

Seminar Report

Local Land Strategies and Struggles: Legal Tools and Levers of Action



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Introduction

At the end of another summer of increasing droughts and ecological destruction, a gathering of international and community based organisations, farmers, peasants and activists, took place just outside of Paris at “La Bergerie de Villarceaux” (The Sheepfold of Villarceaux). The gathering, convened by a group of organisations working together on land issues within the framework of Food Sovereignty including Eco Ruralis, the European Coordination of Via Campesina (ECVC), the International Federation of Organic Agriculture Movements (IFOAM-EU), the Real Farming Trust, Terre de Liens (TdL), the Transnational Institute (TNI), URGENCI. This meeting comes on the back of years of work from activists and farmers working to provide mechanisms for the protection of land for peasants and small farmers, or to provide more access to land for new ecological farmers, in the name of food sovereignty. The decades of work from across Europe have resulted in the creation of countless different legal platforms, tools, strategies and ‘levers of action’ that are being used today. This gathering was an attempt to share experiences and practices in order to support their ongoing development and, further, to create more systemic change, creating access to land in perpetuity.

In total, 93 participants attended from 17 countries: Belgium, Croatia, Czech Republic, France, Germany, Greece, Italy, Netherlands, Norway, Poland, Romania, Spain, Switzerland, UK and USA. Through the sharing of stories, skills and experiences, the hope was to harness the potential of this community of practitioners, to learn from one-another and spread the work to protect land even further. This report aims to summarise, analyse and build upon the vastness of ideas and strategies shared over the course of the seminar. Whilst the report covers a broad range of sessions and presentations, it is not completely exhaustive. The gathering was also conceived as a worthwhile moment to gather the experiences of diverse land movements and activists, that will contribute towards a handbook on land struggles and mobilisations, to be published in March 2020.

1. Long-term Land Struggles: Resistance Through Direct Action

A key focus of the seminar was on forms of resistance through direct action, principally in the form of occupation of land. Direct action through occupation, in addition to protecting land for peasants and small farmers in the short term, can in the long term create fertile ground for the development of tools to protect and maintain access to land in perpetuity. In other words, there is an inherent relationship between direct action and other forms of activism and organising in generating structural change.

Specific Examples of Struggles and Occupations

Larzac

The first evening of the gathering was dedicated to the viewing of the film *Touz au Larzac* (“*Leadership*”), the documentary telling the story of the 11 year struggle of a group of 103 farmers to retain their land in Larzac (a region in the south of the Massif Central in France), in the face of a proposed government plan to expand a French military camp. Through nonviolent direct action ranging from hunger strikes, thousands of peasants and activists marching with tractors into Paris, squatting, strategically buying land, taking sheep into the town halls and camping outside the Eiffel tower, the film documents a struggle that acts as a



beacon of hope for further land struggles. It also showed the power of grassroots, community level organising, in uniting peasants, workers, and militant anarchists, to overthrow the powers of the state and the army, and to form a wider peasant-led movement that continues to oppose the state, corporations, and capitalism today.

Christian Roqueirol, who arrived in Larzac as a 21-year old conscientious objector, was present at the gathering. He continues to live in Larzac as a farmer and also as a representative of *Confédération Paysanne*, the French grassroots peasant movement. In the Q&A after the film screening, Christian gave further context to the depth of commitment that went into maintaining the struggle. He and many other farmers spent 4 years raising sheep, completely surrounded by military personnel. He described that the eventual success of the struggle came down to “a political decision” whereby the running presidential candidate (and eventual victor) François Mitterrand saw a political opportunity to abandon the military project in Larzac and gain votes by doing so. Although, as Christian pointed out, “it was not by chance

that we had a politician that was in our favour become elected.” Cleary, the support that the Larzac farmers and activists were able to inspire through their tactics, and the sustained pressure that they managed to build over time, forced the social issue of land for peasants to be widely respected.

In a later workshop, Christian went deeper into the ways in which the Larzac region was managed collectively. The collective had a 66 year lease of 9,500 hectares of land, and needed to find a way to manage this land. Whilst not all members in the collective were farmers, they all meet every three years in an assembly to elect 11 managers of the land. The farms are organized into identical 250 hectare plots, and these managers decide on potential candidates to whom they lease the land at a reasonable price. Whilst this amount of land might seem like a lot, it is important to note here that the land in the region is poor and can only be used for extensive sheep farming. Houses are also given to candidates under usage rights, allowing them to live without paying rent. Interestingly, Christian also described that the arrival of newcomers and a sense of solidarity amongst older peasants, new farmers and non-farmers, created a shift in the type of farming away from industrial production, towards organic farming techniques, such as direct sales, home-processing of Roquefort cheese and raising pigs in the open air.

The model clearly works, given that Larzac is one of the only in France that has more farmers on the land than there were 40 years ago, and the state has renewed the lease for a further 30 years. Such a successful large-scale operation in which thousands of hectares of land are being collectively managed sparks imagination on what is possible. Indeed, as Christian said, “It is a way of managing commons that can serve as an example for other places in the world.”

Notre-Dame-Des-Lands

A number of representatives from Notre-Dame-Des-Lands (NDDL) were present at the seminar. Marcel Thébaut presented the peasant struggle to defend an area of land from a proposed new airport. For more than 40 years the struggle has been ongoing. In 1970, around 10 militant people decided to occupy land that had been abandoned by farmers and bought out by the state. Many decided to stay and begin farming and living there. The movement shared many similarities with the struggle in Larzac, such as a horizontal governance and management platform and similar forms of action through hunger strikes and protests in Paris. Marcel explained the initial difficulties in gaining public support in comparison to Larzac, since the public generally wanted to expand the airport. President Emmanuel Macron, in January 2018, declared the intention to cancel the expansion of the airport. As a result, the existing association was dissolved, yet 300 hectares of land acquired from the state was kept under collective management.

Later in the seminar, Camille, a member who came to live at NDDL in 2016, described the potential for the way of life there outside of traditional economic pressure. This gave her the opportunity to start working the land without the need for agricultural training. Throughout the occupation, farmers supported new arrivals and activists by giving them agricultural materials and trainings in the fields. Indeed, whilst there were some clashes between the farmers and the younger generation who often arrived with “utopian visions”, the opportunity arose for urban-based young people to find a way of learning how to live differently, to oppose and boycott the airport expansion at the same time as learning how to live an agricultural life. Much like in the Larzac struggle, the need to protect land in the short-term also created fertile ground for training a new generation of people to “farm the land we defend” in the future.

