

Land (Grab) Issues in Romania

To what extent do Romanian small-scale farmers face the challenge of land grabbing and how can they be protected against it?

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Executive Summary

Europe in general and Romania specifically has been increasingly a target of foreign and domestic investors. Due to its cheap land prices and agricultural policies supporting large-scale agricultural investments Romania has become a country with high risks concerning land grabbing. However, the academic debate on land grabbing is still focusing on non-European countries and misses out to include the issues European farmers are facing. Therefore, this research explores to what extent Romanian small-scale farmers face the challenge of land grabbing and to promote suitable methods to protect smallholders against it.

In order to assess the presence of land grabbing in Romania statistics on the agricultural sector in general and reports on large-scale land acquisitions particularly have been researched and evaluated in the context of quantitative as well as qualitative understandings of land grabbing. Besides, desk research with regards to academic literature on land grab issues and its consequences has been employed and additionally interviews with scholars and activists have been conducted. The views and thoughts obtained through the interviews complement the shortage of academic sources on land grabbing in the Romanian context.

Romania has a unique agricultural structure, polarised by the two extremes of smallholdings, building up three-quarter of all farms, and industrial agriculture, accumulating half of the arable land. The latter is heavily supported by the Romanian as well as European policies on agriculture and is continuously expanding. However, the transformation of a small-scale farming system into an industrial agriculture is problematic and often involves a shift of control, away from the rural communities to large-scale investors. The capturing of control over land, the associated resources and the respective decision-making processes by investors is the qualitative understanding of land grabbing. With regards to the quantity, large-scale land deals by foreign investors of about 50.000 ha have been reported in databases by non-governmental organisations like GRAIN and Land Matrix. The government declared in 2011 that transnational investors had obtained 700.000 ha and three years later newspaper announced that the share of land owned by foreigners has risen to 3 million ha. The quantitative approach characterises land grabbing as land deals exceeding 100 ha land, as it is disproportionate to the average farm size in Romania. If this measurement is employed, even 49% of the agricultural land could be involved in land grabbing. These figures are a clear indicator for the presence of land grabbing in Romania and give an idea of the significant extent of grabbed land.

The obstacles land grabbing imposes on small-scale farmers reach from economic and social insecurity and destabilisation due to less employment opportunities to environmental degradation as a result of fertilizers and polluting technologies. The negative impacts are covered by the short-term economic benefits that investors offer to small-scale farmers. Thus, a variety of reactions can be observed, reaching from rejection to enthusiasm. Consequently, demands for policies cannot be formulated based on generalised assumptions on smallholders opposing large-scale land transactions. Their role as stakeholders should be taken seriously and instead of deciding for them it should be the goal to (re-)empower small-scale farmers in the decision-making process of land use planning. As a method participatory land use planning (PLUP) is highly suitable since its purpose is to (re-)establish land sovereignty at the local level and to institutionalise participation of all stakeholders in the decision-making process. Suitable techniques within PLUP are zoning and landscape simulations as they introduce decision-making power and are appropriate for the democratic and legal frame in Romania. Other reactive methods like regulatory frameworks and alternative investment opportunities are valuable tools and enrich the discussion on counteracting land grabbing; however, they should not be leading the Romanian debate since the government does not hold businesses accountable concerning good governance nor does it open-up for alternative investment structures.

Hence, participatory land use planning should be promoted in the academic debate on reactions to land grabbing in the Romanian context. It is therefore useful to develop PLUP tools for the specific situation of Romanian rural communities and to promote its facilitation in the Romanian civil society. In order to evolve a sound basis on which tools can be evolved the empirical research on Romanian land issues needs to be further advanced and the issue of land grabbing acknowledged.

To conclude, increasing large-scale land acquisitions involving the power loss of small-scale farmers in the decision-making processes of land use are a serious issue in Romania. It demands for a reboot of the academic debate on land grabbing including a European perspective and a focus on how to re-assure the sovereign decision-making power of small-scale farmers over their land.

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Introduction

Background and Context to the Study

Land grabbing is a term currently extensively present in the media, often understood as large acquisitions or long-term leases of land from governmental instances or commercial businesses (Eco Ruralis, n.d., para. 1). As the value of land rose due to the recent food crises arable land has become a lucrative investment opportunity (Borras Jr., Hall, Scoones, White, & Wolford, 2011, p. 209). However, many case studies show that transferring agricultural land on a large-scale from local communities to corporate interests can threaten food sovereignty, the social and economic structure of the respective communities as well as the environment. The phenomenon can be witnessed all over the world, and is reported mainly with regards to Africa, Asia and Latin America. Yet, the recent report *Land concentration, land grabbing and people's struggles in Europe* by the Transnational Institute, European Coordination Via Campesina and the network Hands off the Land (2013) reveals that the issue is just as present in Europe and that European countries have increasingly become targets of land investors (pp. 6-10).

The non-governmental organisation (NGO) Eco Ruralis states “[t]hroughout the recent years, Romanian lands have become the playground of multinational investors” (Eco Ruralis, n.d., para. 10). Romania is a significant case study with regards to land grabbing in Europe. It accumulates the most land owned by foreign investors in the European Union (EU) (Bazavan, 2011, para. 2) due to its extremely cheap land prices and it has the highest amount of farm population within the EU (Luca, 2009, p. 15), and thus a considerable group of small-scale farmers affected by the land deals.

Despite the fact that Romania is one of the most interesting countries to look at with regards to land grabbing in Europe the academic debate lacks studies on this topic and includes little empirical research or data about land grabbing in Romania. As a result, this study aims to give an overview on land grab issues in Romania; its purpose is to advance the discussion on the scope of land grabbing and to suggest promising counteractions towards the challenges that small-scale farmers face. The central research question is: **To what extent do Romanian small-scale farmers face the challenge of land grabbing and how can they be protected against it?**

The research is guided by the following sub-questions:

- What are the specifics of the Romanian agriculture?
- To what extent are large-scale land deals conducted in Romania?
- How does land grabbing effect small-scale Romanian farmers?
- What are common approaches to counter land grabbing and how do they fit into the Romanian context?

The research gives special attention to small-scale farmers as they play a significant role in Romanian agriculture and face major changes and challenges. The predominant advantages of small-scale farming are firstly, that Romanian smallholders produce at least one-quarter of the food consumption and consequently stabilise the national food security. Secondly, the concept of small-scale farming is strongly associated with “rural vitality”, that is the provision of local employment and socio-economic stability in rural communities. And thirdly, smallholders maintain sustainable land use and the conservation of biodiversity while sustaining a low-carbon efficiency (Page & Popa, 2013, pp. 1-6). Page & Popa (2013) argue, “the large number of small-scale holdings is an important source of economic, cultural, social, and natural strength for Romania” (p. 1). Not only in Romania but also worldwide the contributions of small-scale farmers are widely recognised; 2014 has been proclaimed the *International Year of Family Farming* by the United Nations (UN), under the slogan “Family Farmers: Feeding the world, caring for the earth” (Food and Agriculture Organization of the United Nations [FAO], 2014).

The concept of small-scale farming diminishes as a result of increased industrial agriculture and is challenged by land grabbing. Due to the outlined benefits for the rural society it is of importance to include the views and needs of small-scale farmers into the discussion on land grabbing and to give special attention to the defence of small-scale farming in the Romanian context.

Methodology

The study combined two different research approaches: a quantitative research addressing the first part of the research question and a qualitative research designed to answer the second part. Quantitative research is defined by Gay as “the collection of numerical data in order to explain, predict and/or control phenomena of interest” (as cited in Hector, 2003) while qualitative research “is intended to deeply explore, understand and interpret social phenomena within its natural setting” (Provalis Research, n.d., para. 1).

In order to define to what extent land grabbing is present in Romania secondary statistics of agricultural investments have been researched, compared and analysed. Through desk research different reliable sources providing data on farming have been identified, main sources were Eurostats, NGOs like GRAIN and Land Matrix as well as various newspapers. Furthermore, based on a comparative desk research of academic sources the impact of large-scale land deals on small-scale farmers has been evaluated and the term land grabbing has been discussed. However, it needs to be highlighted that there is a lack of secondary sources, both in statistics and academic literature, addressing the specific situation of land grabbing in Romania. Thus, general data of Romanian agriculture has been consulted as well as literature on land grabbing in countries that are comparable to Romania to draw a conclusion concerning the extent of land grabbing in Romania.

The second part of the research has been conducted to go beyond the descriptive analysis of the dimension of land grabbing in Romania. It was designed to explore methods to approach land grabbing in Romania based on literature research of common methods protecting small-scale farmers in other regions. In order to find suitable measurements different methods have been compared and analysed with a focus on the specific characteristics of Romania that have emerged in the first part of the thesis. The qualitative research has been complemented by primary sources in form of interviews with experts on land (grab) issues in Romania and/or in Europe. The field research has been conducted in order to gather more information on the specific structure of land grabbing in Romania and Europe since most of the secondary sources are focused on land grabbing in Africa, Asia or South America.

Three interviews with experts have been conducted, two in personal meetings and one via e-mail. The rather small amount of interviews is based on the fact that only a very limited number of experts on land grabbing viewed themselves as qualified to discuss the issue also in the European context. The conducted interviews lasted 30 to 45 minutes. They were semi-structured and rather conversational in its nature. The advantages of

semi-structured interviews are that “they allow [...] [to explore] problems, the reasons why they occur, and possible solutions.” (World Health Organization, 2014, para. 2). For each interview five guiding questions have been formulated and sent as a frame to the interviewee. All questions were designed to explore definitions and views on land grabbing in the Romanian or European context and possible solutions to approach land grabbing; however, the questions differed according to the expertise of the interviewee. All interviews have been open dialogues with new and adjusted questions arising. The transcriptions of the interviews can be found in the appendices.

With regards to the conducted interviews ethical issues have been carefully considered. Every interviewee has been informed about the purpose and the frame of the thesis before the interview. In order to address all ethical considerations a consent form has been sent prior to the interview and has been discussed and signed directly before the interview. For safety reasons every interviewee has been asked before the interview if he or she agrees to have his or her name displayed in the transcriptions and in the thesis. All information given by the interviewees were treated with confidentiality.

The interviews have been used as expert opinions, which complemented the shortcoming of literature on land grab issues in Romania. They have been given equal value as the literature and both, primary and secondary sources together formed the second part of my thesis on which the analysis of suitable protection methods is based. On the contrary, the first part of my thesis solely employed desk research and the analysis of different statistics.

Initially the research proposal included case studies introducing profiles of small-scale farmers; addressing how they perceive large-scale land acquisitions and how they deal with them. However, it has not been realised due to scientific concerns. Since no generalities could have been derived from these case studies it might have influenced the objectivity of the research and would not have helped to identify the general land issues in Romania but rather would have turned the attention to individual cases.

To conclude, the study has been conducted based on different methods. Firstly, quantitative desk research has been conducted to describe the dimensions of large-scale land acquisitions and land grabbing. Secondly, the qualitative research method has been employed when gathering primary sources by interviewing experts, which complemented an extensive academic literature research. Diverse approaches have been chosen in order to address the different dimensions of the central research question.

Terminology

Land grabbing

In general, land grabbing can be understood as “(trans)national commercial land transactions” (Borras Jr. & Franco, 2010, p. 2). This research is based on a quantitative accessible approach and a qualitative definition embodying the core problem and the ideology implied in the term land grabbing. The quantitative approach is introduced by the Land Deal Politics Initiative (LDPI), which is describing land grabbing as “taking possession of and/or controlling a scale of land for commercial/industrial agricultural production which is disproportionate in size in comparison to the average land holding in the region” (Aubry, Graham, Künnemann, & Suárez, 2011, p. 2). The substance based approach is introduced by the Transnational Institute (TNI) (2013) which coins the term “control grabbing” (p. 3) and defines land grabbing as “using large-scale capital to capture control of physical resources as well the power to decide how and for what purposes they will be used” (Bouniol, 2013, p. 132). Both definitions are introduced and discussed in the second chapter.

