrospective in the water policy and management: solving the problems Part (Fontane & Tuvel, 1994).

According to an expert on the history of land reclamation credit Morachevsky (1910), who at the beginning of the XX century held the position of junior editor of the Department of rural economy and Agricultural Statistics of the Main Department of Agriculture and Land Management (MDALM), the idea of land reclamation credit was implemented in the Russian Empire in 1810 for the first time, when the then government allocated capital for the Crimea, the total amount of which was 60 thousand rubles. Anyone who, according to the government, had the appropriate loan repayment guarantees could receive up to 5 thousand rubles for irrigation work for ten years at 4% per annum. The south of Ukraine, which belongs to the regions with insufficient humidity for growing grain crops, became a pioneer in the use of land reclamation credit to improve the quality of agricultural land and in the Times that came after the liquidation of serfdom in 1861. So, in 1870, the Tavrichesky zemstvo founded the "Tavrichesky flood capital" for 60 thousand rubles, of which half was provided by the government. According to the rules of use of this loan, which were approved personally by the emperor, loans from it could be issued "only for such flooding works that could benefit not one or two, but many landowners or an entire village or a significant area of land where there was no water" (Morachevsky, 1910). However, in the six years since the establishment of this type of loan, the term of which could reach 10 years at the same 4% per annum, not a single application for a loan was received, which prompted the authorities to make some changes to the rules for issuing a land reclamation loan. According to them, from now on, that is, since 1876, "the issuance of a loan is not prohibited for performing waterlogging works that benefit one borrower" (Morachevsky, 1910).

Following the example of the Tavrichesky, the Novgorod provincial zemstvo organized a land reclamation loan in 1875; the St. Petersburg and some other zemstvos in 1881. According to the relevant decree of the Chernihiv provincial zemstvo, starting from 1893, the zemstvo could provide a loan for 6 years at 6% per annum for draining wetlands in the region. Since 1897, such loans have been issued for up to 10 years at 4% per annum (Morachevsky, 1910). A direct consequence of the activation of zemstvo local self-government bodies in the 70-

the 80s of the XIX century in the organisation of land reclamation credit was that the Tsarist government, taking into account the crisis state in the field of agricultural production, decided to resolve this issue at the general imperial level. This was discussed at the meetings of the commission established following the royal decree of April 15, 1888, under the leadership of the minister of State Estates N. N. Ostrovsky. Both during the commission itself and later in the special meeting for which the draft rules for the organisation of land reclamation credit in the Empire proposed by the above-mentioned Commission were submitted, two approaches to yoga were outlined. Some believed that the purpose of a land reclamation loan was to allocate the appropriate funds only for drainage and waterlogging following the meaning of the term "land reclamation" itself. Others approached its understanding much more broadly, believing that the task of this loan should be not only to improve the quality of land but also to provide farmers with the most modern dead and living equipment (Binswanger et al., 1995; Rounsevell et al., 2003).

Finally, a special meeting in 1891 concluded that the scope of land reclamation credit should be as follows: a) land improvement, irrigation works and drainage, cultivation of orchards and vineyards, afforestation and forest clearing; b) improvement of the quality of living and dead inventory; c) construction of agricultural premises; d) arrangement of agricultural production; e) improvement of the overall organization of the economy (arrangement of farms, Organisation of independent management instead of a rental, etc.). All ideas are more or less reflected in the law of May 6, 1896, which was published under the title "on loans for agricultural improvement". This legislative act had 3 sections and 35 articles that defined both the forms and content of land reclamation credit. The first section, "general provisions", describes the structure of this particular type of agricultural loan and its purpose. To issue loans for agricultural improvement, the Ministry of Finance had to create special Capital, which was credited to the special fund of the Ministry of Agriculture and state estates. This capital was planned to be replenished as follows: a) growth and repayment interest on loans issued and b) annual deposits from the state treasury budget (Gramlich et al., 2018; Spaling & Smit, 1995).