SOC-SAT, Andalucía

In Andalusia, various occupation efforts have taken place. The aim of these occupations is “to claim the right to work and live off of the land... [by] demonstrating the productivity of peasant agroecological farming.” Since 2012, the Andalusian Workers Union has been occupying Somonte, an area of 432 hectares of public farm land, in the municipality of Palma del Río, Córdoba, which the local government had attempted to sell off to private hands. The occupiers have been growing a garden, planting olive trees, experimenting with local wheat production and the ecological production of chickpeas. Amidst many expulsions, the union returned to Somonte for the seventh time in September 2019.



Federico Pacheco, member of the coordinating committee of the European Coordination of La Via Campesina (ECVC) and member of SOC-SAT, presented his experiences of occupying and collectively managing land. Beyond the initial need to manage the land itself, once occupied, a huge part of the struggle is to reconcile ways of living together under a new set of conditions outside of patriarchy and capitalism: “We see that the patriarchal-capitalist system is built within us, how do we get rid of this inside us? How do we manage with trust, in community, against the current of our society.” Within the process of occupying land, managing it collectively and trying to exist outside of the confines of capitalism, there is an opportunity to practice completely new forms of communicating and relating to one-another rooted in non-violence. There is a clear relationship in these struggles between the resistance to power and the renewal of life on the land under alternative social rules.

Tools for Campaigns and Struggles

This interactive workshop facilitated by FIAN Belgium, first set out to create a way of exchanging people’s experiences of local struggles, sharing tactics that were used, what worked and what didn’t. Participants in the workshop were informed of theoretical tools and practices that could be useful in creating a direct action campaign or occupation struggle. Participants were taken on a journey to explore the different processes needed to create an effective struggle: from defining the struggle’s objective; making sure it is specific, measurable and achievable; identifying adversaries and allies that can hinder and support the objective, and



eventually defining tactics to be used in order to achieve a successful struggle, based on a sharing of experiences and best practices in local land struggles.

One of the most important tools shared was Bill Moyer's theoretical framework on the *Four Roles of Activists*. The tool outlines the ways in which four different roles of activists - citizen, reformer, rebel and change agent - can be ineffective or effective in achieving social change. The citizen, whose role is to promote positive values through taking concrete actions, might be effective in gaining legitimacy and fostering links to others outside the movement, but can often be naive and unquestioning of power structures in society. The reformer, who enters into dialogue with the holders of power, can be effective, but can also be cut off from the grassroots and co-opted, diluting the hopes and achievements of an action. The change agent, whose role is to bring people together, finding consensus between all members of the movement, can only be effective if they do enough grassroots work to build community, otherwise they are often dismissed as utopian. The rebel's work is to say 'no', setting a new agenda through direct action. Their work can be empowering to the movement, but ineffective if they are only able to reach the margins of society through their actions.

Indeed, the message from the workshop was that for social movements to be successful, they will often need to engage with many of these roles at the same time, using both direct and indirect forms of action.

2. Legal Tools for Accessing and Defending Farmland

Throughout the seminar, specific tools that have been developed over time were presented by different organisations. Many have been born in specific contexts, but they all inform the potential for further work at national, local, grassroots or EU and international levels.

Conservation Easements

The German Nature and Biodiversity Conservation Union (NABU) has been working on the use of conservation easements in protecting and maintaining biodiversity and other ecosystem services on farms. Tilmann Disselhof presented this work in a session on using environmental law to protect land. As a complement to state regulations, NABU does not have state power but rather implements conservation easements through contracts made between landowners and public authorities or charitable organisations. The contract defines certain restrictions and stipulations on the ways in which land can be used, the rights of which are governed under conservation objectives. These contracts differ from regular leases in the sense that they remain tied to the title of the land, in some cases for a limited time, in other cases forever, protecting land against mistreatment in perpetuity, regardless of new landowners or land users.

This type of contract, now embedded in most civil codes, was first used for this purpose in the US, where it has now become one of the most important conservation tools in the country in terms of funding and number of organisations that employ it. In Europe, it has not reached these levels of use, yet there are efforts within NABU to change this. There are several advantages of this tool for conserving land. Firstly, it gives complete control to the landowner, incentivising the landowner into acting to conserve their land. Secondly, it is more flexible than other tools, even to the extent that the contracts can refer to management plans that could occur in the future. Finally, it can be linked to fiscal incentives, mainly in the form of tax deductions for the landowner. Through defining and restricting land uses, some of the economic value of the land is transferred to the charity or public authority as a donation. This donation may then qualify as a tax deduction for the landowner, or potentially to lower taxes on inheritance or real-estate. Tilmann explained that his organisation found this final part to be extremely attractive to farmers, who tend to own a lot of land, but lack money, meaning they can now give away the rights to develop part of their land and continue farming the rest of it.

A further element of this tool is the potential for these certificates for tax deductions to be traded in the market. In some US states, there is already a system in place allowing farmers to sell their tax deductions on to somebody else that has a higher income, if your income happens to be low in a given year, generating profit for the farmer through the conservation of their land. This aspect has only been used a few times in Europe, namely in France where the legal framework is in place. In other EU states, a study on the legal basis for these easements took place, finding that they can be used but they lack a fiscal incentive for landowners to engage.

The fertile discussion following the presentation brought to light several concerns with this model. First, there was a worry amongst some that the US-style tax deduction model could be exploited by non-agricultural landowners looking for more ways to make a profit from land. Second, that many of the incentives for farmers to conserve their land are given to large-scale producers, not small farmers or peasants. Whilst land use through conservation easements is restricted to support organic producers, there would still be potential for non-agricultural producers to leave the land fallow and use it to gain tax deductions. The long-term reduction in the overall value of land that results from the use of such easements over time, however, might be enough to deter this. Thirdly, many expressed a critical approach to financialisation of environmental processes and functions whose financial value may well be impossible to estimate. A final concern that was raised related to a potential deterrence effect, given that the conservation outlook often doesn't take into account the value of agroecological farming on a small-scale to be regenerative, increasing biodiversity and conserving nature at the same time as producing food for communities. As Tilmann stated in his presentation, "land use intensification and land development are on opposite sides of the scale from a conservation point of view."

