

Small Farms, Commons and Land Grabbing in Romania



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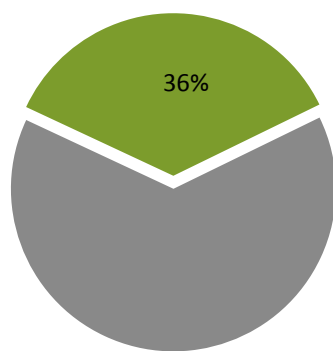
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Introduction

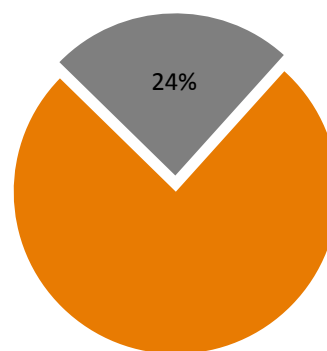
Romania plays a unique and important part in European agriculture. It owns almost 1/3rd of the total agricultural land in the EU (31.5% of all EU farms) and has the 3rd smallest average farm size (above only Malta and Cyprus). With 98% of farms in Romania using less than 10 hectares of land, it is truly a peasant farming country.¹ One of the most valuable and important assets that small-scale farmers have in Romania are the Commons - communal pastures. The Commons allow peasants to raise animals such as sheep, cattle, and goats without having to purchase extra land, sometimes called the 'transaction cost argument'.² Land grabbing is threatening the existence of these lands, a situation that must be halted and reversed to protect small farmers and encourage their economic growth.

■ Utilized Agricultural Area (UAA) (ha)



Graph 1: Utilized Agricultural Area as share of total land area

■ Agricultural labor force



Graph 2: Agricultural labor force as part of total population

Source: European Union, European Commission, Eurostat. (2015). *Agricultural Census 2010*. http://ec.europa.eu/eurostat/statistics-explained/index.php/Agricultural_census_2010_-_main_results

What are the Commons?

Some definitions:

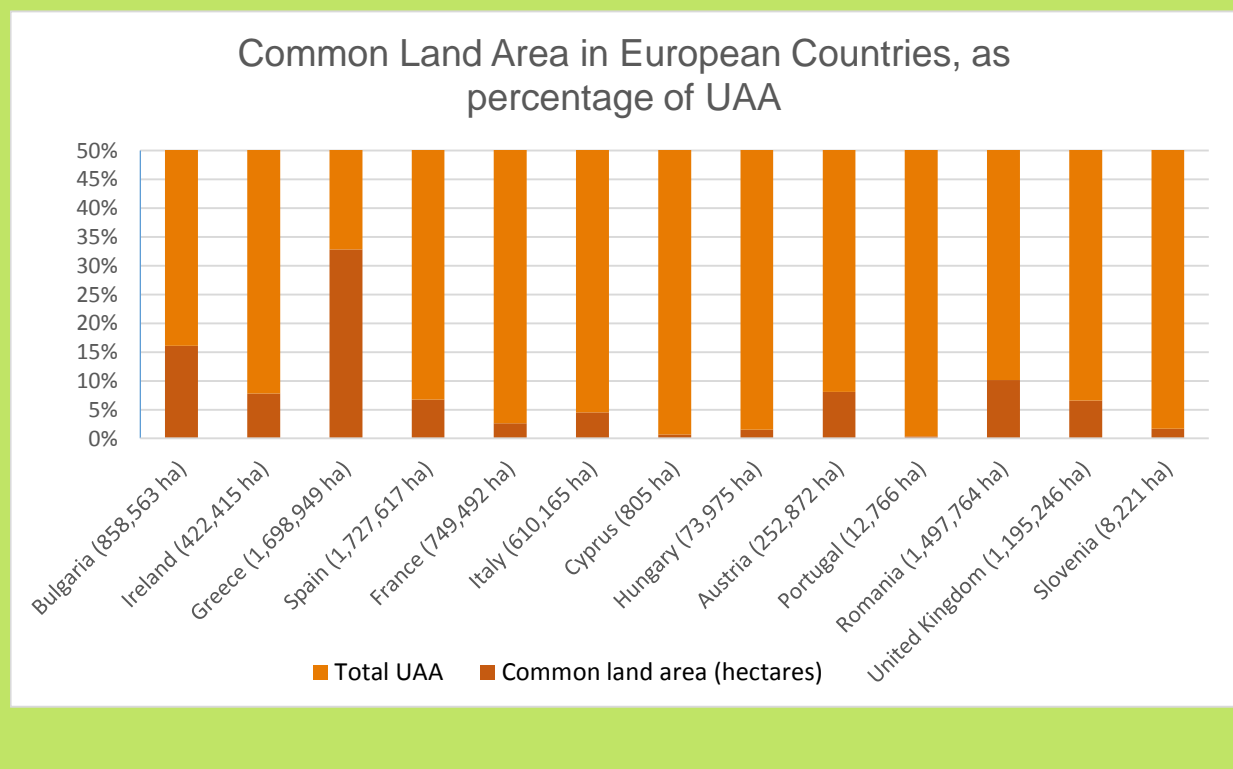
The Commons are a “broader conception of property, referring to social goods - lands, territories, forests, meadows and streams, or communicative spaces - which a community, not the state or any individual, collectively owns, manages, and controls.”³