Small-scale farmer

This research employed the characterisation, introduced by Gulati and Narayanan (2002), that a small-scale farmer is “a farmer (crop or livestock) practicing a mix of commercial and subsistence production or either, where the family provides the majority of labour and the farm provides the principal source of income” (p. 5). However, in order to be able to identify small-scale farmers more easily the size of owned land is used as a measurable criterion. A small-scale farmer in this research shall be defined as a person who “[operates] up to two hectares of cropland” (The World Bank, 2003, p. 6). Both terms, small-scale farmer and smallholder, are interchangeably used in this report.

Large-scale land acquisition

Large-scale land acquisitions or large-scale land deals (both terms are used in this study) refer to extensive land transactions. Land Matrix, a database for land deals, defines large-scale land acquisitions as transactions including at least 200 hectares (ha) land. However, in Romania farms accounting more than 100 ha are already being classified as industrial (Luca, 2009, p. 16). Hence, for the purpose of this research large-scale land acquisition refers to land transactions including at least 100 ha of land being “acquired by purchase, lease or concession for commercially-oriented use” (as cited in Verhoog, 2012, p. 15).

Chapter Overview

In the first chapter the agricultural development of Romania is outlined and statistics illustrating the agricultural sector are introduced. The following chapter discusses definitions of land grabbing and provides research results on large-scale land acquisitions in order to analyse to what extent land grabbing is happening in Romania. The third chapter follows-up on the question what impact large-scale land deals have on smallholders. Subsequently, it gives an overview on methods and tools commonly used to counter land grabbing and finally evaluates them in the Romanian context based on the findings introduced previously.

Romania's Agricultural Sector

Romania has a long history of farming and is viewed “a country of peasants” (Knight, 2010, p. 1). Due to the high amount of fertile land agriculture is one of the most important sectors in Romania; it constitutes the main income source for about 30% of the population (United Nations Economic Commission for Europe, 2011). With two-third of the country being defined as rural, and one-third of the population living in the rural areas, farming is an integral part of Romanian livelihood (Knight, 2010, p. 7). Romania has by far the highest share of farm population; five times higher than the European average (Luca, 2009, p. 15); while the average size of a farm is with 3.4 ha along the smallest in the EU. The agricultural land amounts to about 13.3 million ha operated by 3.9 million households (European Commission [EC], 2012, “Key indicators” section). All figures emphasise the considerable importance of agriculture in Romania. In order to understand the evolvement of the statistics and to enable a discussion on land grabbing in the Romanian context this chapter briefly outlines the Romanian agricultural development of the past decades and gives a detailed picture on the rural landscape today.

Development Towards a Polarised Agriculture

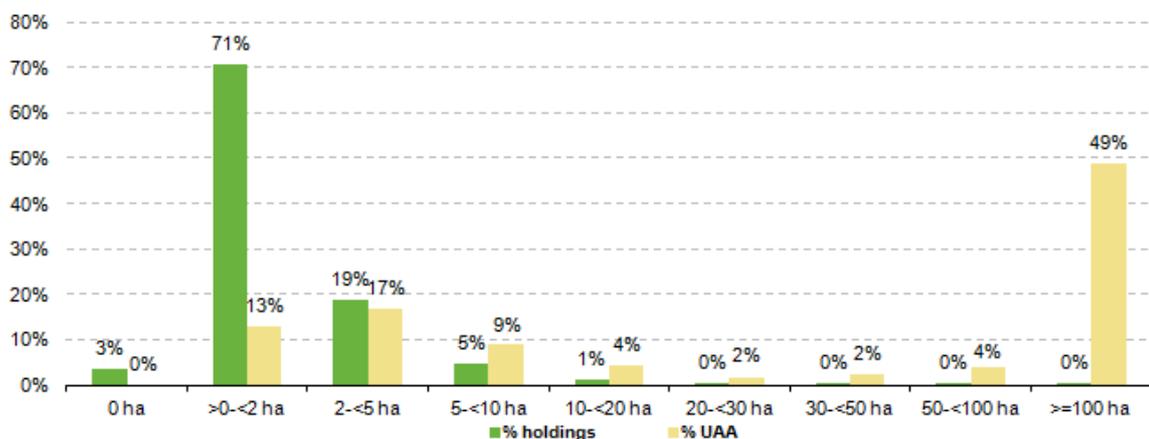
In the last 50 years agriculture in Romania has went through significant changes, which were highly connected to the political development. In the years 1948 – 1989 the communist regime dispossessed most of the farmers and obtained around 11 million ha farmland (Nöbauer, 2011, p. 28). 90% of the cultivated land was owned by the state and led as ‘state farms’ (*întreprinderi agricole de stat*) or ‘agricultural production cooperatives’ (*cooperative agricole de producție*). Only one-tenth remained under the control of individual farmers in mountain areas, where the appearance and character of the land prevented collectivisation (Page & Popa, 2013, p. 2).

In February 1991, after the Romanian revolution ended communism in 1989, a redistributive land reform has been introduced. According to the ‘Land Law’ (Law 18/1991) former landowners and members of the cooperatives got restitutions of 0.5 ha per individual or up to 10 ha per family (Camera Deputaților, 2000). Due to the redistribution of small parcels from the former cooperatives the land reform in Romania triggered a turn towards small-scale, subsistence farming and a rise of agricultural labour force. Knight (2010) describes that towards the end of communism in 1989, almost one-third of the Romanian population was employed in the agricultural sector. After the land reform in 1991 this number rose to 43% since citizens moved back from the city to the

rural areas, and fall back to 30% in 2008. Knight (2010) explains the latest drop-back by the advanced age of the rural population and new urban opportunities (pp. 6-7). Contrary to the subsistence farming new privatized large-scale farms developed out of the former state farms under the law 15/1990. First, the state owned the majority of the farms' capital and later mainly former high-ranking officials were able to purchase the industrial farms (Bouniol, 2013, p. 134).

Luca (2009) observes, "Romania has two agricultures, without any relation between them and with divergent objectives and requesting different policies" (p. 16). On the one hand, subsistence agriculture with about 2.9 million households on less than 2 million ha and on the other hand industrial agriculture¹ with about 9600 farms on more than 6.5 million ha (Luca, 2009, p. 16). Figure one below shows the clear division between smallholdings (up to 2 ha) and large industrial farms of more than 100 ha in Romania in 2010. The Romanian agriculture has continuously developed into a polarised agriculture. Also the World Bank (2010) acknowledges "Romania's bipolar farm structure is among the most pronounced challenges facing the sector" (p. 4).

Figure 1 (European Commission, 2012, figure 1)



The most recent agricultural census, the Farm Structure Survey conducted by the European Commission (2012), draws a clear picture on Romanian agriculture that shows:

- 74.3% of all holdings accumulate less than 2 ha on about 13% of the country's agricultural land
- The average farm size is 3.4 ha

¹ Luca classifies households as subsistence agriculture if they accumulate less than 2 ha and as industrial if they account more than 100 ha (Luca, 2009, p. 16).

- Farms with at least 100 ha represent only 0.25% of all Romanian farms but cultivate 49% of the land
- The highest share of the products are grains, more than 50% of the arable land is solely used to cultivate cereals
- More than 7 million people work in the agricultural sector

The polarised Romanian agriculture is not only challenging within Romania but also problematic with regards to the standardised Common Agricultural Policy (CAP) of the EU, which supports mainly large-scale farms. In Romania smallholdings below 1 ha do not get any subsidies. Thus, “2.6 millions subsistence households are not eligible for funds” (Luca, 2009, p. 20), while the top 1% of the industrial farms receive 50% of the subsidies (Transnational Institute [TNI], 2014). This displays not only the inequality of the CAP but also the heavy support of industrial agriculture by the Romanian government, which had the possibility to set the minimum for subsidies at 0.3 ha instead of 1 ha and which blocked the idea of a maximum size of farms regarding financial support. The ideology behind the decision is that “only large farms can be efficient and must be sustained” (Luca, 2009, pp. 20-25). It can be concluded that this structure is an incentive regarding large-scale land deals in Romania since it promotes the accumulation of land in order to get the highest share of the subsidies.

In conclusion, the communist land expropriation as well as the land restitutions in the 1990s lead to a unique agrarian structure. Romania faces a fragmented and polarised agriculture; on the one end small-scale farmers with less than a hectare and on the other end huge industrial operators counting more than tens of thousands of hectares. Both the Romanian and the European agricultural policies support extensively large-scale farms and the development of industrial agriculture. The following chapter introduces the term land grabbing and examines it in the Romanian context based on the information of the agricultural sector outlined above.

The Scope of Land Grabbing in Romania

This chapter discusses approaches to land grabbing, how to understand the term and how it can be defined in the Romanian context. In order to be able to assess the quantity to which land grabbing happens the amount of large-scale land acquisitions of Romanian farmland has been researched and outlined in this chapter. It concludes with an assessment to what extent land is grabbed in Romania.

The Phenomena of Land Grabbing

The term land grabbing is a concept that is increasingly used and which can be found in numerous headlines; however, there are many diverse definitions of the concept. Borras, et al. (2011) formulated a widely spread but rather vague definition describing land grabbing as “large-scale land acquisitions, i.e. the buying or leasing of large pieces of land in developing countries by domestic and transnational companies, governments and individuals” (as cited in Baumann, 2013, p. 3) and the Land Deal Politics Initiative (LDPI) defines as land grabbing all “disproportionate” acquisitions of farmland (Aubry, Graham, Künnemann, & Suárez, 2011, p. 2).

Sylvia Kay (2014), researcher at TNI, defines two different understandings of land grabbing: a “process-oriented approach” and a “substance based approach” (personal interview, May 2, 2014). The process-oriented approach uses various indicators in order to classify a land deal as land grabbing. For example the criteria used by Oxfam (2011) are violation of human rights, ignorance of free, prior and informed consent of the communities, social, economic and environmental damages, no transparent contracts, and avoidance of democratic participation (p. 2). Kay (2014) argues that this approach does not get to the substance of the land deal:

Land grabbing can be perfectly legal, it can be completely transparent, it can conform to various indicators but it can still represent a negative transfer of power, away from rural communities towards more powerful investors. (Personal interview, May 2, 2014)

Thus, TNI (2013) defines land grabbing as essentially “control grabbing” (p. 3). The term control grabbing proposes to focus on the “capturing of power to control land and other associated resources” (TNI, 2013, p. 3). Hence, land grabbing takes place where rural communities lose the decision-making power over the use and benefits of the land.

The substance based approach gets to the core of the problem generated by land grabbing. Certainly, the criteria introduced by process-oriented activists are important indicators and helpful tools to address and counter land grabbing; however, they do not get to the centre of the problem, the power loss of local citizens with regards to the use of land and resources in their communities. Bouniol (2013) describes that Romanian landowners are not (illegally) forced to leave their land but this fact does not milder the aggressiveness of land deals and the loss of power and ability to a sovereign development (pp. 132-148). In the Romanian context it is important to acknowledge the legal frame in which land transactions happen but to emphasise the problems arising from it for the rural communities. Therefore, this research is based on the idea that land grabbing refers to “using large-scale capital to capture control of physical resources as well the power to decide how and for what purposes they will be used” (Bouniol, 2013, p. 132).