Managing Nature Protected Areas



Tihamer Fulop presented the work himself and his organisation, Milvus Group, have been doing to develop a tool to maintain the ecological welfare of land, through conservation of naturally protected areas. Before entering the EU, the Romanian ministry for the environment had created a law for managing natural resources, however after entering the EU, the state sought voluntary civil society support to protect land. Starting in 2011, areas of land became designated for natural protection almost overnight which meant that farmers living in those areas were suddenly unable to use chemicals or pesticides and had to begin to change their practices. After some push, in 2012 the government offered

subsidies to farmers in these areas for ecological farming, which sparked a revival in traditional forms of agriculture - using horses, shepherding and practicing natural farming. To further support farmers to practice ecological farming, the Milvus Group created a registered trademark for producers within the 86 thousand hectare wide area of Valea Nirajului Târnava Mică Natura 2000, to market their products under. The trademark is only granted to products "that have been made, manufactured or prepared in the region and have not harmed nature." This tool is thus able to support farmers producing in an agroecological way whilst at the same time preserving traditional peasant culture in Romania.



The Complaint System of International Financial Institutions

The Ukrainian environmental organisation, *Eco Action*, has been using the pre-existing legal complaints system of international financial institutions in order to protect rural communities against the ecological and social destruction of large-scale agri-businesses. One of their main battles has been against MHP, one of the country's largest agro-holdings which owns an intensive poultry plant on 370,000 hectares of land, producing 600,000 tonnes of chicken a year. The production function with giant brigades of chicken houses, holding up to 30,000 chickens in each. For the local communities, the chicken farms are a disaster. Aside from taking vast amounts of land away from the people in favour of mass production and wealth for the corporation, they are highly pollutant, and they put a lot of pressure on communities.

The infrastructure for such production requires a huge amount of financial input. Agricultural infrastructure and large-scale agribusiness are propped up by huge financial institutions. Both the European Bank for Reconstruction and Development (EBRD) and the International Finance Corporation (IFC) have supported MHP S.E in their chicken-production endeavors. For example, the EBRD, which is financed by EU citizen tax income, gave four separate loans of \$275 million to MHP. Mykhailo Amosov explained that, since the Ukraine "is a country with a very weak democracy and the rule of law," complaining to international institutions provides an alternative way to support communities. Each financial institution has a different system for filing a complaint. The EBRD, for example, has a mechanism in place that can help to hold banks to account for actions, decisions and omissions. With funding from US-based lawyers, *Eco Action* has been working since 2012, collecting signatures, sending letters to authorities, and eventually filing a complaint in 2018. Clearly, the complaint mechanism can be long and laborious, especially when villagers are living remotely and often elderly and unable to work with technology. Additionally, there is some fear over safety, since MHP, much like Monsanto in the US, have their own private security. Throughout the ongoing mediation, *Eco Action* has had to closely monitor the process and hope for an eventual enforcement of action. Although it is hard to know the success of this tool given that the result of the mediation process is still unknown, the negative international media coverage experienced by MHP throughout the process has pushed them into curtailing some of their practices, and signing an agreement with the local villagers.

Using the Court System

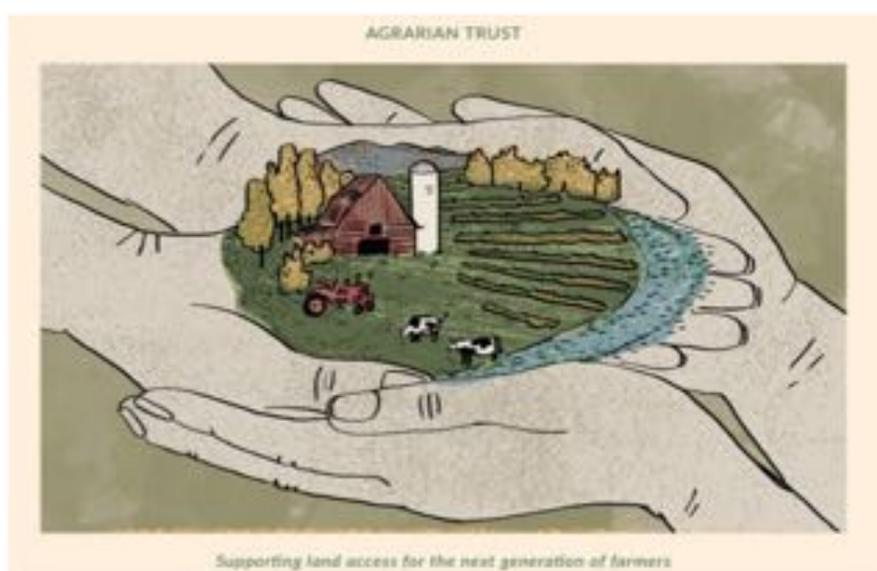
Since 2004, a Canadian mining company has been involved in proposals to create Europe's largest open cast gold mine in the small rural village of Rosia Montana in Romania. It was and remains a historical battle through which the term 'land grabbing' became popularised throughout the country. Alexandru Tudor, working as a lawyer for *Eco Ruralis* (a Romanian peasants' organisation) explained that "if the project would have been successful, the mountain would have been destroyed and a community of 3,000 people would have been displaced." Ironically, the village of Rosia Montana was the place in which the first tablets of roman laws were found, and these laws have become the basis of modern European law today.

The first stage of the corporation in gaining access to this land and project was to apply for an urbanism plan in the region. The local NGO working to protect the community, used the strategy of slowing down

this process through submitting legal cases to several courts and jurisdictions. After four years, the NGO won the first case in court, which cancelled the environmental permit obtained by the company, leading to a succession of wins in several cases. Whilst another strength of the campaign was to mobilise the local community and gain support through public actions, according to Alexandru the success would not have come without the NGO's strategy of gaining time through the court system. Raluca Dan, also agreed: "In Romania, the court cases were successful, showing these great injustices that had been occurring. They managed to expose injustices and then receive public support and solidarity." However, these court cases have managed only to halt the project temporarily and there is still a struggle to fight.

