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**Land Conflicts in Relation to Land Reform and  
Common Agricultural Policy Implementation:  
Evidence from Romania**

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## **Abstract**

Since the Revolution of 1989, in Romania, the number and complexity of land conflicts increased, primarily, as a result of the problems encountered in the implementation of land reform. The objective of this paper is the better understanding and managing of land conflicts. The paper follows three main research questions: i) which factors favor land conflicts; ii) which are the main types of rural land conflicts and with what intensity they occur; iii) what are the effects of these conflicts on the implementation of the Common Agricultural Policy.

The accomplished analysis answered the main research questions. Thus, the main variables that have catalyzed the emergence and development of land conflicts were identified, namely: high population pressure on agricultural land resources; excessive fragmentation of land holdings; and rural community status during communism - whether it was or not cooperativized. At the second research question, a typology of land conflicts was obtained: i) interpersonal land conflicts - manifested in individual relations/arrangements concerning land ownership and operation. In this category we included conflicts between co-owners, neighbors, rural residents and non-residents; ii) intrasocietal land conflicts involving formal and informal collective structures. The answer to the third research question has resulted in the identification of the most important effects of different types of land conflicts in the implementation of the Common Agricultural Policy (direct payments and rural development measures).

**Keywords:** land conflicts, land reform, CAP implementation, Romania.

## **Introduction**

After December 1989, the Romanian government made efforts to re-establish a coherent legal and institutional framework for private rights in land but the whole process has been characterized by instability, incoherence and unjustified delays. The Romanian land reform has involved three distinct process: de-collectivization and restoration of private property rights in land; the establishment of new farming structures, including the restructuring of existing large scale state farms in line with the new ownership patterns and the principles of a market based economy. Although initially conceived as a complete set of laws and regulations to secure land ownership and tenure (law on land restitution, law on registration and cadastre, land lease law, law on land selling and intervention agency) the legal and institutional framework set up was rather devious with large gaps of three-four and even more years between different laws.

In Romania, the number and complexity of land conflicts increased, primarily, as a result of the problems encountered in the implementation of land reform. If the extensive studies have been devoted to the analysis of the implementation of land reform, works on the types and nature of conflicts, their rate of occurrence and resolution mechanisms are insignificant. In this context, the analysis of land conflicts as a potential disruptive factor of land tenure and economic development relationship is important and topical. In this paper, land conflict was considered a social fact involving at least two parties and whose roots are different interests over land ownership and operation.

## **Methodology**

To capture a number of issues concerning the types and determinant factors of land conflicts, a literature review on the land conflict in Romania after 1990 was conducted. The inventory of these studies enabled to reveal those attributes that result in the main sources of

land conflicts and disputes in Romania at county level (NUTS 3). However, information on the types and nature of conflicts, their emergence rate and the settling down mechanisms is not available. In this context, we considered it relevant to investigate the situation of land conflicts and disputes by a field survey. The county Argeş was selected for this purpose. The selection of the area to be investigated was based on those attributes that can represent main sources of land conflicts and disputes and which target the ownership structure and the characteristics of land operation. This study was initiated with the purpose to investigate the nature and frequency of land conflicts and disputes at the level of the commune (NUTS 5). A number of 95 questionnaires were sent by mail for each commune from the county Argeş, out of which 93 completed questionnaires were returned.

The incidence of land conflicts and their intensity was investigated from the following perspectives: a) by the involved players and nature of relations between them and b) by the identification of the most important predictors of land conflicts and of the impact that these had upon the land market and agricultural production. The importance and complexity of these conflict areas were determined by the analysis of information included in the questionnaires.

The questionnaire was designed in six parts and targeted the following aspects: i) general information; ii) socio-economic information on the number of population, ethnical group and migration phenomenon; total number of households, their main income source and share of poor households; iii) utilization of agricultural land areas by which information was collected referring to the land resources, number of parcels, land lease and sale, types of land conflicts found and land operation modality; iv) stage of land reform implementation – number of ownership titles issued and the repossessed agricultural land areas; v) agricultural production, which had in view the collection of certain information on crop production, livestock production and utilized agricultural inputs; vi) opinions on the main problems that the agricultural sector is facing and the most important aspects that have influenced the rural community life after 1989.