“Commons are defined as lands which rural communities possess and use collectively in accordance with community-derived norms.”⁴

“In general terms, common land is utilized agricultural area owned by a public authority (state, parish, etc.) over which another person is entitled to exercise rights of common, and these rights are generally exercisable in common with others.”⁵

The Commons throughout Europe

The Commons have been around as long as humans have kept livestock, with intensive privatization only taking over relatively recently in history. In old England and France there was a long tradition of private farms becoming common land once harvested. The public would use the fallow area for grazing, foraging and picking any leftovers. Though the Commons are now facing privatization, consolidation and grabbing, they still make up a large amount of European land. There are an estimated 1,580,561,200 hectares of common land in Europe. Out of these, an estimated 1,345,724,484 hectares are community-owned commons.

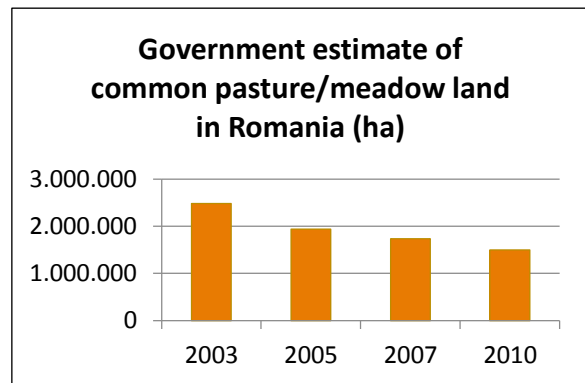


The Commons can be any resource that is publicly used and administrated, including ore, water, forests and land. These are often governed by mixture of overlapping laws, regulations and tenure rights. Commons have been an important resource for the community in every part of the world. For example, in parts of Africa and South America indigenous people are allowed to use areas set aside by the government for conservation. The arrangements are rarely ‘legal’ - though laws are not necessarily just - but more often a matter of tradition or custom: “if common property exists, it is not as a legal or geographical entity, but rather as sets of social relations.”⁶

In this paper, “the Commons” is used to mean only common pasture, or grazing land. Small farmers and peasants send their village’s sheep, goats or cows out to graze all together on these lands. Rather than individuals buying or leasing their own grazing land, groups contribute to the maintenance and financial needs of the Commons in exchange for access to the land for their animals.

The Commons in Romania

Exact data about the Commons is difficult to find in Romania, like in many other parts of the world. Romania's Land Cadaster includes less than half of the country's holdings and in some cases the Commons are not formally recognized. Official statistics from the European Commission show that in 2010 there were 2,651 pasture and meadow common land holdings that covered 1,497,764 hectares, which is 12% of Romania's Utilized Agricultural Area (UAA). As seen in the graph below the amount of land has been decreasing rapidly, with almost 100,000 hectares of common land lost in only seven years, from 2003-2010.