This approach to land grabbing gets to the core of the problem; however, it is very difficult to measure the quantity of land grabbing based on it. Thus, the study looks at the tool used to grab land: massive investments in land. Kay (2014) argues that not every large-scale land deal is land grabbing (personal interview), but land grabbing has always a large-scale land deal as its basis. It involves a high amount of capital that is used in order to gather land and affiliated resources and to accumulate the decision-making power over it. Since there is a shortcoming of verified empirical data on land grabbing the next chapter explores different statistics of large-scale farmland acquisitions that have been created during the past years and which are aiming at quantifying the issue of land grabbing in Romania.

Large-Scale Land Deals in Romania

Due to the food crises in 2007/2008 and the increasing value of land, the amount of large-scale land deals has continuously grown in the last years (Borras Jr., Hall, Scoones, White, & Wolford, 2011, p. 209). Agricultural investments caused a heated debate on rural development and triggered many studies on policies, either towards the attraction of land deals or concerned with the prevention of those. Not only NGOs like the Food First Information and Action Network (FIAN), TNI or Oxfam but also high-profile institutions like the World Bank and the UN are researching extensively on this topic.

With regards to Romania different organisations have started monitoring large-scale land deals, among them The Land Matrix project and GRAIN. The former defines land deals

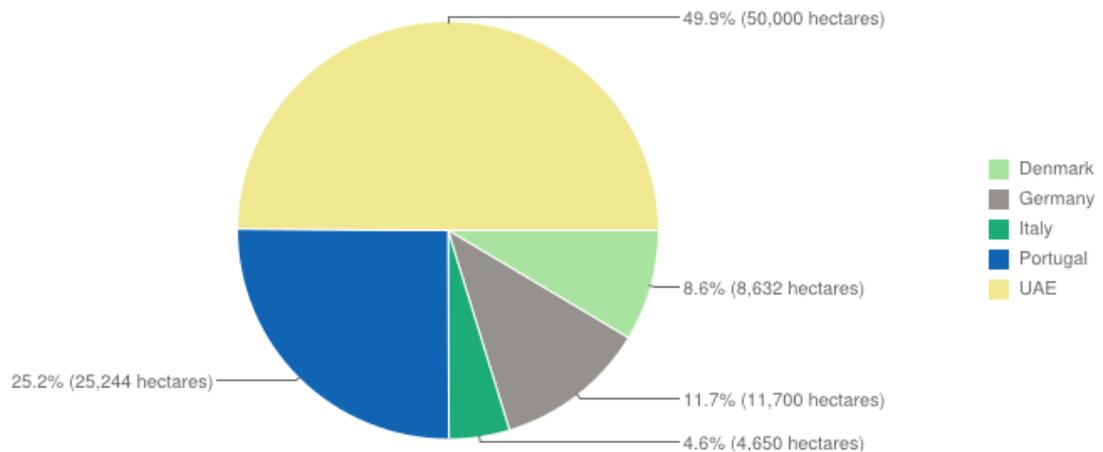
not only as investments into agricultural production but includes also land purchases or leases with purposes like timber extraction or renewable energy production as long as they include at least 200 ha. The organisation also considers the aspect that the land has been turned from no or small-scale production to “commercial use” (Land Matrix, 2014, “What is a land deal?” section) like large-scale export of agricultural products. On the contrary, GRAIN (2012) reported only land deals that have been concluded for the purpose of food crops production (para. 3). Besides, the specific amount of land is not part of the definition; it only says that land deals “involve large areas of land” (GRAIN, 2012, para. 3).

Land Matrix (2014) lists four concluded deals of almost 40.000 ha in total and one deal in process that has the intention to accumulate 100.000 ha (“by target country - Romania” section). GRAIN (2012) provides information on five completed land purchases with a total amount of more than 50.000 ha. It also lists a project that is not yet concluded but intends a 50.000 ha deal (pp. 41-42). The Romanian newspaper Adevarul listed in 2012 ten large-scale land deals of 137.676 ha (as cited in Dorondel, n.d., p. 4).

Yet, Valeriu Tabara, former Romanian Agriculture Minister announced in 2011 a notably larger number than recorded in the lists of the NGOs. Tabara stated that foreign investors purchased 709.000 ha of agricultural land (Bazavan, 2011; Bouniol, 2013), which has been 6.5% of the agricultural land in 2011 (Bouniol, 2013, p. 132). Bouniol (2013) believes that these figures are still an understatement due to “the diversity of capital and investment schemes” (p. 132). Moreover, newspapers have reported in the beginning of 2014 that 1 million ha of agricultural land have been bought by foreign investors and 2 million ha have been leased in the last decade (Mihu, 2014; Dale-Harris, 2014). And the Business Review declares, “Romania is the European country with the largest share of national farmland owned by foreigners” (Bazavan, 2011).

All figures above deal exclusively with foreign investments. The chart below illustrates a breakdown of land deals reported by GRAIN by the nationality of the investors. The biggest share has an investor situated in the United Arab Emirates². Besides, Portuguese, German and Danish companies have conducted land deals in Romania. Despite the fact that GRAIN only monitored land deals with food crops production the sectors of the investors include agribusiness, finance, and real estate (circle of blue, 2014, “Romania” section).

² At the time of publication of the data the deal was still in process and not yet concluded.

Figure 2 (circle of blue, 2014, “Romania” section)

However, a report from TNI shows that land deals in large-scale dimensions are also happening with domestic stakeholders. One case study illustrates that the Romanian company *SC Transavia Grup SRL* has an agricultural monopoly in Cluj district where it works 12.000 ha of crop production. Most of the products are designated for the Romanian market but the company actively expands to the European as well as Saudi Arabian markets for export (Bouniol, 2013, pp. 137-139). The report describes the consequences of this land deal in the same manner as those of large-scale land acquisitions by foreign investors, namely environmentally harmful and disadvantaging the rural community socio-economically (Bouniol, 2013, p. 139).

Domestic large-scale land acquisitions are not gathered and presented in publicly available statistics. Nevertheless, based on the European statistics it can be assumed that about 9600 farms are involved in large-scale land transactions since they belong to the group of farms accumulating more than 100 ha and are classified as industrial (Luca, 2009, p. 16). However, it should be emphasised that this number is not up-to-date and only involves land, which is used for agribusiness and does not include other types of land deals. Moreover, Mamonova and Visser (2011) assume in a research on Russia and Ukraine that the accumulation of land is “a highly sensitive issue” (p. 9) and that due to corruption and semi-legal deals many large-scale land deals are not reported completely (Mamonova & Visser, 2011, p. 9). This is likely to be applicable to Romania as well and it can be assumed that the shortcoming of public statistics is a deliberate decision by the government due to its quite similar post-communist structure. Besides, the statistics should be assessed through the lenses of politics as “[n]umbers are not objective depictions of reality but implicitly involve political judgments about how phenomena

should be measured and results interpreted” (Borras Jr., Margulis, & McKeon, 2013, p. 16).

Despite the vague and differing numbers, it can be assumed that large-scale land acquisitions are steadily growing. Up until 2014 foreign investors had to create and register a Romanian company in order to obtain land since the accession negotiations concluded that foreign investors could not purchase agricultural land for a transitional time of seven years (EC, 2005, p. 6) The purpose was mainly to protect the Eastern European market from the more developed Western European market after the EU accession. However, Scozs states that foreign companies could easily register a Romanian subsidiary and that “it’s just a technical step” (A. Scozs, personal interview, April 16, 2014). As of January 2014 all European investors have the permission to purchase Romanian land directly. Many experts presume a significant increase of land deals in the coming year (Dale-Harris, 2014; Mihiu, 2014; Szocs, 2014).

These trends are heavily supported by the national Romanian government, which is in favour of large-scale industrial agriculture and aims to attract foreign as well as domestic investors to acquire land (Bouniol, 2013; Luca, 2009). Additionally, investors take advantage of the polarised structure. They acquire land from small-scale farmers with very small land parcels and in this manner are able to buy land of an entire village since no ‘middle-sized’ farms are occupying land in a systematic way and smallholders are easier to persuade to sell or lease their land (Bouniol, 2013, p. 135).

The overview of large-scale land deals presents that up to 3 million ha are involved in land transactions with foreign investors. Land deals with a total of about 40.000 to 50.000 ha have been reported with detailed information by NGOs, the government gave information about foreign investments involving 700.000 ha (about 6.5% of the cultivated land in Romania) and newspapers estimated the number to be 3 million ha in 2014. However, it has been suggested that domestic land deals should be included and evaluated in the same manner and thus, the numbers can be assumed to be much higher and certainly to be increasing. These estimates may be vague and varying a lot; however, what they illustrate is that large-scale transactions of farmland are present in a significant scope. It leads to the question how the data can be linked back to the definition of land grabbing. The next chapter examines the presence of land grabbing by analysing the data based on a quantitative approach to land grabbing.

The Extent of Grabbed Land in Romania

The LDPI offers a quantitative approach to land grabbing by describing it as “taking possession of and/or controlling a scale of land for commercial/industrial agricultural production which is disproportionate in size in comparison to the average land holding in the region” (Aubry, Graham, Künnemann, & Suárez, 2011, p. 2). This definition includes domestic and foreign land transactions and it takes into account the European phenomenon of land concentration, the “concentration of land under ever larger holdings controlled by fewer hands” (Borras Jr. & Franco, 2013), which can be observed with the growing number of large-scale industrial farms in Romania.

The average Romanian farm accumulates only 3.4 ha land and 2.6 million households accumulate even below 1 ha. Consequently, according to LDPI’s approach, land grabbing in Romania could include land transactions above for instance dozen hectares since this amount can already be seen as disproportionate to the average land holding. Compared to the data researched by Deininger, et. al (2011) on behalf of the World Bank, which determines the average of land transactions at 40.000 ha (p. 51), this definition seems to take into account rather small land transactions when applied to Romania. However, the statistics of the first chapter demonstrate that only 0,25% of the holdings account more than 100 ha and that farms of at least 100 ha are being classified as industrial in Romania. This can be assessed as highly disproportionate to the average size and thus, according to the LDPI be characterised as land grabbing. When applying this concept 49% (cf. Figure 1, Chapter 1) of the land could be identified as grabbed land. The farms of more than 100 ha own together more than 6.5 million ha of Romania’s agricultural land.

According to Kay (2014) the scale of a land deal is not necessarily an indicator for land grabbing (personal interview). It cannot be assumed that all industrial farms take away the control of the (former) landowners and thus be classified as land grabbing. There might be very well farms that involve the local community in the decision-making procedures. However, the likeliness of capturing control and taking control away from the rural communities rises with the amount of land involved in the transactions since the interests of investors are diametric to the rural community and the risks of monopole positions are high. The high amount of large-scale land deals shows the general presence of land grabbing in Romania. The cases studies by Bouniol (2013) and by Eco Ruralis (A. Szocs, personal interview, April 16, 2014) support the assumption that most of the land deals can also be identified as control grabs due to their ignorance towards the rural communities. Bouniol (2013) even compares the land deals with “a velvet glove disguising the aggressiveness of the iron fist driving the phenomenon” (p.132).

To conclude, Romanian small-scale farmers are facing land grabbing even though it cannot be exactly determined to what extent. The estimations of large-scale land acquisitions include a range of 40.000 to 3 million ha or about 0.35% to 25% of the cultivated land but scholars believe that it could be significantly higher due to the lack of official public statistics. If applying the quantitative approach of the LDPI about 49% or 6.5 million ha are defined as land being grabbed. However, with these statistics it should be kept in mind that the core problem of land grabbing are not the transactions itself but the capturing and accumulating of control over the resources and the exclusion of the decision-making process of the rural communities. Thus, the large-scale land deals can be seen as an indicator for land grabbing but not as a definite answer to the question to what extent small-scale farmers are affected by land grabbing. The following chapter explores the impact of large-scale land acquisitions, which can be assumed to be often land grabbing, on subsistence farmers in Romania in order to draw a conclusion on the need for action in Romania.