The issuance of the relevant loans had to be carried out with the consent of the Minister of Agriculture and state estates, who, in turn, received permission for the loan in the Council of Ministers. The mechanism of lending was determined by the relevant instructions approved by the minister of Agriculture and state estates, which were previously agreed with the Minister of Finance. Article 6 of the "General Provisions" spelt out the purpose of the loan for "land improvements". Loans for drainage and irrigation are among the main tasks, as well as strengthening rivers, ravines, quicksand, etc. Only after these priority tasks of the land reclamation loan is the cultivation of fruit orchards and vineyards named. Article 10 also named the recipients of such loans, which were: a) zemstvo; b) individual landowners; c) rural communities. If loans were granted to the zemstvo, then their amount and terms of repayment in each case were established by mutual agreement of the Ministers of Agriculture and State Estates, finance and internal affairs. Loans to individual landowners and rural communities could be issued with the permission of the Minister of Agriculture

and State Estates or through the mediation of the zemstvo (Sachs & Warner, 2001; Gylfason, 2001).

Section two of the law "on loans for agricultural improvements" defined the procedure for issuing them directly with the permission of the minister of Agriculture and state estates, while the third concerned lending through the mediation of the zemstvo. In the first case (Article 13), loans were issued for a period of up to 20 years, and their amount could not exceed a percentage of the cost of improvement with 4% of annual payments. The guarantee of repayment of the loan received could be an estate where the corresponding improvement was made, other real estate or interest-bearing securities that were accepted as collateral for state deliveries. The value of Real Estate submitted as collateral was determined based on normal and special estimates of State Noble Land, peasant land banks or other credit institutions. If the loan was provided to a rural community, then in this case the land belonging to it (outside of peasant allotments) or the resolution of the east on mutual responsibility of community members for the repayment of the land reclamation loan could act as a guarantee (Ashok et al., 2021; Syofiarti et al., 2021).

Conditions for obtaining a land reclamation loan and its implementation in Ukrainian provinces

Anyone who wanted to obtain a loan for land improvements, to the application submitted to the minister of Agriculture and state estates, had to add: (a) a description of the estate where the improvement was supposed to be improved; (b) a description of the planned improvement with the definition of the period for which the borrower was requesting the loan and the time during which the improvement plan was planned to be implemented; (c) an estimated plan for the relevant works; (d) information about the ban imposed on the property, as well as the number of payments; (e) copies of existing contracts regarding the lease of the property; (f) copies of the valuation inventory of the property and all other documents regarding the determination of the value of the property; (g) when the same if interest-bearing securities are used as collateral, then they should have been named together with the total value of such securities. But papermaking did not end there for the borrower. After receiving the proper consent of the Ministry of Agriculture and state estates, the client again had to submit a bunch of documents to the ministry, such as a) a pledge certificate for his property; b) a pledge subscription following the form established by the minister of Agriculture and state estates; c) the amount required to impose a ban on the property that was pledged; d) evidence of property insurance; e) originals of interest-bearing papers if the latter were submitted as collateral. As you can see, the procedure for obtaining a land reclamation loan was quite complex, taking up not only a lot of time but also a lot of money from potential customers. Just as difficult to get a loan for land improvements was the path of those clients who planned to receive the desired funds through the mediation of the zemstvo. In this case, the borrower's action plan was to receive the support of both the Zemstvo Assembly and the Ministers of Agriculture and State Estates and internal affairs. To improve the practical implementation of the planned steps for the organisation of land reclamation credit, the law of May 6, 1896, provided for the creation of two new positions of assistant clerk and one position of accountant for three years as

part of the Department of rural economy and Agricultural Statistics of the Ministry of Agriculture and state estates (Vressick-Chilborn & Rachman, 2020; Sentana et al., 2021).