Creating Legal Entities for Community Owned Land

The US based Agrarian Trust, presented by the executive director Ian McSweeney, has been working on the creation of legal entities to support and provide access to land for small-scale producers. Apart from the different scale of farm size in the US,¹ the farming trends are similar to Europe: only 2% of the population are engaged in agriculture, farmers are aging, land values are rising, suicide rates and



depression amongst farmers are very high, many medium size farms are closing every day and larger farms are growing and consolidating. Equally, as in Europe, small farms are trying to survive, but the market prices of land are increasingly creating a barrier to entry for farming enterprises.

In response to these trends, the Agrarian Trust set out on an ambitious mission to "catalyse a national conversation on the issue of agricultural land access and reframe solutions", document innovative models for land access, create legal containers to preserve in perpetuity the ownership of farms at an affordable, sustainable and productive use, and to raise capital through donations and community investment.

As well as providing essential agrarian legal support to farmers and landowners, the Agrarian Trust has been working to create specific legal entities for the purpose of holding land in commons. Whilst there are many community land trusts around the world, almost none of them focus on agricultural land. The

¹ The average farm size in the US was 443 acres (179 ha) in 2018. In the EU, the average farm size was 16.6 ha in 2016.

society and grassroots organisations have been using the guidelines across the world, pointing to them as an important reference point when it comes to states respecting, recognising, and protecting their legitimate tenure rights . The framework has also enabled the possibility of several national cases to be brought by small-scale food producers and their allies in mobilising against land grabbing, from Belgium to Sierra Leone.

UN Declaration of the Rights of Peasants and Other People Working in Rural Areas

The UN Declaration of the Rights of Peasants (UNROP) has come into existence in 2019 after 15 years of work and negotiation with La Via Campesina (the international peasants’ movement), other peasant movements, and the UN. Its creation is a historic moment, as Astrid Bouchedor from the human rights organisation FIAN Belgium explained, “it is the first international human rights text that recognises the right to land.” The article which recognises the human right to land includes individual and collective access, use and management of land, as well as a recognition for the commons. Possibly the most radical aspect of the declaration is the statement that the right to land is indispensable in maintaining the human dignity of those working the land. There is a complex holistic conception of land contained within this definition, such as the concept of Pachamama in Latin America, which delineates an inalienable right to land that goes beyond any specific legal framework. This new instrument for the protection of land - which was approved by the UN in 2018 - is now in the first stages of discussion on how it can be implemented in Europe. Astrid described eloquently its importance: “The more tools we have, the stronger we become in putting pressure on the leaders.”

3. Grassroots & civil society: Interventions to enable access to land

This section will outline the different ways in which grassroots organisations and communities have been working to enable access to land, or to protect farmland from exploitation.

Building Large Coalitions

Toekomstboeren

Jolke de Moel presented the work of Dutch organisation, Toekomstboeren (farmers of the future). The organisation was founded four years ago to defend the right to use and farm land in an agroecological way, aimed mostly at new entrants. As in many countries in Europe, the Netherlands suffers from an industrialised system of farming under which new entrants farming sustainably under innovative models are barely recognised. In fact, until ten years ago, there wasn't even a Ministry of Agriculture, and agriculture was dealt with as part of the Ministry of Economic Affairs. Access to land in the Netherlands is a major issue given the small size of the country and its dense population - land, when available on the market, is often financially out of the reach of small farmers. Changes in the land lease law has shifted the standard lease from 20-30 years with a clause to leave land in a better state than found, towards a more tenuous land tenure of around 5-6 year leases.

Before the creation of Toekomstboeren, there was no framework for the organisation and support of growers who wanted to do things differently. Now it is a coalition of 300 members, many of whom are women and young people. They have formed a national Community Supported Agriculture (CSA) network, joined and convened meetings for a new federation of agroecological farmers, set up professional skills trainings, held social gatherings a few times a year to create a sense of community and support amongst small-scale farmers, as well as a platform to share information and form working groups.

There are four main groups who own land in the Netherlands - the church, local councils, insurance companies and private parties, and all of these require a different approach. For example, even after months of negotiation, local councils can sometimes at most offer a slightly cheaper site rent. Thus, one of the working groups is involved in research with Wageningen University to show policy-makers how agroecological ways of farming are beneficial, and this should help to encourage local councils to promote agroecological activities. It is work like this that is starting to shift public opinion, whereby the new Minister of Agriculture has claimed a target to make the Netherlands a European leader in agroecology.

Eco Ruralis



Another large coalition project for the protection of land came through the work of the Romanian peasant association, Eco Ruralis. Raluca Dan presented the work of Eco Ruralis in protecting the small village of Rosia Montana from the proposition of a large open-cast mine that would have covered the whole surface of the village. A coalition of 300 members of the local community in partnership with local NGOs decided to form an alliance to fight against the project. The coalition used many tactics, some of them including legal tools described in section 2. Other than that, the community used creative direct actions on a national scale to create public visibility around the injustice of the project, often approaching the investors of the company in public, making demonstrations in the streets of up to thousands of people, naming and shaming politicians that had

been brought by the company. It was through this coalition of the local community stakeholders and NGOs, making room for a broad range of actions and tactics to take place, that the campaign was a success.

Voedsel Anders



Sylvia Kay presented the work of the Transnational Institute in coalition with other organisations and networks, in building a national food sovereignty platform across the Netherlands and Flanders, the Food Otherwise Movement (Voedsel Anders). This “network of networks” gathers a diverse range of groups including CSA’s, food supply chains, retailers, environmental organisations, researchers, academics, students and cooks. Their manifesto states the intention to strive “for sustainable food and agriculture systems to manage soils, landscapes, plants, animals and water responsibly... , [with] fair, remunerative prices for farmers everywhere in the world, as well as plentiful, nutritious food for everyone.” At their first gathering at Wageningen University, over 800 people attended and the manifesto was endorsed by 67 organisations. This led to further conferences and regional organising, educational workshops on the most pressing issues around land and agroecology, and a publication together with Toekomstboeren to further knowledge on a vision for a new “living countryside” based on access to land for agroecology.