Protection of Small-Scale Farmers against Land Grabbing

The following chapter discusses the large-scale land deals in relation to small-scale farmers in Romania. It firstly addresses the question how the rural communities are affected by the growing amount of large-scale land acquisitions. Subsequently, the chapter illustrates common methods on different levels to respond to land transactions and land grabbing and concludes with an assessment of these methods with a focus on the specific situation of Romanian smallholders and rural communities.

Impact of Large-Scale Land Deals on Small-Scale Farmers

In the report *Rising Global Interest in Farm Land* the World Bank addresses the question if land deals on a large-scale can be beneficiary to small-scale farmers. The report assumes that investors bring certain assets to the local community, namely capital, technology and markets. It suggests that investors and smallholders can mutually benefit of large-scale land deals when they enter “advantageous partnerships” (Deininger, et al., 2011, p. 34). These partnerships are for example contract farming or leasing of land with beneficial rental fees. However, Deininger, et al. (2011) acknowledge that well-defined rights, competitive land markets and accessible information are fundamental requirements for land deals to be also beneficial for small-scale farmers. Another positive aspect introduced in the report is the employment potential of agricultural investments depending on the sort of crops that is cultivated (p. 34-48).

However, the two aspects highlighted by the World Bank, partnership and employment, do not successfully benefit small-scale farmers in Romania. Partnerships are rarely mutually advantageous due to the lack of prior information of smallholders and uninformed choices (Bouniol, 2013, p. 133). With regards to employment the industrial agriculture does not increase job opportunities since a high share are grains, more than 50% of the arable land is solely used to cultivate cereals (EC, 2012, table 4), which provides in an industrial farm only 10 jobs per 1.000 ha (Deininger, et al., 2011, p. 39).

Large-scale agricultural investors do provide the assets capital, technology and markets but it can be observed in several case studies that the effects do not reach the smallholders who sell or lease their land (Borras & Franco, 2010; Bouniol, 2013; Oxfam, 2011). Oxfam (2011) argues that “in the current rush for land, the assets of small-scale producers are often ignored and their rights and interests violated” (p. 12).

Instead, land deals involve many risks. The International Food Policy Research Institute identifies several risks that are likely to be implied when large-scale land acquisitions take place: the failure to keep promises concerning employment and compensation, lack of prior information and consent of the communities, potential of violent conflicts, loss of food security and environmental damages (as cited in Borras Jr. & Franco, 2010, p. 513).

In the TNI report *Land concentration, land grabbing and people's struggles in Europe* Judith Bouniol (2013) portrays the effects of large-scale land deals on rural communities specific to Romania:

These 'investments' do not benefit the local inhabitants. Large-scale land deals are not a form of investment that meets the needs of today's rural population in Romania: on the contrary, land grabs are environmentally, economically and socially destructive. (p. 147)

Bouniol (2013) highlights three main aspects. Firstly, the environmental degradation caused by large monocultures decreasing biodiversity and by fertilizer, chemical or non-chemical, which pollute the ground water. The second argument is the economic factor; the value of land is sharply increasing due to a high demand and speculations while the prices of agricultural products are continuously declining because of subsidies of large-scale agriculture and the advantages of mass production. Besides, the new industrial agricultural farms usually do not generate job opportunities on a large scale; in Romania subsistence farming creates more jobs than industrial agriculture. Finally, the social aspect includes the rural depopulation, which is amplified by large-scale land acquisitions. Pastoral activities like tending sheep are disabled as a result of transactions of communal land. (pp. 147-148)

All factors combined illustrate a picture that clearly demonstrates the power loss of small-scale farmers in Romania. Large-scale land deals often imply that rural communities loose control and decision-making power over land as well as associated resources and according to Luca (2009) they loose they safety nets, which are based on subsistence agriculture (p. 23). The power loss is often a permanent one since small-scale farmers face high difficulties to cancel a contract once it has been signed (Bouniol, 2013, pp. 138-139). If these consequences can be observed and rural citizens loose control over their land as a result of a large-scale land deal, then it can be classified as land grabbing.

At the same time it needs to be acknowledged, "in the short term, [...] it meets the needs of the present inhabitants of these [Romanian] municipalities" (Bouniol, 2013, p. 138). Mamonova (2013) challenges the assumptions generally made on small-scale farmers

resistant reactions to large-scale land deals and land grabbing in Ukraine. She discovers that responses on land deals not only include opposition but also “enthusiasm” (Mamonova, 2013, p. 1). She argues that responses and adaptive strategies depend on the extent of inclusion in large-scale land acquisitions and that generally “peasants are more concerned with personal gains from land grabs” (Mamonova, 2013, p. 1) rather than with shared benefits for the community. And she warns “[t]he romanticizing of peasants’ motives in land grab resistance might bring us to the wrong conclusions, and, consequently, to the development of wrong policies and programmes for the protection of peasants’ rights” (Mamonova, 2013, p. 5). Bouniol (2013) supports this statement in the Romanian context and states that often elderly and vulnerable citizens are “generally enthusiastic when massive investments arrive” (p. 132). Reasons could be insufficient pensions of aged rural citizens, rural depopulation of the young generation, tempting offers with regards to the short-term outcomes and misinformation on land values.

To conclude, large-scale land deals have negative effects on the environment, the economy and the social structure of rural communities in Romania and they are often accompanied by the withdrawal of decision-making power over land use from the smallholders. However, it cannot be assumed that small-scale farmers are generally opposing land deals. It leads to the question how to react on the negative impact land grabbing has on rural communities without ignoring their needs and desires. The following chapter outlines common methods to counter land grabbing and consequently, evaluates them with regards to the Romanian farming culture.

Common Methods to Counteract Land Grabbing

A variety of methods to counter land grabbing and to respond to the risks involved in large-scale land deals have been evolved. This chapter introduces three categories of reactions to land grabbing: firstly, regulatory frameworks including guidelines on the political as well as on the corporate level; secondly, positive investment alternatives as opponents to large-scale land deals; and thirdly, education and involvement of the local communities concerned by land grabs.

Regulatory frameworks

Regulatory frameworks have the purpose to manage and steer land investments and to facilitate good governance in order to transform land grabbing into agricultural investments, which are beneficial to or at least not harm the rural communities where the investment takes place. The regulations are usually voluntary guidelines in form of

principles or code of conducts incorporated by governments as well as enterprises (TNI, 2013, p. 21).

A prominent example of regulatory framework is the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests* (Tenure Guidelines) introduced by the Food and Agriculture Organization of the United Nations (FAO) and the multi-stakeholder Committee on World Food Security (CFS) in 2012. The ambition of the Tenure Guidelines is to ensure food security and to support social and economic development as well as environmental sustainability. The guidelines introduce an agreement of principles regarding the governance of tenure, which can be used as a reference tool for governmental, private and civil society actors (Food and Agriculture Organization of the United Nations [FAO], 2012, p. 2). The founding principles are based on the recognition, promotion and establishment of tenure rights and go along with implementation tools like rule of law, transparency and consultation (FAO, 2012, p. 6).

A second representative for regulatory framework is the *Principles for responsible agricultural investment that respects rights, livelihoods and resources* (PRAI), which have been formulated by the World Bank, UNCTAD, FAO and IFAD. The seven principles include recognition and respect of land rights, acknowledgement of food security, transparency, consultation of landowners, and social and environmental sustainability (United Nations Conference on Trade and Development, 2013). Both examples, the Tenure Guidelines and the PRAI, are voluntary guidelines, which have been developed in order to be used by different stakeholders. The purpose is to minimise the risk of potential negative social and environmental impact on the local communities or even to transform the large-scale land acquisitions into opportunities and win-win situations (TNI, 2013, p. 21). In general, the minimum of regulatory framework is the principle of free, prior and informed consent (FPIC). It is a transparency tool that gives local communities the opportunity to understand a land deal, to accept or reject it, and to hold investors responsible (TNI, 2013, p. 22).

Positive investment alternatives

Positive investment alternatives have increasingly been discussed amongst scholars. Experts of the CFS advise, “governments should prioritize investment in the small farm sector and in alternative food systems that are socially inclusive and just as well as environmentally sustainable, using agro-ecological principles” (High Level Panel of Experts, 2011, p. 43). Also TNI (2013) identifies governmental investments and investments by smallholders themselves as the two approaches essential to counter land grabbing successfully (pp. 25-26). It advocates consequently for a “state-society

interactive approach” which generates “synergies between public investments and the investments made by small-scale food producers” (Kay, 2014, p. 4)

One established model of alternative investment is community-supported agriculture (CSA), based on grassroots initiatives by smallholders. This dominantly European system triggers a local food market based on a long-term commitment between farmers and consumers. Customers get regional and mostly organic food and in return commit to support the farmer for at least a season (Kay, 2012, pp. 18-19).

The public investments introduced by Kay (2014) include a variety of concepts and reach from reforming agricultural development banks, over fundamental rural social services and infrastructure, to an advanced agricultural research. The paper promotes to bring back a strong state investing in agriculture and supporting small-scale farming in order to counter land grabbing.

Participatory land use planning

Participatory land use planning (PLUP) is a form of counteraction to land grabbing that involves less the political and commercial dimension but rather takes into account the local level. Borras and Franco (2012) coined the term ‘land sovereignty’, which implies the human right to land. “[L]and sovereignty is the right of working peoples to have effective access to, use of, and control over land and the benefits of its use and occupation, where land is understood as resources, territory, and landscape” (p. 6). Land sovereignty proposes a peoples’ enclosure strategy to react on land grabbing (Borras Jr. & Franco, 2012, p. 9).

PLUP approaches land grabbing based on the idea to reassure land sovereignty in rural communities. It has been increasingly used as a method to involve rural communities into the decision-making process of the land use and structure in their area. PLUP proposes to involve all stakeholders in the planning process and aims to build-up a synergy between citizens of the respective community and the local authorities. PLUP enables stakeholders to communicate their rights and ideas and “to make informed choices about developments in their own area” (Both ENDS, n.d., p. 1) based on evolved bargaining skills.

Two sample tools of PLUP are community mapping and landscape simulations. Community mapping refers to a cartographic map as a tool for rural communities in order to document customary borders and land use. It enables communities to present their view on (traditional) land ownership and to base their land claims on a documented map where official maps so far have not included customary land use (Both ENDS, 2013, p.

78). Furthermore, landscape simulations and role-plays are used to “improve land use planning practices and increase the ownership of local people in the planning process” (Bourgoin & Castella, 2011). It gives the possibility to the participants to discover various land use scenarios and to explore the economic, social and environmental consequences of them. In general, external experts facilitate such tools, but with the goal to establish a following self-sustaining participatory planning process.

In brief, approaches and reactions to the phenomena of land grabbing are centred on different ideologies and focus on several actors and dimensions involved in land grabbing. Regulatory frameworks aim to change the governance of land deals on a global level and to transform land acquisitions into opportunities of local communities. Investment alternatives aim to prevent land transactions for industrial purpose by bringing back the state and smallholders as investors. On the contrary, PLUP is designed to engage local communities and to empower them in the decision-making processes of land deals. All three approaches are discussed in the following chapter by comparing them to the specifics of the Romanian agriculture, focusing on the situation of small-scale farmers.

Assessment of Counteracting Methods in the Context of Romania

In order to assess the introduced methods to approach land grabbing in the Romanian context this chapter briefly recaps the scope of land grabbing in Romania, then evaluates the three approaches, regulations, alternative investments, and participatory land use planning, and concludes with a suggestion of a method suitable to respond on land grabbing in Romania.