The modest results of applying the above-mentioned law are evidenced by the fact that during the first four years (1897-1900), only 116 land reclamation loans were issued in the Empire as a whole, the volume of which amounted to 349 thousand rubles (Morachevsky, 1910). Wanting to expand the scope of use of Reclamation credit, the government developed, and the State Council and, accordingly, the emperor, on May 29, 1900, approved an improved version of the "regulation on loans for agricultural improvements", which allowed the use of Reclamation credit also for 1) afforestation; 2) clearing of inconvenient Land; 3) arrangement of farms on landlords ' lands and allotment lands of rural communities; 4) construction of barns for grain storage, yards for livestock, stables and dryers; 5) construction of grinder, premises to produce lumber and maintain breeding cattle. At the same time, the new law created a special instance for resolving local land reclamation credit issues represented by Special Provincial Committees in those regions where the relevant ministry had its agriculture commissioners. This committee received the right to decide on land reclamation loans if their amount did not exceed 300 rubles. Otherwise, the consent of the Minister of Agriculture and State Estates was required. As before, the interest on the land reclamation loan did not exceed 4%. The exception was the issuance of a loan to strengthen the banks of rivers, ravines and Quicksand, the interest on which should not exceed 2%. However, in both the first and second cases, the loan amount could not exceed 75% of the cost of the planned land reclamation works.

However, this legislative act also met many difficulties in the course of its practical implementation, because the mechanism for obtaining loans, as before, remained quite complex. The reaction of those who were directly related to agricultural production was also appropriate. Quite indicative in this respect was the attitude to the reclamation credit of the members of the "local committees on the needs of the agricultural industry", established in 1902 following the program of work of the "special meeting on the needs of the agricultural industry", which was headed by the then chairman of the committee of Ministers S. Y. Witte (Deych, 1946). So, at one of the meetings of the Kanevsky district committee of Yu. G. Gamalia, in which the report was heard, in particular, it was noted that "the procedure for applying for a land reclamation loan is so complex that persons who want to get a loan, not only cannot get any explanations about it but on the contrary, are even forced to teach the formalities of persons who manage to lend". Taking into account the relevant position of the county committees, the Kyiv provincial committee in its resolution on the items of the "Special Meeting" programme stated the fact "that there were some formalities in the course of applying for a reclamation loan that is difficult to fulfil". According to the members of this committee, to improve the efficiency of land reclamation credit, measures such as: "1) eliminate artificial division into districts and eliminate formalities for obtaining a loan; 2) land reclamation credit should be transferred not to the state, but the Noble and Peasant, as well as to Joint-Stock land banks and the mutual land Loan Company; 3) the current regulation on land reclamation credit of May 29, 1900, does not allow individual peasants to receive a land reclamation loan, while the committee considers such an issue desirable".

The county committees of the Poltava province were also dissatisfied with the existing procedure for the functioning of the land reclamation loan. Among the proposals for its improvement, special attention should be paid to the ideas of the Lokhvitsky committee, of which the well-known economist M.I. Tugan-Baranovsky was an active member. Thus, the Lokhvitsky Committee proposed: 1) to increase the number of funds that the state releases for land reclamation; 2) to transfer the management of the land reclamation loan to the zemstvo; 3) to grant the right to use the land reclamation loan to all peasants who own allotment land, as well as to Cossacks who own the land they inherited. Similar proposals to improve the conditions for obtaining a land reclamation loan were formulated by the Gaisinsky district committee of the Podolsk province in its resolution of November 29, 1902. Like the Lokhvitsky committee, podolyans proposed to transfer the cases of land reclamation credit to local self-government bodies, or, in extreme cases, "permanent local committees on the needs of the agricultural industry, similar to those that currently exist temporarily". Some committees (Mariupol, Ekaterinoslav province) drew attention to the need to increase the loan term for the development of land for vineyards to 15 years, and the Poltava provincial committee proposed to reduce interest on all types of land reclamation loans to 2%. The Glukhovsky district committee of Chernihiv province raised the issue of paying interest on the loan, as well as its repayment, no earlier than 3-5 years, when, thanks to land reclamation, "the land would bring a big profit" (Proceedings of local committees...,1903d). The Kherson provincial committee even proposed to issue an interest-free land reclamation loan.