The assessment of the potential exposure to land conflicts of measures from NRDP 2007-2013 proved to be quite a difficult endeavour: there are no credible data on the size and intensity of land conflicts or on the possible link between these and the measures implemented under NRDP. In order to capture the multidimensionality of the problem exposed under an easily understandable form, we opted for the approach based on indicators. The main limitation of this method is the absence of the possibility to measure the complex temporal and social dynamics of different systems. Furthermore, the utilization of indicators is limited by certain subjectivity in selecting the variables, by data availability and the testing or validation difficulty (Luers et al., 2003). Thus, in order to answer to the third research problem, the NRDP 2007-2013 was taken into consideration, namely the axes and measures under the program. On the basis of existing information in the description of measures, the authors constructed a logical matrix by which the following dimensions were investigated: type of beneficiary of the measure, targeted objectives – strategic, specific and operational objectives, explicit or implicit specification of the necessity of ownership documents for accessing the measure, agricultural land size restrictions and the measure implementation dependence on the existence of agricultural land areas. These dimensions were coded in relation to the potential intensity of land conflict emergence/determination.

The approach to the problem at measure level gives the possibility to make a classification/typology of measures depending on the potential level of exposure to land conflicts. The data matrix was loaded into SPSS; in order to reduce the data volume and capture the common elements of the set of variables, the factor analysis has been used (analysis of main components), statistical method to reduce the number of proposed variables for the description of a field, by constructing new variables named factors (Jaba & Grama,

2004). Three new variables/factors were obtained in this case that render to a large extent – 89.46%, the information contained by the initial variables. The factors obtained as output from the factor analysis were subsequently used as input in the cluster analysis – hierarchical type, Euclidean distances, and farthest neighbor method. The cluster analysis objective was to classify the 19 measures under NRDP 2007-2013 starting from a series of known attributes, having in view that the elements of each class are as similar as possible. Thus, the database units, the measures, were grouped into four clusters/categories.

## Results

### Romanian land reforms pattern

The context of land reform implementation in pre-communist Romania has a significant influence upon the land reform implementation after 1989, two main dimensions being important for our discussion: i) historical evolution of the farm structure in Romania, before the 1989 and ii) socio-economic dependency on agriculture of Romanian rural population.

From the historical point of view, farm structure in Romania in pre-communist era has three main characteristics: prevalence of small farms (Figure 1), historical path of land fragmentation processes generated through land reforms carried out in 1864, 1921, 1945 and lack in land registration especially in East and South part of Romania.

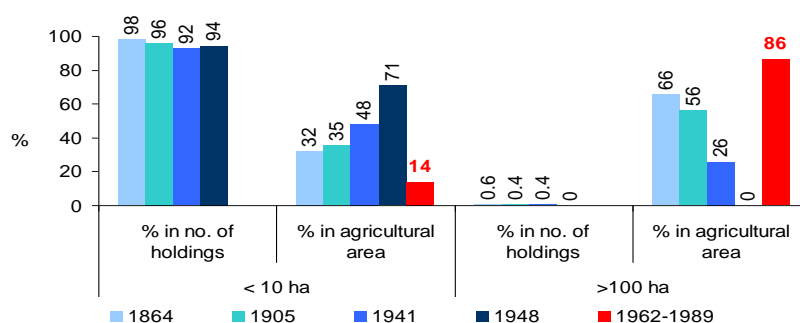


Figure 1: Farm structure in Romania in pre- and communist era

Sources: Axenciuc (1996) and OECD (2000)

During the communist period, consolidation in land operation under the state enterprises (28% of agricultural land) and cooperatives (58% of agricultural land) was carried out, only 14% of Romanian agricultural land remained under the private farms operation, especially small farms in the hilly and mountain area.

The land reform carried out after the collapse of the communist regime led to the restoration of the post Second World War land situation, in which the structure of agricultural holdings was dominated by the small and fragmented farms. The reconstitution of private agricultural land ownership rights (carried out through a series of 4 laws and other 10 adjustments of them initiated between 1991 and 2005) means that the landowners regained their right to work (and own) the small land properties on an individual basis.

Today, according to the last General Agricultural Census (2010), Romania registered 3.86 million holdings, the biggest number of farms in all EU, and the average size of a Romanian holding is around 3.6 ha utilized agricultural area (UAA). While in the communist period 86% of Romanian agricultural land was operated under the direct coordination of the state (by the instrumentality of the state enterprises and cooperatives), nowadays 87% of the

Romanian UAA is operated by the private entities (individual holdings – 53% of UAA and private enterprises – 34% of UAA) (NIS, 2013).