The research has illustrated that Romania has an increasing number of large-scale land deals and that smallholders do face the challenges of land grabbing. However, the frame is a legal one and the national government heavily supports land transactions on a large scale. It is also noticeable that concerned landowners are to some extent in favour of investors buying or leasing their land due to economic circumstances. Yet, the negative impact of land deals previously outlined lead to the assumption that smallholders are making uninformed decisions to their disadvantages.

Firstly, regulatory frameworks in general, and the Tenure Guidelines especially, have been evaluated as a potentially useful tool to held investors accountable and to impose the principle of free, prior and informed consent (Guffens & Kroff, 2012, pp. 4-7). However, Kay (2014) acknowledges that the Tenure Guidelines are highly dependent on their interpretation and are also being understood in ways that TNI would argue as wrong

(personal interview, May 2, 2014). Besides, Borrás and Franco (2010) describe the concept of regulations only as a “worthy idea” in theory but not in practice (p. 510). Kay (2014) argues that consent, which includes the right to refuse an investment project, is transformed into consultation in many policy processes. As soon as rural communities are “disempowered or marginalised politically and economically [...] the whole concept of FPIC becomes an empty concept” (personal interview, May 2, 2014). Therefore, Kay (2014) proposes to focus on the empowerment of rural communities and to reboot the debate on agricultural investments (personal interview, May 2, 2014). At the core of regulatory frameworks are politics and businesses that are willing to incorporate the guidelines and to interpret them in a way that is beneficiary to the rural communities. In the specific Romanian situation regulatory frameworks are insufficient due to the political and economic culture. The government focuses solely on the beneficial structure for large domestic and transnational corporations and investors. Therefore, companies are not pressured to act accordingly to the implementation principles of voluntary guidelines and even if they do commit themselves to codes of conducts they are not hindered to interpret them in a way that is most beneficial to the corporation instead of the local communities.

Secondly, investment alternatives promoting public investment and those by small-scale farmers do take into account the boundaries to facilitate large-scale land deals according to good governance principles and hence, advocate for an alternative system. Scholars assess alternative investment structures as a more “comprehensive human rights-based framework [with] fundamental differences with the more corporate-controlled and profit-driven CoC [Code of Conduct] framework” (Borrás Jr. & Franco, 2010, p. 522). However, in Romania the discussion lacks the support of the government and the knowledge of small-scale farmers as well as the structure for local investments to realise “positive investment”. It is a constructive debate that needs to be brought to a global political level as well as to the public but it cannot be seen as the core approach to react on land grabbing in Romania.

“Effective accountability would rather start by addressing challenges of democratising the decision-making around rural development issues before projects hit the ground” (TNI, 2013, p. 24). The third approach, participatory land use planning, can be viewed as a democratising tool. It aims to empower rural citizens and to generate not only an understanding of the consequences of different decisions but also confidence towards decision-making regarding land issues (Bourgoin & Castella, 2011, pp. 86-87). Looking at the introduced definition of land grabbing and its core problem, the capturing of control by investors, empowerment of rural communities and capacity building towards decision-

making power are the methods successfully reaching the core. The ideal would be not only the involvement of local stakeholders but also their land sovereignty. Feodoroff (2014) states that “the major key tool, upon which the realization of land sovereignty in a European context depends, is the full, meaningful, and democratic peoples’ participation in the political decision-making process” (e-mail interview, May 18, 2014).

PLUP including information, awareness and participation concerning land issues can be the tool enabling smallholders to take their own decisions. It also takes into account the assumption that some Romanian smallholders are in favour of large-scale agricultural investments and allows them to take decisions opposing or responding positively to it based on transparent information. Nevertheless, also the PLUP strategies need to be adjusted to the specific Romanian context, to its agricultural situation and to the legal frame. For effective land-use planning information on resources and land characteristics are needed, the awareness of socio-economic and environmental consequences needs to be developed and participation in form of a dialogue facilitated through different tools. The previous chapter introduced mapping and simulation as a tool, examples with diverse purposes. Community mapping is thought for regions where official maps lack customary land use and legal decisions do not take into account traditional boundaries (Both ENDS, n.d., p. 1). This is not an appropriate method concerning Romanian communities since they do have an advanced cartographic system and a National Office of Cadastre, Geodesy and Cartography (Agenției Naționale de Cadastru și Publicitate Imobiliară, 2006). However, zoning and simulation are both highly recommendable tools as they fulfil the needs of transparency of information and self-determination of Romanian small-scale farmers. “Zoning is a geographical [mapping] of spatial units presenting an acceptable degree of homogeneity” (Caron, Lhopitallier, & Perret, 1999, p. 4). It differs from mapping in that it allows the management of data and to model spatial relationships. As a tool of a democratic decision-making process local citizens are able to understand dynamics and to influence future changes. Besides, the political authorities can take advantage of the knowledge on land use, which local participants entail.

The scholars Bourgoïn and Castella (2011) designed a landscape simulation based on the zoning technique aiming at illustrating zoning processes and to simulate different scenarios in order to make citizens aware of the consequences of their decisions. Both long-term environmental consequences as well as immediate economic outcomes are included and lead to balanced information. The main assets of the landscape simulation are the transparency of decision-making procedures and the ownership of local participants of the planning process. (pp. 78-79)

Zoning techniques as well as role-plays are valuable tools to inform rural citizens, to enter a dialogue and to involve them into the decision-making process. A pilot project of the city Freiburg (Germany) illustrates that participatory land use planning is also beneficial for the involved stakeholders when the level of democracy is already quite high since it can advance good governance systems (ICLEI - Local Governments for Sustainability, 2006). It does not only implement the views and needs of different stakeholders but also includes the participants into the decision-making process, which is missing in rural communities in Romania.

Therefore, PLUP is a highly suitable approach to counter land grabbing in Romania based on the assumption that it is necessary to give the rural citizens themselves the knowledge and power to decide over the land use. It includes the concerned small-scale farmers into the decision-making process and gives them a choice based on transparent information over socio-economic and environmental consequences.

In conclusion, PLUP has the greatest potential to respond to land grabbing and to protect small-scale farmers in Romania while being truly centred on their needs, views and own decisions. Suitable techniques within PLUP are zoning and landscape simulations since they introduce decision-making power and are suitable for the democratic and legal frame in Romania. Despite, regulatory frameworks and alternative investment structures are valuable tools and enrich the discussion on counteracting land grabbing; however, they should not be leading the Romanian debate since the government does not hold businesses accountable concerning good governance nor does it open-up for alternative investment structures.

Conclusions

Land grabbing emerged increasingly in the European context due to the food crises in 2007/2008 and the consequently rising land prices. Romania has been proven to be a land of high risks concerning land grabbing, with a high share of small-scale farmers confronted with the emerging challenges. Thus, this research investigated to what extent Romanian small-scale farmers do face the challenge of land grabbing and how they can be protected against it.

Romania differs from other agricultural economies due to its polarised agricultural sector. Industrial agriculture opposes smallholdings with no middle-sized farms that could transition between the two extremes. And both the Romanian as well as the European legal frame promote the development of large-scale farms. However, the inclusion of small-scale farms into industrial businesses is often problematic and involves “control grabbing” (TNI, 2013, p. 3). “Large-scale capital [is used] to capture control of physical resources as well the power to decide how and for what purposes they will be used” (Bouniol, 2013, p. 132). In order to measure the extent of this issue a quantitative approach to land grabbing has been incorporated to the research. An overview of reported large-scale land acquisition by foreign investors has shown that about 50.000 ha have been documented in a very detailed manner in non-governmental databases, announcements by the government and by various newspapers indicate that land deals have risen from about 700.000 ha in 2011 to 3 million ha in 2014. Based on the assumption that land grabbing consists of foreign and domestic land deals disproportionate to the average size of holdings, even 49% of all arable land can be classified as grabbed land. Altogether, the figures are an indicator of the challenge land grabbing is for Romanian farmers.

Small-scale farmers are often confronted with economic insecurity, a destabilised social structure and environmental degradation in their communities. Despite the negative impacts and the power loss smallholders are facing, the reactions do not only include rejection but also enthusiasm. Thus, it needs to be emphasised that reactions of small-scale farmers are not predictable, but that they need to be taken seriously as stakeholders and that they need a voice in the decision-making process with regards to land use planning. A method, that successfully focus on the empowerment of all members of the rural communities is participatory land use planning. PLUP is rarely considered with regards to land issues in Europe since the European land conflicts are often evaluated in a less significant outreach compared to African, Asian or South American countries. However, the research discovers that PLUP aims to bring back land sovereignty to the

local level and therefore should be the core of the upcoming academic debate on responses to land grabbing in Romania. There are tools like community mapping, which are designed for a far less democratic frame than the Romanian. Nevertheless, numerous methods are highly useful and valuable in the European discussion. Zoning techniques as well as landscape simulations are suitable tools to inform rural citizens, to enter a dialogue with them and to develop ownership of small-scale farmers of the decision-making process.

The study proposes to design participatory land use planning tools for the specific situation of Romanian rural communities and to promote its facilitation in the Romanian civil society. The results express that zoning and simulation tools are appropriate and efficient methods concerning the Romanian context. However, it needs to be acknowledged that further empirical research is crucial to develop an elaborate discussion and a deliberate basis on which the evolvement of practical tools can be based.

The limited access to previous empirical research concerning land grabbing in Romania has been a challenge as well as an opportunity for this study. Due to the shortcoming of statistics and the small number of experts on this field data has been used from rather general studies on land issues or on the agricultural sector in Romania. However, it also increases the value and meaning of this research as an opportunity to advance the debate on land grabbing in Romania. It gives an overview and summary to the issue and suggests methodology to respond to the current land issues. It aims to promote the topic in the academic discussion and to be a basis for forthcoming research in order to overcome the current shortage of empirical studies.

As presented by the report *Land concentration, land grabbing and people's struggles in Europe*, land grabbing is an issue extensively faced by European countries. The research restates this phenomenon to Romania and re-emphasises the increasing large-scale land acquisitions and the involved negative impacts for small-scale farmers. Besides, it includes a focus on sovereign decision-making of rural communities in Europe, which can be reached through participatory land use planning aiming at bringing back the power to small-scale farmers.

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Appendices

List of Acronyms

CAP – Common Agricultural Policy

EU – European Union

FAO – Food and Agriculture Organization of the United Nations

ha – hectare (unit of measurement)

NGO – Non-Governmental Organisation

PLUP – Participatory Land Use Planning

PRAI – Principles for Responsible Agricultural Investment

Tenure Guidelines – Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

TNI – Transnational Institute

UN – United Nations

Interview Transcriptions

1. Attila Szocs

Interviewee: Attila Szocs

Interviewer: Lea Valentin

Date of Interview: 16 April 2014, 13.05 – 13.35

Location: Cluj, Romania

Comment:

Unfortunately, the recording device has failed to record the entire interview. Three parts à five minutes of the interview have been recorded and are labelled in the following transcription as 'recording one', 'recording two' and 'recording three'. Between recording two and recording three are about ten minutes of records missing. I have summarised and written down the content at the day the interview has been conducted. However, I want to emphasise here that the passage labelled as 'from memories' are a summary of the said content and are not a transcription of the exact words.

Recording 1:

LV: First of all, thanks for taking the time.

AS: No problem, it's my pleasure. I like talking about land grabbing and there is no expertise in Romania besides Eco Ruralis.

LV: Yes, I really tried finding other sources but it's not...