Community Land Ownership

The community land ownership model was showcased repeatedly by a number of organisations throughout the seminar. It is clearly a successful model, even in diverse national contexts.

Terre de Liens

Terre de Liens might well be the most successful model of citizen-led provision of access to land for small agroecological farmers. It now has a land tenure system which currently supports 430 active farmers, a membership of 2,600 people, the involvement of 12,000 citizens, a foundation to receive donations, and a network of some 20 different organisations, and more than 3,000 hectares of farmland preserved.



Terre de Liens is a complex multifaceted movement composed of a national not-for-profit association, 19 regional non-profit associations, a private company, and a land trust. It is very involved in reformation of the current system, but its main purpose is to safeguard land for small producers and peasants, and to support them in accessing land under good conditions. One of the ways it does this is through land acquisition, and they have done this very successfully, providing a replicable model to buy land and safeguard it for small producers and peasants. The model is based on the acquisition of land through citizen investments, which is then rented to organic farmers on rural leases that include a clause requiring them to farm ecologically.

One example of the success of the work presented by Tanguy Martin, from the regional branch of Terre de Liens in Pays de la Loire, comes from the small island on the Atlantic coast, L'île d'Yeu. Beyond the success of providing access to land for small farmers, the whole relationship between the community shifted through the recapturing of the land and their access to local food. The power of community held land goes beyond the immediate, spreading into the hearts and minds of the community and bringing them together.

Terre de Rivières

Didier Loufrani presented the story of Terre de Rivières, a community-based association which managed to organise a strong mobilisation and successful example of the preservation of land. It is situated in the South West of France, where competition for land is rife amongst farmers and tourist residences. Terre de Rivières was founded in response to a 7 hectare piece of land, four hectares of which contain 250 apple trees, that was going to be preemptively sold to a neighbouring conventional, pesticide-using, maize producer, who planned to cut down the orchard and plant a monoculture of corn. A number of people from the local CSA movement, who did not want to see 13-year-old apple trees cut down, decided to take

action against SAFER, the French agricultural land governing body. At first they managed to push SAFER into selling the land that contained the apple trees to the organic fruit producing neighbour. However, they decided that they wanted to do more and to purchase the remaining land for the community production of vegetables. It was a 6 year battle but the association managed to crowdfund 66,000 euros and buy the land to be held in the hands of the community through the Terre de Liens Foundation. Beyond this, through the process of campaigning and taking action to protect this land, they gained the municipality's financial support to build greenhouses on the land and to hire a new entrant vegetable farmer.



Scottish Farm Land Trust

Roz Corbett presented The Scottish Farm Land Trust, the Scottish version of the community land-ownership model, “aiming to increase access to land for agroecological farming, by



SCOTTISH FARM
LAND TRUST

acquiring land to be held in trust and renting on a long-term affordable basis.” At this point in time, the SFLT is registered as a company that is able to issue public shares, and is currently waiting for charitable status. As will be made clear in the following section, there is still much work to do to preserve land for small farmers, and a lot of space for grassroots organisations like the SFLT to further champion access to land. The Scottish Farm Land Trust is a relatively young organisation, aiming for incremental change. Their focus is on privately owned land, taking on board the examples of successful models from Terre de Liens to the Ecological Land Co-operative in England and Wales. The aim is to create allies within government, and alliances with other organisations to support their work, such as the Scottish Crofting Federation, the Landworkers' Alliance, and Community Land Scotland.

Kulturland

Beginning 7 years ago, Kulturland was founded in a German context of financial crisis, when a lot of capital was flowing into agricultural land and prices were rising. The intention of the organisation was to take land out of the market where it is subject to speculation and rising prices. However, rather than following the 40 year old trend of community farmland trusts who, according to presenter at the seminar, Thomas Rippel, “take the land out of a private market but lock it in a dead structure”, they wanted to “create something that is alive.” They developed an intricate model to ensure long-term access to land for farmers, in a cooperative model through which citizens could become shareholders. Kulturland now consists of 500 members with land-holding entities set up for each farm in which the farmer becomes an equal partner. Money is raised through the communities surrounding the farms which is leased to farmers at a cheap rate, and in perpetuity, under clauses of ecological practices, conservation and engagement with social issues. Essentially, the success of the model depends on the willingness of people to invest at a 0% rate, which is essentially a donation in the minds of people who want to support community agriculture. Under the rare circumstances that a shareholder wants to take their money back, the farmer is granted a right of first refusal at the original purchase price so they would not necessarily lose access to the land.

Terre-en-vue



Belgian organisation, Terre-en-Vue, works in Brussels and Wallonia regions, where land prices have risen quickly and the number of farmers is steadily decreasing. Like in many other grassroots models, Terre-en-Vue is a membership based organisation which facilitates access to land for agroecology and manages farmland as a common good. They run a cooperative which buys farmland through the financial support of citizens, and rents out this farmland to be farmed organically. They currently have 1,700 shareholders and 76 hectares of farmland. However, the fact that much of the farmland is owned by public authorities, means that Terre-en-Vue has also been working to develop guidelines for public authorities to manage their farmland in a sustainable and responsible way, through supporting local agriculture and adopting ecological farming practices.

Engaging with Local Authorities

EHNE - Basque Farmers' Union

EHNE, the Basque farmers' Union, is active in an area that contains a large amount of industry, which tends to put considerable pressure on the use of farmland. EHNE believes in the importance of local production and consumption of food, and has developed a new methodology of screening existing farmland, and making a proposal to local municipalities who make decisions about the use of land, outlining the amount of food that could be produced locally, as well as showing the number of farmers who would be employed were the land used for local production.

Terre de Liens - PARCEL, a modelling tool to engage with local authorities

Terre de Liens, the French Federation of Organic Farming (FNAB) and the activist think-tank BASIC recently launched PARCEL, a new tool to promote local food systems. Gael Louesdon, of the regional branch of Terre de Liens in Normandy, presented this new online modelling tool which helps build and illustrate different scenarios, at a local, national or regional level.

Users can change different variables: the distance between production and consumption of food produce; the type of farming (partial or total organic production); and the type of diets (more or less meat consumption). As a result, users can readily see how much farmland is needed to produce organic food for local food consumption everywhere and how a change in one or several of these criteria directly impacts local farming, communities and climate change.