Based on the results of the work of local committees in 1904, Borodayevsky (1904), published a work in which he summarised their work on credit issues. The Special Meeting used this work to formulate its position on improving land reclamation legislation. The head of the meeting, S. Y. Witte, speaking to its participants with such an issue as land reclamation credit (in Witte's wording -"credit for agricultural improvement"), spoke in favour of attracting private investment and zemstvo self-government bodies to this process in the future (Fedorov, 1904). However, for various reasons, mainly of a subjective nature, the meeting did not make a final decision on this issue, preferring to organise a regular Preparatory Commission under the leadership of the minister of Agriculture and state estates A. S. Ermolov to discuss credit problems (Simonova & Anfimov, 1987). During the years of the Stolypin agrarian reform, the issue of land reclamation was already considered by the relevant legislation almost exclusively in the context of the agricultural land quality program, which was formed annually in 1906 based on the Ministry of Agriculture and state estates of the Main Department of Agriculture and Land Management. This can be seen, for example, in the "Instruction on loans and assistance in land management" (1913) of June 17, 1913, which, in particular, stated that monetary assistance at the expense of a state loan is provided for "draining strengthening sands and ravines and other land improvements.

However, this does not mean that the very concept of "land reclamation" has disappeared from the content of the relevant regulatory acts, as evidenced, in particular, by a professional study of one of the lawyers at that time (Katsenelenbaum, 1914). The author analysed the draft rules on drainage and irrigation proposed by the MDALM and their final version, which was approved on

May 20, 1902, in the form of a general imperial law, concluding that there were some contradictions in the latter. As a model for the relevant Russian law, this lawyer referred to the Prussian law of June 14, 1859, where, in his opinion, all issues of land reclamation credit were regulated (Katsenelenbaum, 1914). Moreover, during the Stolypin reforms, at the initiative of the MDALM, the "Council of Reclamation Congresses" was created, which operated based on the charter approved on January 30, 1914, by the Tsar Highly approved charter of the Council of reclamation congresses, 1914) In the same year, 1914, this "Council of land reclamation congresses" proposed to hold land reclamation congresses in Kharkiv and Minsk with the participation of representatives of local zemstvos. The initiative to hold such congresses was supported by the absolute majority of zemstvo self-government bodies of the Ukrainian provinces. So, in the resolution of the Report of the Provincial zemstvo council to the Poltava Provincial Zemstvo Assembly. Text of the 50th regular convention of 1914 (1915), adopted based on the relevant report of the council, indicated the need for close contact with organizations directly related to land reclamation. The authors of the report to the Zemstvo Assembly wrote that CLOSE cooperation with the Congress Council was necessary because it set itself the task of being aware of the affairs of government assistance to land reclamation, and only with such help the zemstvo could hope to carry out major land reclamation works in its provinces". The same meeting also approved the plan of land reclamation works in the Poltava Province for 1915, for which the MDALM provided the zemstvo with a loan for 603,165

Conclusions

Thus, from all of the above, we can draw at least three conclusions that characterise the trends of legal support for land reclamation activities in the Ukrainian provinces of the Russian Empire at the turn of the XIX-XX centuries:

- In the legislation of the Russian Empire of the late XIX early XX centuries, the problems associated with the legal regulation of land reclamation works are reflected quite fully.
- Changes, additions and clarifications of land reclamation legislation over several years indicate an active search by central authorities in the context of the agrarian crisis for optimal ways to ensure the functioning of land reclamation works legally in general and land reclamation credit in particular.
- The content of the land reclamation legislation once again confirms the fact of extreme bureaucratization of the process associated with the use of appropriate funds by direct producers to improve the quality of land, and therefore the efficiency of all agricultural production.

Modern economic, administrative, civil, environmental, agricultural and natural resource legislation of Ukraine should strive for comprehensive regulation of financial relations to ensure the implementation of effective land reclamation activities. At the same time, such legislation should not be static but should be constantly changed and supplemented to find optimal options for regulating relations between all participants in land reclamation activities in the agroindustrial complex of Ukraine. One of the main tasks of a modern legislator is to

invent and adopt such norms that minimise, or better yet exclude, the phenomena of bureaucracy and corruption in land relations in general and relations on lending to land reclamation activities in particular. Promising from the point of view of further research of the problems of legal regulation of the use of land reclamation loans is, according to the authors of these lines, the study of the activities of the "Council of land reclamation congresses" and the congresses themselves, which were also attended by representatives of zemstvos of Ukrainian provinces with the projection of the best legal norms on modern normative legal acts.

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