AS: While we're here sources... Probably land grabbing is perceived in two different ways by NGOs and by all kind of CSO actors or the government but when you travel and talk to people many people many of them will consider land grabbing from a very nationalistic or very populist point of view. In Bulgaria it is a very populist, nationalistic approach. Basically, a political approach, okay everything is a political approach, but there it is really like a political campaign approach. And if you go to Hungary it is a very nationalistic approach of the people, of the government. The government uses nationalism, as a symbol for land security and it's wrong. It is not exactly the piece of cake, which we are studying because land acquisitions are business. There is not a nationalistic connotation to it. People put this connotation to it but normally it's not. It's just doing business and how that business affects civil society, rural society, society in general, the policy of the countries, because it's made in corruption. But we will get to that. But if you want we can structure as you proposed it here.

LV: Yes, that would be perfect.

AS: (reading the first question) In what form does land grabbing in Romania exist? How would you define land grabbing in the Romanian context?

LV: Yes, your ideas of land grabbing because land grabbing is often discussed in the context of Latin America or Africa and that is, as I understand, a bit different from what's the case in Romania. So, I would like to know your idea.

AS: First of all, we have to be very very precautionous how we use the term land grabbing in Europe. Land grabbing in Romania does exist I think that has been demonstrated in the

European study that was conducted by TNI and Via Campensia, of which Romania also is a case study. Land grabbing is also happening in Eastern Europe in form of aggressiveness it is different from Asia, Africa or Southern America. Why? Because people don't get dispossessed of their land. They are being forced but the force is financial means of policy wise. It is basically not of physical aggressiveness. If we would go to Africa we would definitely see how militia, how paid army men are being paid by companies to kick them off from their land. That is basically the term land grabbing how it is referring to. Now through the various... [TWO OR THREE SENTENCES MISSING]

Recording 2:

AS: the term land grabbing has been broadened opened-up but that's an empty question. How you refer to it in Romania or how you refer to it in Ecor Ruralis to it is: How large-scale land acquisition, or LSLA, what kind of impact do they have on social economics of Romania, what kind of impact what they have on the politics, on the decision-making in Romania and over the local communities of the rural development or indevelopment, rural regress how we call it. By studying land grabbing and large-scale land acquisition in Romania we found out that the effects are very similar to the secondary effects of land grabbing from other regions, like Africa or Asia. Because if, first of all, Romanian farmers are not physically forced of their land, the main outcome of LSLA would still be the same. Their land is still, in one way or another, being dispossessed. But it is much more swap, it's much more a fine approach because the investor uses this approach in Europe, is the legislative frame, which is very broad. But they also use the specifics of every country. Like the Romanian government, which we see is very open towards industrial agriculture, is very open towards large land commercial merging because the Romanian government has made its purpose in 2014/2015, in the next year, to commensate land, to merge land, to create bigger plots. But it has not the capacities to do it by itself. So, the Romanian government is viewing the large land investors as a tool for the government to accomplish these goals.

LV: There I have a questions, the government does not allow or has not allowed until January...

AS: Yes, it changed. It was a joke basically. It was a joke used by many actors, even CSO actors, to create campaigns based on nationalistic or socialist movements, political agendas. The real fact behind that law, or the constraint or not constraint of buying land, was that Romania entered the EU, starting in 2006, and entering in 2007, the pre-joining process started. All European authorities realised that markets from Western and Eastern Europe are unequal. So it would have been like a slap in the face for the whole country to leave all land markets open and to leave all land markets to the global land market. So what they did is that... this was a pattern usually done by the European authorities that they said okay, you can use this 7 years, 5 years, 10 years, 11 years, depending how a country negotiates with the European authorities as a moratorium on land sales. So it's like a safeguarding on your land. Now it all depended on every individual country how it implemented the European legislation regarding the moratorium. This constrains of foreign companies or individuals, European companies or physical or judicial persons buying land how you define it in a national context. And Romania defined it in the weakest way possible. How they defined it was from 2007 until 2014, these 7 years, which was the moratorium, no physical person, citizens of Europe, cannot buy land in Romania. But everybody who registers as a Romanian company still can buy land. And of course that small-scale farmers which are, let's say from Germany, if they are settled they don't want to buy land in Romania because they are small-scale farmers from Germany. But of course big investors from Germany when they come to Romania they don't use their

physical person to buy land because it is a business and they use the business name to buy land. And it's just a technical step.

LV: They just can register as a Romanian company?

AS: Yeah, it's registered as a Romanian company. That Romanian company can be a totally new company, which makes it harder for us because we cannot see the direct connection between the international and the Romanian company. But it is easy to find out. Or they can just subscribe as a subsidiary company of the big company. So let's say Generali, which is an Italian investment, pension and insurance fund. Generali came anyway to Romania...

From Memories:

AS: ...to conduct business.

LV: What are the methods used by big investors to acquire land?

AS: They have two different approaches. They either rent the land or buy it. If they buy it they have two options they either work the land (but only very industrial) or they leave the land and speculate with it without cultivating it. They also make sub-contracts to the former owner, which I find very ironic, and lease the bought land back to them and let them cultivate the land and pay for it.

AS: The companies don't act morally. But it's not expected from them, they're not a philanthropic institution. But they also do bad business. They use the poorness of the people to make business. They offer bad deals but make incentives like offering money for a bathroom, or 2 years school education or a new kidney or whatever the specific needs of the people are.

LV: I have been in Tureni yesterday and I spoke to a young woman who was very angry because she claimed that the company Transavia took her land it declared it theirs without the permission of the family. Does that happen more often?

AS: Yes, definitely. If we speak about methods and practices often a company buys one land piece here and one land piece there and that one in the middle is needed. It's just being worked without discussing it with the owner. These methods happen quite often.

LV: Do you think large-scale land acquisition could also be of advantage for the rural population? For example for the elderly, who have pension that is too small and who are not able to work the land themselves?

AS: No, I think that large-scale land acquisition can never be of advantage to the rural communities. Because the reason for LSA is that Romania has no vision for the land. Romania is a bad land manager because it has no vision what to do with the land. It gives no vision to young people or the children of farmers what to do with the land and it only fosters industrial agriculture that needs two or three people instead of 2000. Instead of letting the people give the land away they should understand the value of it. And the increasing value it has in the global context

AS: Land grabbing has started mainly by investors buying communal land from the government. Investors buy the old communist farms that are not being maintained at the moment and they say that the land is not being used. But Romania needs to understand the value of the land and also if the land were not worked now it would be better to keep

it, to form a vision for the people what to do with the land. Germany and France make agriculture sexy for young people and try to attract them again. Romania doesn't.

LV: How can people be protected from large-scale land acquisition and how can local ownership be ensured? Can land sovereignty be the solution?

AS: That is a two-fold question. We have to react on two levels:

International level: on a global, regional/European, and national level guidelines like the tenure guidelines of the FAO need to be implemented (they're signed but not implemented) and Eco Ruralis lobbies towards the implementation. It has to be ensured that all actors understand and enforce those guidelines. And it is the job of civil society organisations as well as the government that they are well implemented

Local level: education, information (especially local authorities: that they understand the value of land) → case studies and the translation of the tenure guidelines into normal Romanian language that is understood by everybody. And it needs to be acknowledged that land grabbing happens and why it is bad for Romania.

Land sovereignty is definitely a solution. But in order to ensure any kind of sovereignty all paradigms need to be changed and involved: The authorities, the international investors and the people. But the authorities are not willing to change their attitude towards large-scale land acquisition due to corruption. Corruption is a very limiting factor when it comes to fight land grabbing.

LV: Can international guidelines like the tenure guidelines help with land issues?

AS: Yes, but in order to be helpful they need to be understood and implemented.

Recording 3:

AS: The voluntary guidelines, first of all, need to be understood. Eco Ruralis is working on understanding the voluntary guidelines, translating them into usual, casual Romanian language, taking of ... (?) specific to Romania and trying to put them in front of the local communities, but the authorities in order to make them understand the importance of it and maybe what can they take and implement. And we would hope as much as possible to implement. But as a correlating thought, land sovereignty, we need to change all the paradigms. We need to think of agroecology as much more than just a simple vision. We need agroecology in order to be implemented, because if we implement agroecology then we will start seeing the changes and then we'll start good governance of land, good governance of seeds, good governance of food. Until we don't implement the principles of agroecology, then we're still trying to fix, to create tweegs (?) of industrial agriculture, like food wast, we are trying to twig food waste but we cannot really...

LV: So, you mentioned the activities of Eco Ruralis, like for example putting the guidelines into more usual language. What other activities is Eco Ruralis doing?

AS: One other thing that we do is the case studies. We do case studies to find out how land grabbing is done in Romania. Who does it, what dimension, what are the actors, who are all the correlating actors involved in land grabbing. So we're working on a complete guide book that people and the authorities will see – and hopefully by next year we'll do this. So, they see that these are the actors, these are the people involved, these are the effects, these are the impacts, these are the things we need to do. And also good examples, highlight good examples, not of LSA, but of communities which pushed out or said no to big investments and they created their much more sovereign, autonomous

regions. So, I think this is what we're doing. But what we need is a lot of education or information, so that people can find out about his problems and to correlate them into their own national context. Like to say that German investment funds or pension funds have an active role in land grabbing and that Germans need to acknowledge that the same way as Romanians feel it that it has.

LV: What I wanted to ask you because in the first part of my thesis I wanted to address to what extent LSA actually happens in Romania. And it's hard to find data and I wanted to ask if you as an organisation already have data on it?

AS: What we are developing right now is fact sheets on case studies but it's still some time until they are developed. We would do a comparative analysis on case studies and see common approaches. And after that, by the common approaches, find out which are the governmental bodies who are the most influential, most hit by these kind of investments. And after it find out the country context but it is till a long way to go. What we did until now is we involved in networking, because you cannot do this alone, we involved in information gathering and also capacity building for us and also to really understand all the implications of land grabbing. And after that, now, we just started to work on the case studies. So I don't know which comes out first, your case study or ours.

LV: Yes, I think it's already a really good start that Romania has been a case study in the report of Via Campensia.

AS: Yes, it's a good start. It was sth we really fought for and I have huge respect for TNI, because they were so open and we really coloborated good.

LV: Yes, it's a really nice outcome and shows already a lot. And it's the only thing specifically on Romania so far. There is not a lot out there.

AS: Yeah, there are some documentaries. We participated in one documentary, it's from the ZDF and it's called "Jagd nach dem Land". You can find it online when you search for Romanian documentary on land grabbing.

AS: I have to go now but if you have still more specific questions, please formulate them and we can do a Skype meeting. I'm happy to discuss the issue more with you.

LV: Thank you very much for the interview. It would be great we could do a follow-up interview once I'm a bit further with the research.

2. Interview with Sylvia Kay

Interviewee: Sylvia Kay

Interviewer: Lea Valentin

Date of Interview: 2 May 2014, 10.05 – 10.35

Location: Den Haag, Netherlands

SK: I started doing this topic when really the whole land grabbing debate exploded. It was like two years ago and really in the midst of this land grab debate. So it has been a really exciting time to do this. And of course it's all international relations at its core. [Sylvia mentioned her background in international relations during her introduction].

LV: I saw that the research that you've published for TNI has also a lot of policies and...

SK: It's all sorts of political responses to land grabbing.. it's different political tendencies, and how various actors responded to the problem. And how they analyse the problem and therefore what kind of solutions they propose. So, we also look at that. We tend to have a more radical approach to the issue than perhaps the mainstream organisations.

LV: Yes, maybe we can start with your idea of land grabbing. How would you define land grabbing. Just very general and basic.