PARCEL is particularly used to engage particularly with local councillors, as the various scenarios resulting from PARCEL will show them how they need to – and can - take responsibility for preserving farmland and organising sustainable farmland use so as to ensure food sovereignty and combat climate change.

De Landgenoten



De Landgenoten (DLg) is a citizen led cooperative company, gathering citizen investments in order to buy land for organic farmers in the Flanders region of Belgium. It was founded in 2014 by a coalition of 17 organisations, closely linked to the Flemish CSA movement, who highlight the incredibly high land prices and outdated legal frameworks that create insecure tenure for farmers.

The cooperative has gained a lot of experience over a number of years of practice and has thus started to expand its practices. DLg also works with local authorities, analysing the quality, size, farming

possibilities and consumer market of specific pieces of farmland, offering to manage the land, searching for farmers and advising on tenancy contracts.

Training and Supporting Farmers

Champs des possibles: Agricultural skills for new farmers

Les Champs des Possibles is one of the oldest farm incubators in France aiming to promote entry into organic farming and increased local food production in the densely urbanised region of Île-de-France. The region has the largest farming surface area of anywhere in France and is home to a vast amount of urban areas, meaning there are plenty of people who want to change their lifestyle and get involved in agriculture. There has been an adaptation of small-scale agroecological models to fit the region's tendency to have large farms and high land prices. Champs des Possibles now has links with 50 farms who take on interns with little experience and teach them about agriculture. Participants can experiment with different farming methods and practices for up to two years, receiving a salary and support in all aspects of the process until their training is complete. Furthermore, Champs des Possibles is experimenting with a new opportunity for participants to further their development as a farmer within the cooperative itself, receiving accommodation, benefits and wages. The point of this experimentation is to enable farmers who do not want to become self-employed, to continue to benefit from the secure environment of receiving a wage, and gain support for their accountancy, taxes, and other services.



French Legal Action Committees: Legal Support for Farmers

The legal action committees were created to provide tools for individual peasants to protect themselves when facing legal issues. They exist amidst an understanding of the importance of having the relevant knowledge of the law so that farmers are able to defend themselves, and to provide often isolated and seemingly powerless farmers with a sense of empowerment and an ability to claim their rights. The other part of their work is to inform the right lawyers that are interested in supporting their work. The most important aspect is to work with lawyers who already have a knowledge of the peasant world, and this sometimes means training before becoming a qualified legal expert. The work is run by volunteers who link together the applicant farmers with lawyers, in a participatory and collective approach, not only concerned with the legal practice, but also with building positive human relationships between the farmer and the people with whom they have a problem.

The work is largely a process of mediation, and often the aim is to avoid the costs of time, money and stress associated with going to court. In fact, over half of cases are solved through a process of mediation, in bringing together the relevant actors, and settling the case through showing their knowledge of the law and people's rights. Over time, they have managed to build up competence in rural law, and have built up legitimacy and trust with farmers.

4. National Level Policy and Regulation: Processes and Impacts

There are clear examples of national level shifts in policy and regulation that have resulted in new horizons and potential for access to land for small farmers. Perspective is key here, as often participants at the seminar referred to other nations' land situation with admiration, whilst participants from those countries found much at fault with their nations' position. As Veronique Rioufol of Terre de Liens explained: "There is a gap between the French organisations who focus on the pitfalls of our system, and European partners who focus on its strengths." Having said that, these are cases that are worth highlighting to show what is possible when there is political will to protect small farmers' and peasants' access to land.

France's Land Regulation

Delphine Gavand, a lawyer working for Confédération paysanne outlined the land regulation system in France. While imperfect, it provides a lot of support and infrastructure to protect small farmers and peasants on the land, particularly in comparison to other EU states. In the period of structural reform after the war, socially secure tenancies for farmers lasting a minimum of 9 years were put in place, with unlimited renewal for the farmer and with relatively low rental prices. Some 30 years later, it is still more favourable to rent than to buy land, meaning 80% of land is rented in France.

Since 1960, a series of policies namely the *contrôle des structures* (the structures policy), regulate the preservation of agricultural land through planning laws, property and ownership laws of agricultural land (through the land agency, SAFER), and the distribution of land amongst farmers. In practice, the structures policy hands over the control of access to land to the state. When a farmer wishes to access land, they must make a request to the state for authorization, and when multiple farmers request the same land, the recipient will be selected according to established priorities. More often than not, the first priority goes to a farmer wishing to begin a new farm project rather than someone who wishes to acquire more land. The land agency, SAFER, is able to pre-empt and purchase land when it is up for sale which gives them a lot of power in regulating and controlling land.

France also has policies in place to sanction non-compliance if for example a farmer decides to farm land that has not been authorized, or has been outright rejected. There are penalties contained within the Rural Code, ranging from between €304 and €914 per hectare, which in some cases is not very dissuasive, since the amount of CAP subsidies received per hectare exceeds the amount of sanctions. Strangely, whilst the state makes clear that "whoever operates a land despite a refusal of farming authorization (...) cannot benefit from any economic aid granted in agriculture", this is not applied in the case of CAP subsidies. Whilst the EU allows national regulation, they distribute subsidies irrespective of national laws on land control. This could otherwise be very effective in fighting land concentration were the EU to moderate their subsidies in line with France's law.

More recently, a number of laws and legislation have been put into place to give space to agroecology, to monitor the selling of shares by land-owning companies, and to prevent land grabbing. However, even with such progressive policies in place, France is still witnessing a concentration in land, and access to land is unequal and unfair. The share of people farming the land in France is now just 3% of the total population. Whilst the French model was working in the past, there are now more and more problems, and the need for reform is great. In 2018, the parliament in France reported on land, setting the stage for future land reform, but in the current climate it is uncertain if or when this reform will take place.