Source: Sutcliffe, Paulini, Jones, Marggraf, and Page. "Pastoral Commons Use in Romania and the Role of the Common

Non-governmental estimates state that there are 3.4 million hectares of common pastureland in Romania. Most villages in Romania have at least one common pasture, though some have more than one to accommodate different animal herds. In southern Transylvania there are about 3,000 hectares of communal pasture per municipality.⁷

There are three traditional types of common land associations in Romania - *composesorat*, *obste* and *izlaz* (Table 1). *Composesorat* and *obste* are private properties used by members, and are run by administrations made up of elected members. Membership in the *obste* can either be inherited or obtained simply through residence. It is mainly found in Wallachia and Moldavia. Meanwhile the *composesorat* can sometimes be used by non-members. The membership is usually inherited and it is mainly found in Transylvania and Northern Romania. The *izlaz* is the third type of common land association and can be found throughout Romania. It is a public property that can be used by any inhabitant of the municipality. It is either run by the local mayor or an elected pastoral committee.



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Table 1: Types of Commons in Romania

| Commons type ⁸ | Property rights | Use rights | Administration | Main distribution |
|---------------------------|---|---|--------------------------------------|-----------------------------------|
| <i>Composesorat</i> | Private property of the local community | Can be restricted to members (not always); membership usually inherited | Elected members | Transylvania and Northern Romania |
| <i>Obste</i> | Private property of the local community | Restricted to members; membership inherited, or through residence | Elected members | Regions of Wallachia and Moldavia |
| <i>Izlaz</i> | Public property of the local community | Any inhabitant of the municipality | Mayor and elected pastoral committee | Throughout Romania |

In addition to the *composesorat*, *obste* and *izlaz* there are other associations that are formed to serve the same function. For example, the CALVA Grazing Association in Sibiu held a 5-year lease for 940 hectares of grazing land that was the property of Seica Mare Town Hall (the commune). With funding from the EU, the Association's members were able to use the land for common grazing.⁹ Unfortunately, these associations are not formally documented and their numbers can only be guessed based on available information.

The Romanian Government's 2013 Statistical Yearbook shows agricultural holdings with legal status, that have both livestock and agricultural use area (pastures are considered part of agricultural area), in four types of holdings that might include Commons associations: agricultural companies/associations, units of public administration, cooperative units and autonomous bodies (though there is no definition of what these are exactly). The 329 holdings that fell into these categories in 2010 are most likely Commons associations that have leases or agreements for common grazing land, but there may be many more. As shown in table 2 the number of these common associations have seen a drastic change.

Table 2: Common associations 2007-2010

| Commons Associations ¹⁰ | 2007 | 2010 |
|-------------------------------------|------|------|
| Agricultural companies/associations | 185 | 138 |
| Units of public administration | 376 | 163 |
| Cooperative units | 10 | 4 |
| Autonomous bodies | 0 | 24 |

Why are the Commons so important in Romania?

Common grazing land is a matter of survival for many farming families and individuals in Romania. Having livestock is an important economic benefit because it brings greater income and stability. For example, a cow that might live for 20 years provides milk, cheese and yoghurt, which can be sold for income generation. If the cows stop producing milk it can always be sold for meat, another valuable source of income. Most importantly, without the Commons, smallholders would not be able to afford livestock. The average cow in Romania uses almost 6.5 hectares of pasture while the average farm in Romania is only 3.4 hectares¹¹ and one hectare of pasture is required for every 4-6 sheep,¹² making it essential for smallholders to access alternative grazing land. The Commons give smallholders access to vast amounts of grazing land without the pressure of individually purchasing or maintaining that land, which is an expense they cannot afford.

Larger farmers have other options available to them. Farmers with more animals tend to use private land either through long-term leases or outright purchases because more livestock means higher incomes. Such privatization is becoming more and more common. Small farmers find it difficult to achieve such a situation: individual lands require higher incomes, which can often only be attained through more livestock, which in turn requires more land. Thus, the Commons are a major economic resource and principal asset for smallholders.¹³

Government impact on the Commons

Government policy and bureaucracy plays an important role in access and function of the Commons. Under Communism there was very little private or common land, practically all land was state owned, administered and regulated. There were some communal grazing lands but those were overseen by local Town Halls, directors of the state and collective farms who strictly enforced maintenance and usage.