SK: Well, I think our view has involved as well because... I think, there are two ways to understand land grabbing. You can either have a more process oriented approach of understanding it or a more substance based approach to understanding it. And in the process based approach you really look at how land grabbing conforms or does not conform to various indicators, so is it based on free prior informed consent, has it ... information disclosure, is it legal, yeah... has it? regulatory frameworks, those kind of things. And has it been quite human, social, environmental impact assessment. And if all those criteria have been fulfilled according to some more process oriented people, then you wouldn't call it a land grab. You would call it a large-scale land deal or something like that. But what the approach doesn't get to is the kind of substance, the kind of politics of the core of the land deal. So according to TNI's perspective a land grabbing can be perfectly legal, it can be completely transparent, it can confirm to various indicators, but it can still represent a negative transfer of power, away from rural communities towards more powerful investors. So, we really define land grabbing as kind of what we call control grabbing, it is kind of taking control over land and closely associated natural resources such as water, minerals, forests, soils etc. taking that power to the side how that can be used, for what purposes, for how long and by whom, and who makes decisions about benefit sharing. It's taking that decision-making power away from rural communities and transferring into more powerful capitalist structures. So that's how we would see land grabbing. Of course, of course there should be proper regulatory frameworks in place and of course there should be free prior form of consent. But for us that's not sufficient to not be seen as a land grab. LV: It goes beyond that. SK: Yes, it goes beyond that. As an alternative to land grab we have a concept: land sovereignty.

LV: Yeah, I've read about it and it's really great. But maybe you can elaborate on this?

SK: Yes, it is that we think that the power to decide how land and associates should be used should be in the hands of people that actually work for, care for and live on the land. So these are the communities of small-scale farmers, peasants, pastorals, artisanal fisher folk, indigenous peoples...

LV: But it involves also for example local authorities, right? I mean it really involves all stakeholders that have something to do with the land?

SK: Yes, exactly. And the political organisations that unfortunately not always but hopefully represent these communities in a democratic ...? And of course it's world politics. It's a messy thing and of course, you know, there are different class tensions between these communities. It's not like we want to create this impression of a loving and harmony world community which doesn't have tensions in-between itself. But fundamentally we see this concept of land sovereignty which tackles not only the process or regulatory framework of land grabbing but also the politics at its parts. We see that as an alternative to land grabbing.

LV: If we come back to the definition of land grabbing, one of the questions I have sent you was, if there is a difference between what you call a land deal or land acquisitions and land grabbing. If you say a transfer of power, that is usually always if you have deals on a large-scale. Or would you say that there are also deals on a large-scale without being land grabbing?

SK: For us it depends on the capital structure behind the deal. So, if it's a land deal which kind of incorporates into, what we perhaps call in a very abstract term, the global food feed fuel complex, which is a kind of constellation of interests... (L: what is it? global...) or global food feed fuel finance complex, if you want that. LV: Okay, and what does it mean? #00:08:10.4# SK: It means a constellation of actors which represent major agribusiness corporations, they represent major agrofuel industry, agrofuel transport industry, they represent major industrial .livestock and feed industries and ...?seed caps... ?as a ... ?host of financial actors becoming involved in land. It has become more of a commercial aspect. These kind of broad coalition and ...? coalition of actors, if they are the kind of capital, the kind of structure behind the land deal, we see it as kind of the global land grab. So it's not necessarily per se the scale which is the problem because there could be also a large-scale land deal which is part of an agrarian reform movement which redistributes land to small-scale producers on a large-scale. So it's not necessarily a question of scale for us. There could be a large-scale land deal that is progressive. It's really the actors and interest and the financial structure behind the deal which we look at. It's more political economy kind of approach.

LV: That makes sense also in the context of Romania. I write this thesis with land grabbing or land issues in Romania and that's also how I would define or approach land grabbing there. There is also one question that I would like to ask you, if you see land grabbing.. or what's the difference between land grabbing here in Europe and in other continents in Asia or Africa.

SK: Yes, that's difficult. You sent the questions to me beforehand and I was thinking as well because at TNI we speak of global land grab. So we tend to highlight the common ..? Partly in response to this fact that in the very beginning there was a bit of perhaps what we would call as africanisation of the land grab debate. It was seen as only a problem in Africa, a problem of corrupt government and land being sold off in places like South Sudan for 8 cents per hectares, that kind of thing. But our view is very much that land grabbing happens everywhere, and on all continents. That there is this kind of common political economy structure behind it ehm which is ...yeah... the fundamental underpinning to all the different land deals. It's always a combination of not just, it's not just foreign investors but it's also, in the very early stages was seen as just the Chinese, the Arabs, you know, but it's always a combination between eh an investor, domestic or foreign and the host government, it's also very much a state project, either the states is an actor itself or at the very least a manager, a facilitator of land deals. ehm... So, yeah, we stress very

much this common underpinning of the various land deals. But if I would... So I was thinking how then would the European context, how does it somehow differ. I think really two things... ehm. Also this larger book, which we've been brought. I think 13 case studies. Actually, I have it with me, just to show it. LV: Nice. SK: Perhaps you've already seen it.

LV: Yeah, I've read the Romanian case study.

SK: Yeah, yeah, and I was just actually going through the introduction again to try and understand your question to see where the differences are. And I think kind of two things came up there. First of all, is the role of CAP subsidies in the European context. Which isn't say that also in other context government subsidies also are incentives but particularly in Europe eh the Common Agriculture Policy subsidies are major driver of land grabbing because they create this incentive to cumulate land. Because also it has been a shift the way the CAP subsidies are structured, away from ehm the amount it produces, so before it used to be, the CAP used to be based on your production levels. But what it created of course was this classic overproduction, the wine lakes and the cheese mountain and ehm that kind of stuff. So there's been a shift from subsidies away from production, levels of production to area based subsidies, so you get subsidies according to the areas or land ...? and that is of course quite an incentive to cumulate more land in order to receive larger subsidies. Em... So that's particularly of prominence in Europe and then partly related to that but also eh has other aspects to is ...em... the joining of Eastern Europe with European Union, the accession agreements that Eastern European countries are signing for the European Union and there, there eh anticipated because when they sign an accession agreement eh some of them have deferred this but it will, it will happen, is that they have to harmonise their land policies in accordance with the European regulations and part of that will mean that the land prices will rise with, eh when the join and become an EU member state. And so what you see is that domestic investors are speculating really, are accumulating land, em, holding it for a few years until, eh, they can sell it off for a higher price, em, when this harmonisation policy comes into force. And that's particular the case with Eastern European countries and, and also with countries that had large socialist farms. And this still very large areas like land holdings there em So I think, those two things on the European context are, are... perhaps not unique, but more prominent. And also I would say that, em.. perhaps, eh... it's agrofuels are particularly produced in the global south, not so much in Europe. Em, Europe is a major em first importer of agrofuels produced in the global south but em... we really see the agrofuels fields em, in the global south to provide for the European market. But yeah...

L: Ehm, you mentioned em, that sates are often the driver or at least the facilitators and em, but would you say also if it's a domestic deal that it can happen the same, eh..., the same consequences? Like within one land?

SK: Yeah, yeah absolutely. It's really false? to focus on either foreign or domestic, it's eh...it's yeah.

LV: Okay, and em now I would like to turn a bit to the solutions or to how to em approach em, approach land grabbing. I don't know if it makes sense to ask especially in Europe or it doesn't matter global or eh with a focus on Europe. What do you think is effective to band land grabbing, or to stop it in the dimensions that it's happening? SK: Yeah. Ehm

LV: Yeah, very broad question.

SK: No, no, the question is good. Em, well, of course I don't want, at the very minimum of course proper regulation and legal framework needs to be in place. I don't want to make it seem like eh that that's unimportant. That's of course ...? Em. Second, I think FPIC is

important, the principle free prior and informed consent eh often the "c" is transformed in many policy processes to simply consultation. Eh like free prior informed consultation but consent means something different. Consent means that they have the right to also refuse a investment project. And there is no point in introducing FPIC without also simultaneously empowering the social and political organisations eh and economic position of eh the rural communities because quite often eh yeah if people have ...? alternatives or eh yeah are disempowered or marginalised politically and economically then of course there is, the whole concept of FPIC becomes an empty concept you know. So I would have FPIC along with kind of empowerment of rural communities. Em. Yes, that would be on the process side of things em but eh fundamentally to confront land grabbing I think there needs to be a much bigger shift which is really about rebooting the debate on investing in agriculture. Eh because eh the debate on investing in agriculture is really been em very much monopolised as eh by kind of co-producers as requiring a large-scale land deals in order to develop rural communities and and rural societies. And em this sort of capturing of the debate around investment in agriculture eh has meant that other ways of investing in agriculture particularly investments which focus on em the investments made by farmers themselves and particularly these small-scale food producers along with public investments to facilitate those investments. Those, those two other prongs of the investment to try out (?) have been completely down played meanwhile we keep hearing that we needs so much foreign direct investment, eh so much em yeah... investment from large financial investors in order to meet global challenges eh for example it is very often that you hear that we need to increase food production by 70% to feed a world population of 9.2 billion by 2050 and this requires and therefore, there is a huge investment deficit. Sometimes it's in the area of, I think the global harvest initiative who is this very eh yeah em agribusiness dominated forum I think estimates something like, something in the region of 80 to 90 billion US Dollars a year like is is the investment deficit. And then of course they actor like ...(?) feasibly bridges investment deficit is the private sector and the private corporate sector. And eh yeah I think this economy problematised this approach to investments that is eh first of all it's very quantitative not looking at the quality of the investment and common position of the investment. And then also yeah we were the we were actually the main... because if you know who are actually the main investors in agriculture it's farmers themselves and and they have a very different way of investing compared to eh a large financial investor ...? investor. So I would argue that to confront land grabbing there needs to be fundamental reboot of the debate in investment, there needs to be em.. this yeah there needs to be land and natural resources needs to be in hands of people that are actually eh farming or fishing or working the land in an eh some way. Yeah, so I think those two things...

LV: And if we go to the em to the policies? like I've seen that one was written with different case studies and with different cases of alternatives. And there were also I think two cases in Europe. What would you think what's em the most feasible alternative in Europe. Or does it differ from different countries eh continents?

SK: Yeah, em, in the European context I think there is a lot of scope in Europe also to mobilise consumer constituency also in favour of eh small-scale alternatives. I mean that was the great thing about the Wageningen food otherwise conference. We really saw this you know from really di - people were from really diverse platforms and constituencies yeah whole range of and also across the rural urban spectrum. There were people from eh looking at urban food initiatives and em urban food markets and that kind of ... and things like community supported agriculture eh short producer to consumer food chains. I think in Europe there is eh it's not the only thing but I think there is a potential for mobilising the consumer constituency and urban constituency also in favour of supporting small farms in Europe. And to really switch away from this industrial agricultural model. So I yeah that would be perhaps be something in Europe eh. I don't know I hesitate to say anything so I'm not an expert on CAP em so I don't it's difficult for me to exactly say what

should change with the CAP in order to... I think em... But obviously that incentive structure to accumulate land and to eh this indult tendency to ever increase land holding that needs to obviously change but I'm I wouldn't know how to.. I wouldn't know, I wouldn't make any more concrete suggestions for...

LV: Yeah, it's also a really huge em...

SK: Yeah, and it's also it's very technical and detailed actually.

LV: Em, yeah just what I thought about the European em European alternatives like as you said in Wageningen you really see the structure but maybe there is also em a division between Western and Eastern Europe. Particularly maybe the Netherlands are very... very pro-active and progressive in this. And in Romania it's maybe a bit behind but I guess the potential is there. Could be em a solution or at least an approach.

SK: Also we do some... we actually do some research in Romania at the moment. We are working together with this em Eco Ruralis. LV: Yeah? SK: Okay, you've heard about it?

LV: Yeah, I talked with Attila.