Scotland: Devolution and Land Reform

In Scotland, a devolution of power away from Westminster over the past few decades has resulted in revolutionary land reform that is beginning to bear fruit. Of course, whilst many view Scotland as an amazing bastion of land reform and community spirit, they also suffer from huge historical and cultural challenges. Nearly 80% of Scotland's land mass is agricultural, but only 10% of this is considered prime arable land, thus much of the farming is hill farming and crofting, a smallholding-style of farming from north-west Scotland. The average size of farms is 106 hectares, and the average per-hectare price of land is £2,000, with an 85% increase in the past decade alone. Disparity in land ownership is huge with only 0.8% of farmers owning 40% of farmland.

In 1998, the Scottish parliament was formed, which devolved power over some things, including land reform and agriculture. As a result, the first Land Reform Act was passed in 2003, establishing a 'community right to buy' in rural areas of western Scotland, where populations of up to 10,000 people could register an interest, and were given first right of refusal. This was extended to all areas of Scotland, including urban areas, through the Community Empowerment Act in 2015. Within this act, the community has the right to request an asset transfer from a public body, and to buy "abandoned and neglected" land, although the definition of this remains uncertain. Furthermore, the Land Reform Act of 2016 saw the establishment of the Scottish Land Commission, which has done great work on access to land for new entrants, land grabbing, and bringing to light other important land issues. In 2016, the Scottish government also introduced Farming Opportunities for New Entrants (FONE), which released 6,400 hectares of public land for 61 new entrants. As a result of these policies, there are now 227,500 hectares of community owned land.

In September 2018, the Scottish Government also announced a good food nation bill and rural support bill, which will begin to set out the foundations for operating agricultural subsidies in Scotland. It is clear that there is political will to shift the dire state of land and agriculture in Scotland and the potential for vast, systemic changes will always need the powers that be to cooperate.

5. The EU: Reforms and the Potential for a New Land Directive

CAP Reform

The tenuous relationship between the EU and its member states was discussed regularly throughout the seminar. Whether or not the current EU policy is supportive of agroecology was debated fervorously. It was clear that for many nations, the current form of the Common Agricultural Policy (CAP) is unfit for protecting the interests of peasants and small farmers.

Many people mentioned the need for reforming the CAP and the link between payment of subsidies and hectare ownership. The reality is that subsidies are not supporting food sovereignty, and in many ways they are stifling it. A lot of CAP aid ends up in the hands of agribusiness rather than farmers, which according to Robert Levesque of the AGTER, French association on the governance of natural resources, goes against the intention of CAP itself. For Tanguy Martin, of Terre de Liens, “If there is one thing we can do in reforming CAP it is [reforming its link to hectare ownership].” Additionally, in the French case, Delphine Gavend of Confédération Paysanne explained how the current situation that allows subsidies to bypass France’s farm authorization laws must be changed, either through the EU shifting their policy to attribute subsidies in respect of national laws or through EU regulation that allows member states to not give subsidies if they judge it as a necessary sanction.

Antonio Onorati of the European Coordination of La Via Campesina expressed that, even with the recent introduction of upper limit on subsidies, in Italy “80 agricultural farms receive 73 million euros of subsidies... [whilst] only half of the Italian CAP goes to 99.1% of farms.” It is clear that “The CAP in Italy is unjust.” Basque peasant Alazne Intxauspe Elola, member of Ehne Bizkaia farmer union, spoke also of the need for small farmers and peasants to “look beyond CAP” in finding ways to create successful models of agroecological farming. She described the need to imagine routes to prosperity beyond subsidies since relying on a shift in CAP policy might be too late.

For ECVC, as expressed by Antonio and Alazne, the CAP must provide small-scale sustainable producers with the adequate political, economic and social support they need. This implies fair prices, setting a strong capping for direct payments and a redistribution of aid. More money for rural development and a collective approach of projects where peasant agroecology is promoted must be put forth. Support to new farmers during the first years of their activity is essential

The main example of the problems with CAP, presented at the seminar by Joanna Perzyna of Nyéléni Polska, was the case of Poland. In Poland, whilst 12.6% of the population are farmers, there has been a huge problem with farm owners maintaining their farms to benefit from CAP subsidies. The result has been a 243% increase in land prices between 2004-2013 making land nearly prohibitively expensive for the small farmer. There are three main lines of criticism from within Polish society about CAP. First, farmers feel that the unequal rates of direct payments prevents them from being able to compete in the

European or global markets. Second, the Polish government views the environmental requirements within CAP as an obstacle for development. Third, the agroecology movement in Poland sees CAP as both inhibiting the market in traditional agricultural areas, as well as maintaining a fragmented land structure, but in modernized agricultural areas it is seen as too weak to protect the land from concentration and land grabbing.

CAP also does not provide a holistic vision of agriculture and food systems, promoting ever larger and more specialized farms. Having said that, there is also a fear that a new CAP system providing greater flexibility to member states could reduce the environmental protections that CAP places on the Polish farming system. Of course, many of these criticisms are conflicting, coming from different parts of Polish society.

There are conflicts within each member state, and also between member states, so it is important to note that any attempt to create a universal agricultural subsidy policy is difficult. In the final plenary of the seminar focusing on pathways for policy action in the EU, recently elected Green MEP, farmer and member of Confédération Paysanne, Benoît Biteau, admitted that one of the greatest challenges is “The way we are distributing subsidies at the EU level.” He agreed that the current system encourages the continuation of land concentration and creates obstacles for land access for many people, and that there must be an alternative way to give subsidies with a focus on the specific benefits of agriculture, such as the amount of food produced or the number of jobs created.

In the same discussion, Ozlem Yildirim, who is a member of the European Economic and Social Committee, an organisation bringing together different groups from civil society to advise the EU, said that the committee had recommended measures to regulate the relationships between organisations and land, to have local communities have more say over land use, and to change CAP away from hectares and towards something more equitable. Unfortunately these recommendations weren’t acted upon.

The European Food Sovereignty movement consolidated its common vision of the CAP reform in a document published in March 2019 and available online:

<https://www.eurovia.org/wp-content/uploads/2019/03/Nyeleni-Europe-More-farmers-better-food.pdf>

Land: Capital or Common Good?