After the fall of Communism there was a void left by the state and the Commons were neglected. Economic troubles made the situation worse as more people were forced to move out of rural areas. Fewer people meant fewer animals, which in turn meant that common pastures were no longer salient: the costs of use and



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maintenance were greater than the financial benefits of livestock. The Commons that remained in use survived by charging taxes from the users, which motivated the users to take care of the land.¹⁴

After Romania joined the EU in 2007 many Town Halls applied for CAP funding to take care of the Commons instead of charging taxes. Yet the rampant government corruption meant the money typically wasn't being used for the Commons, so the Ministry of Agriculture tightened regulations for CAP funding applicants to stop Town Halls from receiving money. Due to these restrictions more individuals and associations began renting the Commons, forming grazing or farmer associations in order to get subsidies (that some continue to divide amongst members rather than use for the Commons). Market competition and payments from CAP made it beneficial for people outside of the communities to rent the Commons without actually using it, even forming shell associations to save on the costs of upkeep or improvements. Despite the Romanian Government's official encouragement of associations, there is no real administrative or organizational support.¹⁵ The government either cannot or simply does not monitor subsidy payments to ensure that they are being used correctly to help Commons associations.

The problem of land grabbing

The Commons are mostly being depleted because of land-grabbing privatization, and the overall commodification of land. The simple act of putting a price on land means that it can be bought, sold and limited. The push for private property, cash crops, productivity, efficiency and industrialization takes power away from communities so that they are no longer able to control their own resources. In the case of the Commons, Romanian land's increasing value makes it attractive to international agri-businesses that can use financial and political power to get their own interests put before local communities'. Common grazing land is especially vulnerable to land grabbing. Agribusinesses and investors are looking for large, uncultivated and connected areas. While grazing land is often considered 'unused' simply because it does not directly produce crops, this is entirely inaccurate since it is a necessary part of raising livestock. The Commons also limit the number of holders that the buyer must deal with (rather than 50 individual landowners the buyer only has to deal with a single group), and so limits complications that might arise.¹⁶

Governments and organizations can fuel grabbing of the Commons, particularly with claims of conservation and protecting biodiversity, an intrinsic benefit of the Commons. Terrestrial Protected Areas (TPAs) are an example of this, where areas rich in resources and biodiversity are declared 'protected' to preserve assets and keep resources within government (or other conservationist) hands. In 2012 the European Union had 432,478,200 ha of TPAs.¹⁷ However, 'protecting' an area almost always overrides customary rights and local tenure, either evicting local communities or restricting their previously open access to the area's resources.¹⁸ International organizations feed into this problem of Commons grabbing, too. For example, the World Bank called seas, water and forests the "global commons" which only serves to legitimize a new wave of enclosures in the name of conservation and protection.¹⁹

Land grabbing: the definition

According to the European Coordination Via Campesina (ECVC), *land grabbing is the control (whether through ownership, lease, concession, contracts, quotas, or general power) of larger than locally-typical amounts of land by any persons or entities (public or private, foreign or domestic) via any means ('legal' or 'illegal') for purposes of speculation, extraction, resource control or commodification at the expense of agro-ecology, land stewardship, food sovereignty and human rights.*

Eco Ruralis developed a comprehensive framework of land grabbing based on five factors:

SIZE - What amount of area equals land grabbing?

In general, big is bad. By their definition Commons are huge areas of land and so *any* privatization or consolidation is considered land grabbing.

PEOPLE - Who can be considered a land grabber?

Absolutely anyone can be a land grabber: individuals, groups or companies; public or private; governmental or non-governmental; domestic or foreign. The Commons are especially vulnerable to individuals, agribusinesses and conservationists.

CONTROL - How is the land controlled?

Land grabbing is about overall control by one party that denies other parties access. One of the most common ways that the Commons are being grabbed is by individuals who put the land in their name to simplify administration but limit or even deny access for others.

LEGALITY - Is land grabbing legal or illegal?

Land grabbing occurs both legally and illegally within current laws. Most land grabs are actually within national and local laws, regardless of whether or not they are just.

USAGE - How is the land used and for what purpose?

Land grabbers use land in harmful ways and for exclusive purposes. Grabbed Commons are typically used as conservation land, for livestock agribusinesses and as private pasture, at the expense of others.

None of the five factors can be used individually to define land grabbing, and this framework can be used in any country or area to define land grabbing.

What else is lost?