SK: Yes, yes, it's Attila, exactly. And em for instance what he's doing is really great, focusing on farmer-to-farmer initiatives you know and eh helping seed banks and and farmer exchange of seeds and other kind of genetic resources and you know those kind of things need to be strengthened as well. And think of that kind of stuff. #00:23:47.2#

LV: Yeah, yeah it's really great. And I was eh three weeks ago, I was in Romania in Cluj. SK: Really? LV: Yeah, and em I was talking to him and really it's also I think the only organisation that is specialising on this in Romania. And it's really great what with what they came up in the last years. Yeah. What they started, it's really...

SK: Exactly. Yeah, you know, so... ways to empower those kind of initiatives.

LV: Yeah, and that also leads me back to the land sovereignty to this concept. How do you think, I mean it's a really really great ideas, but how do you think could the people be really re-empowered? I mean this like gap between the theory and like doing.

SK: Sure, absolutely, yeah. I do.. to be honest that's a difficult... I don't know myself. it's yeah... that's a question of long-term, eh not long-term but that's a question of eh activism and people's struggles in em yeah and and especially in more hostile environments how to how do you do that. and yeah, to be honest I eh...

LV: Does TNI have any I don't know for example this em PLUP initiatives. Em, what is it, em, participatory land use planning, things like that or does it work together with local communities and engage them in this decision-making process. Or is it more a research focused?

SK: We have a bit more of a research focus, yeah em. My colleague is involved in some eh struggles against land grabbing in Birma and actually helped set up a national peoples' coalition against land grabbing in Birma. And we well, we do actually work a lot with, that's what I've presented, don't know why I didn't think of it, eh the tenure guidelines and the voluntary guidelines of responsible governments or the voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security which we call tenure guidelines. Yeah, used it so much that I know memorise it... And em because this is actually the products of the CFS negotiations that committee for food security that I've talked about. yeah. This was, so in June 2009 the

committee of world food security underwent a reform and this, this reform was this critical reform to allow civil society to be part of the negotiations. Before civil society I think just had this observer status and couldn't actually intervene in the same way that we can now. And it was a long struggle to actually get, to open up this democratic space in this forum eh which really is I would consider it to be one of the foremost forums of making policies on food and agricultural issues. Eh and the tenure guidelines were the first concrete outcome of this eh of this a CFS from CFS and em I think they contain eh a lot of progressive elements, they also have a little weaknesses but what we are we see it as potentious tool that can be used by eh social movements and activists on the ground to help claim they rights because the governments eh have eh have endorsed this guidelines, they were adopted in October 2011 and can be a way for eh for yeah for people to hold their governments to account or at least to pressure to batch pressure on them to say you know eh you've signed it..

LV: But does it go far enough em to say that it really can give the contra to land grabbing?

SK: It's difficult because there also you see now but em ... banks are integrating them into their eh corporate social responsibility policies but in ways which we would argue as is the wrong way to interpret the guidelines you know it's a very conservative way to interpret the guidelines em so it's also difficult because they get no document is there is always room for interpreting it in different ways you know and eh actors use them with their own interests in mind and em. So, it's difficult because yeah it get's hijacked by other other players. Em but at least it it's one tool that we see could help yeah but it's definitely not the only tool or perhaps not necessary the most important one. But yeah it's a difficult, it's very difficult especially you know if you don't live in a democratic state I mean...

LV: Yeah, and even I mean Romania is one of the more progressive countries I would say and it has a democracy but still the level of corruption is I think too high to em to say that you can really hold them accountable and that you can really em go there and say look those are my rights if there is a big investor with a lot of money and there is not a lot of room (?) for a rural peasant.

SK: Yeah, I mean, I have to say in those kind of context, I never think it's sufficient but it can play a powerful role just asking for full information discolusre like transparency because you need to know at least at the very least you need to know eh the size of land allocation and you know who has what basically eh and em even those kind of minimum things they are never sufficient but they do eh at the very ...? transparency and visibility of what is going on and the NGO global witness they are a UK base NGO but the do a lot of work around kind of good governance and eh sufficient transparency and rule of law and they have this report em "Dealing with disclosure" it's called. It was released about two, two oo three years ago and it talks about how also in undemocratic contexts the workload in Southeast Asia, Birma, Laos, Cambodia, how they can how you how they call it leverage, how you can leverage transparency to yeah to push forward the debate and so yeah, it's that's maybe worth including.

LV: Yeah, it's really interconnected those issues, transparency, corruption, international relations and policies. Yeah, I mean the last questions you already eh kind of answered with the CAP being incentive, the structure of this incentive giving need to be changed.

SK: I think, yeah, I don't know if you yeah... there is an NGO or I don't know something called Arc2020. They've done a lot I think on CAP. Em and what needs to change with CAP. Em there is also this network FoodSovCAP which is short for food sovereignty CAP they also are a Belgium network that also does a lot of work on eh... Because it's very specific, more detailed proposals for eh yeah I don't want to answer it without really knowing too much about it yeah.

LV: I'm also I'm not gonna really go into it in my thesis but I eh at least want to touch it because I think it's an important...

SK: Oh yeah, you have to definitely mention it, definitely.

LV: Yeah, it's an important part if you talk about land grabbing in Romania.

SK: Absolutely. No, it's a key framework for incentivising land grabbing.

LV: Yeah, I think that's eh that's about it. Thank's a lot for answering this. It's really, it's also really helpful to talk just about the different issues. For example I read about land sovereignty but then to talk ab...with about it with somebody that eh has a few more information of it.. yeah, that's really great.

SK: Yeah, sure, yeah, well I have a few more things here actually.

LV: Uh, I also wanted to ask for the book em do you still sell them the books or em give them out...?

SK: I think yeah I think we actually now even...unfortunately, I don't have an extra copy otherwise I would have brought one for you but I think we actually are giving them out for free now. So, em if you are ever in Amsterdam you can come by then perhaps we can give you one because we have more copies em in the office in Amsterdam.

LV: Oh nice, because it would be really nice I mean it's one thing to have it on the computer but it would be nice to have the book yeah...

SK: But I have these things for you. I think this would be really helpful for eh.. this is basically how we understand, TNI's kind of understanding of land grabbing with some various questions basic sort of well the may seem like simple questions but eh it's questions and answers.

LV: Thanks, it looks great.

SK: And then there is something I eh just published. Eh and it's about this debate on investing in agriculture.

LV: Ah, oh wow, that's recent wow.

SK: Yeah, eh that just came out.

LV: Oh cool, great thanks, that's really cool. How if you em if you do this research, how do you approach it?

3. Interview with Timothé Feodoroff

Interviewee: Timothé Feodoroff

Interviewer: Lea Valentin

Date of Interview: 18 May 2014

Location: via e-mail

LV: How does land grabbing in Europe differ from land grabbing in Africa, Asia or South America?

TF: The purpose of the study *Land concentration, land grabbing and people's struggles in Europe* was not to stress land grabbing in Europe as different from land grabbing in the rest of the world, but on the contrary highlight how European land is also subjected to the global land grab epitome. Land grabs today are marked by variation across different agro-ecological contexts, property rights regimes and political-legal conditions. As such there are many diverse forms in which the grab can take place, or drivers, some obviously being specific to geographical areas/type of land-based activities. Nonetheless, the underpinning mechanisms and trends are similar on all continents. It is about large-scale national and transnational capital taking over access and control over land and other associated resources in order control the benefits of use. In the process, the decision-making power over how land and other local resources will be used and for what purposes becomes more concentrated, and linked to the logic and operation of capital accumulation.

LV: Do you think large-scale land acquisitions or leases are always equalising land grabbing or are these two different concepts?

TF: Our understanding of 'land grabbing' is not related to the size of the land captured. We do not tag all instances of large-scale transfer of control over land as 'grabbing' by definition just because they are large. In a nutshell, some land grabs are only few hectares, yet they jeopardize the survival of a full village. The key analytical feature we are using is more the concept of 'control' (who controls what, how, for what purposes, etc. in the new arrangements); it allows highlighting that land grabbing is inherently political, a matter of power relations. Then, in term of 'scale', we found more profound to look at the scale of capital involved. The same amount of capital can correspond to a 500ha vineyard, a 5,000ha mining plant, a 50,000ha soya field or a 50,000ha for cattle grazing. Further, from what a mounting amount of evidence shows in the reality, we have not had yet a large-scale land acquisition that would not be regarded as a land grab. By the scale of capital they involve – therefore the economic stakes – and the coalition of interests between powerful actors and state apparatus, local people are not enabled to achieve a truly powerful presence at the negotiation table, whether to bargain the terms of their incorporation or to simply refuse the land transaction.

LV: What do you think is most essential to stop and prevent land grabbing in Europe?

TF: Land grabbing is an expression of the dominant development model based on food and energy production and consumption patterns controlled by transnational corporations under a world trade and investment system where financial capital reigns. Dealing with those underlying, multi-faceted and unequal problems requires going beyond narrow policy perspectives in order to address the politico-economic structure in which such grabs are rooted. Stopping and rolling-back land grabbing is connected to truly enforcing human rights and implementing human rights-based regulations and policies around land issues. It also translates by policy support to small-scale food producers. As such, and

especially in the context of climate change, addressing land grabbing in Europe involves not opposing agricultural investment, but reshaping it. At best, many of today's large-scale corporate land investments are only investments in its narrowest sense. Recognizing small-scale food producers as the primary investors and prioritizing agroecology as the most climate smart kind of investment in agriculture, while prioritizing public support for these is key to address land grabbing.

LV: You have introduced the concept of 'land sovereignty'. Which tools could be used to realise land sovereignty in a European context?

TF: From a legal perspective, several tools can be used to realise enforce the human right land governance mentioned above – the UN Right to Food, the FAO Tenure Guidelines, and their implementation process. “Upcoming” UN Peasants’ Rights at Geneva or the EU directive on land at Brussels are as such key political arenas of struggles where to carry a radical (re)interpretation of land issues. Yet, none of those tools can stand-alone for governing access to land and natural resources. Addressing respective limitations in right to food, land tenure security, land reforms, etc. concepts, civil society state-of-the-art suggestions for master frame in a human right to land governance include ‘right to land’ and ‘land sovereignty’. Right to land is defined as “the right of every human being to access – individually or as a commodity – local natural resources in order to feed themselves sustainably, to house themselves, and to live their culture.” Land sovereignty is presented as the “right of working peoples to have effective access to, use of, and control over land the benefits of its use and occupation, where land is understood as resource, territory and landscape.” There are several reasons why those are a useful normative framework. They can provide an inclusive overreaching global master frame linked with various existing movements; they accept the plurality of tenure systems; they go beyond land and water as a resource to include them as territory, land- and waterscapes with social functions; they call to bring the state back in and hold it accountable to people. Possibilities are opened for a process of institutionalization within the framework, either enshrined in a formal declaration or claimed by social movements in their struggle. So the major key tool, upon which the realization of land sovereignty in a European context depends, is the full, meaningful, and democratic peoples’ participation in the political decision-making process. In other words, is needed the involvement of agrarian social movements, which have to “demand” the state to enact policies that are aligned with the land sovereignty vision.

LV: 'Land sovereignty' aims to include all stakeholders. How can the concept deal with corrupt authorities?

SV: The land sovereignty concept is premised upon the reading that rural development policy-making process is highly complex and often marked by partial, uneven or even unintended outcomes. Successful moves cannot be limited to a legal approach, as laws do not self-interpret nor self-implement, neither are grassroots actions enough to secure a positive change. The symbiotic interaction between autonomous societal groups from below and strategically plaed state reformists from above provides the most promising strategy to offset strong elite resistance to land sovereignty orientated reform, facilitating state actions in favour of reforms that in turn favour the poor. The ‘sandwich’ strategy’ for the counter enclosure campaign if you prefer is how the concept can be seen as dealing with overcoming corrupt authorities for the realization of land sovereignty. The concept also deals with corrupt authorities when it supports that the State should be accountable to peoples.