Despite the fact that the individual holdings operates more than half of agricultural area, because their number is very high in Romania (3.82 million), the average size of these farms represents only 1.87 ha/ farm which generates competition over the land resources and could become a potential source of land conflicts.

These data revealed that the post-communist agriculture bipolarity is a historical fact, an internal structural organisation pattern of the Romanian agriculture in which the small-sized farms have socio-economic security functions and the large-sized farms have commercial functions. The return to the pre-communist pattern, whose internal operation rationale is the only one known and recognised by the rural world, was the only possible trajectory under the social pressure of the restructuring of the communist economy (Tudor, 2015).

Under the impact of the restructuring of the other sectors of socialist economy, generally materialised into the closing down the socialist enterprises (steel industry, metallurgy, chemical industry, mining etc.), obsolete and economically inefficient, in ten years from 1990, in Romania, the number of employees fell by half and then stabilised at this level in the absence of consistent initiatives for the development of new private businesses (Figure 2).

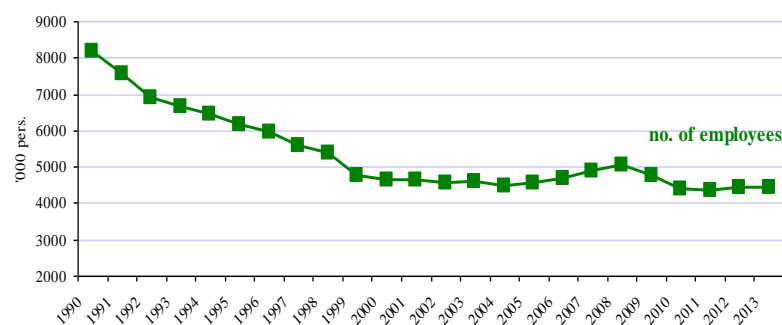


Figure 2: Evolution of the numbers of employees in Romania, 1990-2013

Data source: NIS-TEMPO on-line database

If we add the fact that almost half of Romanian citizens are living in rural areas (45%) and 60% of the employed population are working in agriculture in rural areas, we have an image of the socio-economic dependency on agriculture of Romanian rural population.

The restitution of land properties into private ownership was a conflicting process due to divergent economic and social interests within the social base. At the beginning the restitution and privatization process was conflicted for ideological purposes mainly since decades of communist ideology advocated the equalitarian dogma, which was deeply rooted within the mentality of many people. Later on the conflicts were mainly driven by different economic interests (Dumitru, 2002).

The land conflicts in Romania are found both in rural and urban areas. The experts highlight that in the period after the 1989 revolution, the number and complexity of land conflicts increased, as a result of the change in the ownership pattern, implementation of investment growth policies in the urban and rural areas, of industrial and agricultural development policies, fast increase of land value, etc (Dumitru 2002, Hurduzeu, 2003).

### Factors favouring the land conflicts

The sociologists define a conflict as a social fact in which at least two parts are involved, whose origins are found either in the differences between their interests or in those

between their social position: “the conflict is an inevitable aspect of human interaction, an inevitable consequence between choices and decisions” (Zartman, 1991: 299).

Consequently, a land-related conflict can be defined as a social fact in which at least two parties are involved and the roots of which are the different interests regarding the land ownership rights: the land use right, the land administration right, the right to generate an income from land, the right to exclude other people from the land, the right to transfer the land. Hence, a land-related conflict can be understood as a wrong use, restriction or dispute related to the land ownership rights. The land-related conflicts defined as such can be aggravated, if the social positions of the involved parties are very different.

The case study intended to reveal the *most important predictors* (perceived as sources) of the current land conflicts. The main *explanatory variables* that acted as catalysts in the emergence of land conflicts at the level of investigated communes are the following:

- The status of *commune subject to cooperativization process* in the communist period generated a series of conflicts with the land ownership right reconstitution and constitution as the private property reconstitution took place on the basis of a series of normative acts since 1991 up to the present moment
- *Excessive parcelling of landed properties* that entailed an increased risk of land conflict emergence with regard to property delimitation
- *High demographic pressure on land resources* revealed by the average land area per capita
- *The arable – agricultural land ratio* also leads to land disputes under the conditions in which there is a relative scarcity of land areas utilizable for annual field crops (in the case of hilly and mountainous areas) or the agricultural land areas can be commercially operated.