Losing common grazing lands is not limited to affecting smallholders. The Commons are home to extraordinary biodiversity because they are mostly untouched, except by livestock. One study found that a single village's meadows hosted 11 different plant communities, 12 species of plants listed as rare or vulnerable and 46 species of butterflies.²⁰ Privatization of the Commons increases unemployment, as it reduces the amount of livestock and thus the necessary care as well as the agricultural production, and therefore increases poverty and economic inequality.²¹ Grabbing the Commons means it becomes harder for smallholders to keep sheep; it means destroying herding jobs, decreasing cheese and milk production, and limiting wool production.

Grabbing the Commons for private uses destroys the benefits of land stewardship that come with such intense social cooperation and successful cooperative resource management. Since economic risks are distributed, a group in charge of the Commons

will make more careful, mutually beneficial decisions that are sustainable and non-destructive. Harmful land use changes are avoided because the involvement of more people makes it harder to make drastic changes or decisions.²² Finally, the Commons are an important part of Romanian peasant culture. It brings together communities for work and celebrations, intertwining local economies and lives. Neighbors join together to maintain the fields, fix fences and look after each other's livestock, building greater trust and care than in areas without any Commons to unite people.

United Nations Food and Agriculture Organization's guidelines protecting land rights:

The United Nations Food and Agriculture Organization's *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* contains numerous protective provisions that apply to the Commons.²³

Section 3.1.1 - States should respect legitimate tenure "whether formally recorded or not".

Section 5.1 - "States should provide and maintain policy, legal and organizational frameworks that promote responsible governance of tenure of land," one of the best examples of which is the Commons and their governing associations.

Section 8.2 - "Where States own or control land [...] the legitimate tenure rights of individuals and communities, including where applicable those with customary tenure systems, should be recognized, respected and protected".

Section 10.1 - States should respect, acknowledge and © Dr. Peter Lengyel

Section 10.5 - States should prevent corruption by "holding decision-makers accountable, and ensuring that impartial decisions are delivered promptly".

Section 11.2 - "States should take measures to prevent undesirable impacts on local communities [...] that may arise from [...] land speculation, land concentration and abuse of customary forms of tenure."

Section 11.8 - "Given the importance of small-scale producers for national food security and social stability, States should ensure that when facilitating market operations of tenure transactions, they protect the tenure rights of small-scale producers."

Section 12.6 - "States should provide safeguards to protect legitimate tenure rights, human rights, livelihoods, food security and the environment from risks that could arise from large-scale transactions in tenure rights."



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These guidelines clearly state the steps needed to be taken to safeguard the rights of the Commons. The state needs to understand the losses that are faced in terms of so many precious resources that make for a sustainable living and a prosperous country. Eco Ruralis supports and proposes the implementation of the UN guidelines to reinforce fair land governance and mitigate exploitative land deals.

Conclusion

Protecting Romania's Commons is essential for the survival of peasants, rural culture and food sovereignty. As David Tabachnick states, Common property "serves as a grass-roots check on the authority of elites, on their ability to expropriate local resources in single-minded directions that may be socially and ecologically harmful."²⁴ Without the power derived from the Commons, peasants will be unable to participate in government, raise livestock and access resources. The benefits of these lands extend from protecting biodiversity to limiting political corruption to encouraging social communities. The Commons are an immense resource and access to it must not be limited to agribusinesses, politically-connected individuals or wealthy elite.

¹ European Union, European Commission, Eurostat. (2015). *Agricultural Census 2010*. http://ec.europa.eu/eurostat/statistics-explained/index.php/Agricultural_census_2010_-_main_results

² Axelby, Richard. "'It Takes Two Hands to Clap': How Gaddi Shepherds in the Indian Himalayas Negotiate Access to Grazing." *Journal of Agrarian Change* 7.1 (2007): 38.

³ Federici, Silvia. "Women, Land Struggles, and the Reconstruction of the Commons." *The Journal of Labor and Society* 14 (2011): 41.

⁴ Wily, Liz Alden. *The Tragedy of Public Lands: The Fate of the Commons under Global Commercial Pressure*. Rep. International Land Coalition, Jan. 2011.