One of the main issues with the EU’s current approach is how it defines land. According to Thomas Wiedmann, who works in the European Commission (DG FISMA) on the free movement of capital within the EU, “The acquisition of farmland is governed by EU law for the simple reason that farmland is capital and comes under the internal market rules, in particular the free movement of capital.” Within the EU, where land is not considered different to capital, there is a freedom to invest in agricultural land, whether you are a farmer or a business, or anybody for that matter. Thus, the existence of speculation and the rising of land values over time is inherent in this system. Thomas Wiedmann went on, admitting that this approach could put farmers in a difficult position, especially given that banks and insurance companies have seen land as a safe and profitable asset. He agreed that “farmland needs some protection” and that it is important to find “the right balance between the free movement of capital and the protection of

farmers.” Of course, he again referred to the possibility of member states regulating their own markets and finding their own ‘right balance’, but reinstated the importance of national regulations to be in line with the Internal Market freedoms.

The clarity of the differences in points of view was apparent throughout. Antonio Onorati explained that whether or not member states can regulate their own markets, land is being viewed as an asset, and this is derived in EU policy that is imposed on Italy. For Antonio, it is essential to understand that “agricultural land is not an asset but relates to a number of fundamental human rights as documented by the UN. In order to truly protect farmland, farmers, and peasants, have to stop the endless capitalization of agricultural land.” According to Antonio, we can no longer afford to leave each state to decide on their own, we need alliances at the European level that can bring to account the failures of individual member states.

So, in order to truly protect land, we might need a deeper understanding of land as a common good, or as is documented in the UN Declaration on the Rights of Peasants, a holistic understanding of land as essential to the maintenance of dignity and peasants - land as a human right.

Towards a New EU Land Directive



In a moment of rising nationalism across European states that finds fertile ground in a narrative of an undemocratic EU, it might be improbable to expect and call for fairer policies and regulations. On the other hand, it is also important to challenge the idea that freedom and democracy are born out of inaction, and there are ways in which the EU could work to further democratise itself. The potential for a democratic mandate from the EU, that transcends the failures of individual states and clarifies the nature of land as different to other commodities, possibly in the form of a new EU land directive, could provide longer term protection for agricultural land.

As the discussion heated up in the session on the future of EU land policy, Attila Szocs of Eco Ruralis made it clear that conversations on having an EU land directive based on the land tenure guidelines (VGGT) had been happening for years, and from his Romanian perspective, the justification and incentive is already there. However, the political will amongst EU legislators was not yet there.

In fact, a 10 year international and European struggle led by Via Campesina, to protect land had been taking place, but the European institutions have to be willing to act in the interests of people. It is important work, since it will affect millions of lives. A more philosophical and moral perspective might be needed to move beyond the political stalemate with the European Union, as a member of the audience beautifully paraphrased Gandhi: “Land has sufficient resources for all humans needs, but not for a handful of people's greed.”

6. International Solidarity: Connecting our Struggles

“To protect land, there are real risks that exist. In Brazil, for example, you are risking your life to do it.”
- Federico Pacheco

Throughout the seminar, references were made regarding the need to connect to a wider international struggle to protect land. Indeed, many people, particularly indigenous communities and people of colonised nations in the Global South, continue to be under threat by the forces of transnational corporations, mining, industrial expansion, the unchecked forces of capitalism and the rise of fascist governments. The struggle to maintain land under these threats can cost lives, as Federico Pacheco said, “Governments are still killing peasants every day.” It is important to centre these struggles and realities when talking about the European struggle for land and peasants rights. It is important to remember the inherent link between many European nations and these struggles, and to show solidarity with these front line protectors of land.

As Christian Requirol brought to light on a number of occasions, “Land grabbing is a huge problem..., we must fight big corporations wherever they are, there are French companies with 500,000 hectares of land in Africa.” The need to mobilise in our nations around these issues is essential to bring the political will necessary to stop the free reign of corporations, and provide food security and safety for peasants and small farmers, whose struggle is to maintain their only possible dignified livelihood.

At a European level the European Coordination Via Campesina (ECVC), which currently gathers 31 national and regional farmers, farm workers and rural organizations based in 21 European countries, is engaging with its allies in order to push for Land agricultural policies based on legitimacy, fairness, solidarity and sustainability. Through its land working group ECVC has been advocating for unifying and connecting land struggles all over Europe and internationally.

In the words of La Via Campesina “We need to globalise struggle, globalise hope.”



Conclusions

The seminar showcased the vast amount of work that has been done to protect and preserve land for common people, peasants and small farmers. There is a lot to be proud of, and it is clear that we have a wide and diverse movement that deals with both the immediate protection of land through any means necessary, as well as long-term approaches to fighting for land rights.

Indeed, there is still much to fight for, at all levels of society - from grassroots to local governments and at national and European levels too. Many of the tools shared represent the diverse ways organisations, local governments and nation-states attempt to protect land from free market forces and capitalism. As Jocelyn Parot of the CSA network, *URGENCI*, said, “We are becoming experts of a very complex topic, with many different creative ways on to the land developing.” Whilst it is certainly true that the seminar showcased a growing community of experts and practitioners, the very fact that the situation for farmers and peasants is still dire, even though there is so much work being done, might point to the eventual need for a radical shift at the European level.

In the concluding session, Alazne Intxauspe Elola, representative of the European Coordination Via Campesina, said: “Access to land, to the commons, is key for a peasant. It has always been central and it still is now, and we need to keep working on this.” Furthermore, she explained an essential truth, which was felt throughout the experience of the seminar, that “Solidarity is at the heart of our communities and gives us strength to continue our struggles.” It is through the forming of alliances, uniting in a common struggle, finding a common language and voice, that we are able to move forward more easily. At the end of the day “Peasant farming feeds the world and cools the planet down, we don’t need to say anything else. The problem is a lack of political will. We need to decide which side we are on.”

Whilst an air of optimism permeated throughout the days together, from the workshops to the dinner tables, it is important to remember that there is always more work to be done. The final remark of the concluding session from facilitator Michel Vampouille of Terre de Liens, spoke perfectly to this fact: “I don’t think about optimism or pessimism, I just continue to struggle. The future will say if we had the right to be optimistic.”

About the Land Strategies partnership

This report forms part of a Strategic Partnership about innovative land strategies and access to land for agroecology in Europe. Partners in this project include Eco Ruralis, European Coordination Via Campesina, IFOAM EU, Real Farming Trust, Terre de Liens, Transnational Institute, and Urgenci.



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