### **Types of rural land conflicts**

The analysis of land conflicts incidence at the level of Argeş county had in view to measure the *intensity of these phenomena* in the rural area under investigation. The frequency of conflicts is treated from the perspective of involved actors and of the nature of relations between these, and according to these the land disputes are classified into two categories:

- ***Intrapersonal land conflicts*** – manifested in the interpersonal relations/arrangements with regard to land ownership. The main land conflicts in this category that were found in the rural area of Argeş county are:

- conflicts between co-owners
- conflicts between neighbors
- conflicts between residents and non-residents.

- ***Intrasocietal land conflicts*** – in which at least one of the parts that dispute the ownership right or its usufruct rights is represented by a formal organization (public authority, private or public enterprises, etc.) or other types of social groups (ethnic, religious groups, etc.). In the communes from the area under investigation, the land conflicts considered to be relevant in this category can be classified into three groups:

- conflicts between individuals and agricultural production associations
- conflicts between the private owners and the organizations operating the land areas belonging to the state
- land conflicts generated by the belonging to different ethnic groups.

### **Intensity of land conflicts**

The analysis of the incidence of land conflicts in the 93 communes in Argeş county has in view, besides signalling out the emergence of the two categories of conflicts, the

cumulation of several categories of conflicts at the level of the rural areas. According to the collected information at commune level, at least one form of land dispute exists in each commune. Furthermore, in 63.4% of communes, the land disputes had a significant frequency, in the local authorities' perception.

Table 1. Relevance of land conflicts by type of conflicts in the case study area

Percent of communes (NUTS 5) in which the type of conflict is signalled out	Intrapersonal land conflicts			Intrasocietal land conflicts		
	between co-owners	between neighbors	between residents and non-residents	between individuals and agric. production associations	between private owners and organizations operating the land belonging to the state	between different ethnical groups
	84.95	96.77	39.78	20.43	30.11	6.45

The frequency of intrapersonal land conflicts is higher than in the case of the intrasocietal conflicts that involve collective structures. The explanation resides in the higher number of individual players who potentially run the risk to be involved in a land conflict, compared to the number of collective players. The second reason out of which the collective structures are less involved in conflicts resides in their socio-economic power (which inhibits to a certain extent the weaker players' attempt to get involved in a conflict) and in the fact that the organizations of this type prefer to operate land areas on which the ownership rights are clearly defined. Thus:

- in 96.77% of the investigated rural communities conflictual relations between neighbors has been signalled out;
- 84.95% of respondents signalled out conflict between co-owners;
- the land conflicts between residents and non-residents have a lower incidence, being noticed in about 39.8% of communes.
- among the conflict forms that involve collective structures, the most frequent are those between the *private owners and the organizations that operate the land belonging to the state* (in 30.11% of communes);
- conflicts between individuals and agricultural associations are also signalled out in more than 20% of communes, while those between the ethnical groups are mentioned by the respondents from about 7% of the investigated rural areas.

The complexity of local land relations and the diversity of rural players involved in patrimony relations are different by communes. Thus, as the variety of ownership relations and/or of the involved players increase, the conflictual situations are under a higher risk. The cumulation of conflictual risk factors also generates the overlapping of several types of land disputes, which makes it more difficult to settle these disputes.

Table 2. Cumulation of conflict situations concerning land in the case study area

Types of cumulated land conflict	Percent of communes by the number of conflicts they cumulate
No conflict form is manifested	0.00
Only one conflict type	5.38
Cumulates 2 conflict types	<b>37.63</b>
Cumulates 3 conflict types	<b>31.18</b>
Cumulates 4 conflict types	24.73
Cumulates 5 conflict types	1.08

From the analysis of the cumulation of manifest conflict situations, it results that 57% of the communes from Argeş county are characterized by a high diversity of conflict forms,



cumulating three or more types of conflicts. Given the diversity of players and contexts, the multiple land disputes, which are simultaneously present in a given area, hinder the chances to settle these disputes. Each conflict form and each type of involved actor needs a particular corrective intervention, and the efforts to settle the conflicts risk to be dissipated and not to reach their goal immediately.