⁵ European Union, European Commission, Eurostat. (2015, August 11). *Agricultural Census in Romania*. http://ec.europa.eu/eurostat/statistics-explained/index.php/Agricultural_census_in_Romania

⁶ Axelby, Richard. "'It Takes Two Hands to Clap': How Gaddi Shepherds in the Indian Himalayas Negotiate Access to Grazing." *Journal of Agrarian Change* 7.1 (2007): 58.

⁷ Sutcliffe, Laura, Inge Paulini, Gwyn Jones, Rainer Marggraf, and Nathaniel Page. "Pastoral Commons Use in Romania and the Role of the Common Agricultural Policy." *International Journal of the Commons* 7.1 (2013). Igitur Publishing.

⁸ Ibid. 63.

⁹ Sutcliffe, Laura. "Past, Present and Future of Common Grazing Land in Romania." European Forum on Nature Conservation and Pastoralism, 2011.

<http://www.efncp.org/download/Sutcliffe_IASC_RO_commons.pdf>.

¹⁰ Romania. National Institute of Statistics. *Agricultura Si Silvicultura*. 2013. Page 451.

<<http://www.insse.ro/cms/en/content/romanian-statistical-yearbook-2013>>.

¹¹ Romania National Institute of Statistics. *Agriculture. The Total Number of Poultry Increased by 4.2% in 2015 Compared to the Previous Year. National Institute of Statistics*. 2016.

<http://www.insse.ro/cms/sites/default/files/com_presa/com_pdf/ef.animale_e2015.pdf>.

¹² Page, N., & Popa, R. (2013, October). *Family Farming in Romania* (Issue brief).

¹³ Wily, Liz Alden. *The Tragedy of Public Lands: The Fate of the Commons under Global Commercial Pressure*. Rep. International Land Coalition, Jan. 2011. 30.

¹⁴ Sutcliffe, Laura, Inge Paulini, Gwyn Jones, Rainer Marggraf, and Nathaniel Page. "Pastoral Commons Use in Romania and the Role of the Common Agricultural Policy." *International Journal of the Commons* 7.1 (2013): 64-65. Igitur Publishing.

¹⁵ Ibid. 65-66.

¹⁶ Wily, Liz Alden. *The Tragedy of Public Lands: The Fate of the Commons under Global Commercial Pressure*. Rep. International Land Coalition, Jan. 2011.

¹⁷ Romao, Carlos, and Johnny Reker. *Protected Areas in Europe - an Overview*. Rep. no. 1725-9177. European Environment Agency, 2012. Page 50.

¹⁸ There is one notable exception. The Amazon Basin has been set up in a way that local communities are not only allowed to continue using the area and resources, but also named as protectors themselves, though even this situation is not without loopholes.

¹⁹ Federici, Silvia. "Women, Land Struggles, and the Reconstruction of the Commons." *The Journal of Labor and Society* 14 (2011): 42.

²⁰ Huband, Sally, and David McCracken. "Understanding High Nature Value Agriculture in the Romanian Carpathians: A Case Study." *Mountain Hay Meadows*. 2011.

<http://www.mountainhaymeadows.eu/online_publication/08-understanding-high-nature-value-agriculture-in-the-romanian-carpathians-a-case-study.html>.

²¹ Tabachnick, David. "Two Models of Ownership: How Commons Has Co-Existed with Private Property." *American Journal of Economics and Sociology* 75.2 (2016): 495. *Wiley Online Library*.

²² Federici, Silvia. "Women, Land Struggles, and the Reconstruction of the Commons." *The Journal of Labor and Society* 14 (2011).; Axelby, Richard. "'It Takes Two Hands to Clap': How Gaddi Shepherds in the Indian Himalayas Negotiate Access to Grazing." *Journal of Agrarian Change* 7.1 (2007): 36.; Sutcliffe, Laura, Inge Paulini, Gwyn Jones, Rainer Marggraf, and Nathaniel Page. "Pastoral Commons Use in Romania and the Role of the Common Agricultural Policy." *International Journal of the Commons* 7.1 (2013). Igitur Publishing.

²³ Food and Agriculture Organisation. (2012). *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests* (Rep.). <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

²⁴ Tabachnick, David. "Two Models of Ownership: How Commons Has Co-Existed with Private Property." *American Journal of Economics and Sociology* 75.2 (2016): 532. *Wiley Online Library*.