Only in 5.38% of communes there is only one form of land conflict, these rural areas being those that benefit from the opportunity to focus their efforts in the same direction for the fast settlement of disputes, with immediate positive consequences.

### Effects of land conflicts on the implementation of the CAP (2007-2013)

On the basis of the conclusions of the case study conducted in the county Argeş, which highlighted the main forms of land conflicts, and of the requirements / conditions for accessing the measures from the Agriculture and Rural Development Program 2007-2013, the study attempted to evaluate the potential exposure to land conflicts of each NRDP measure.

The cluster analysis led to the identification of four categories of measures, with relatively homogenous characteristics, presented in the table below.

Table 3. Cluster analysis

	Cluster 1	Cluster 2	Cluster 3	Cluster 4
Measure code	123;125; 142; 215; 312;313; 322; Leader	111;143	112;141; 214	121;122;211; 212; 221; Direct payments
Description	Cluster 1 is a cluster with a <b>low potential level of exposure to land conflicts</b> . The strategic objectives targeted by these measures are not directly addressed to the agricultural activity, but rather to the creation of necessary conditions for agriculture development and economic activity diversification in rural areas. They are measures whose dependence on agricultural land is low, and consequently there are no restrictions nor particular requirements concerning the title deeds. They are addressed to a wide range of beneficiaries and competing / conflictual interests may emerge from this direction.	<b>The potential exposure level of this cluster to land conflicts can be considered as low to medium.</b> These are measures whose declared strategic objective is the improvement of the farmers' or other persons' skills who are involved in the agri-food and forestry sectors and they are mainly addressed to individual persons. The measures intend to respond to certain specific objectives targeting the technical, economic, social and environmental dimension. These measures do not directly depend on the existence of agricultural and forestry land into ownership. They have certain restrictions: they are addressed to the semi-subsistence farms and to young farmers in particular.	<b>The potential exposure level of this cluster is medium</b> and it is mainly influenced by the dependence on the agricultural land and by the specific objectives that must be reached. The strategic objectives of these measures target increasing competitiveness of commercial and semi-subsistence farms and of their associations, as well as the conservation and improvement of natural resources and habitats. They are mainly addressed to individual beneficiaries and the condition to be a land owner is not explicitly specified. There are certain restrictions targeting the young farmers and the semi-subsistence farms. The measures largely land-based..	<b>The potential exposure level of this category is high.</b> They target a wide range of strategic objectives: increasing competitiveness of commercial and semi-subsistence farms and of their associations, continuing the agricultural land utilization and promoting sustainable agriculture and forestry. These measures are largely land based. A series of restrictions put out of action the owners who have not clarified the situation of their landed property or the young farmers who were not the beneficiaries of succession. These measures are addressed both to the individual beneficiaries and to the associative beneficiaries who must come with title deeds or documents pertaining to their right of use.

## Conclusions

The main sources of *current* land conflicts and disputes result from the ownership structure and the characteristics of land operation, both being the consequence of the modality of land reform application and of the permanent changes in the regulations regarding the legal circulation of land.

The analysis of the incidence of land conflicts in the rural area from Argeş county revealed six main types of land conflicts that were grouped into two categories: i) *intrapersonal land conflicts* – manifested in the interpersonal relations/arrangements concerning land property. This category included the conflicts between co-owners, conflicts between neighbors and conflicts between residents and non-residents; ii) *intrasocietal land conflicts* involving formal and/or informal collective structures – in which at least one of the parts disputing the ownership right, usufruct right or right of use is represented by a formal organization (public authority, private or public enterprise, etc.) or other types of social groups (ethnic group, religious group, etc.). At the level of communes from the area under investigation this category included the conflicts between individuals and associations, conflicts between private owners and the organizations that operate the land belonging to the state and the land conflicts generated by the appurtenance to different ethnical groups. The answer to the third research question emphasizes that the measures under NRDP 2007 - 2013 have a different exposure level to land conflicts. The matrix of potential exposure to land conflicts presented in Table 2 shows how the three defining components of land conflicts are distributed by the four clusters.

Table 4. Matrix of potential exposure to land conflicts

Cluster	Dependence on land resource	Type of beneficiaries	Competition for resources
Cluster 1	++	+++	++
Cluster 2	++	+	+++
Cluster 3	+++	+	++
Cluster 4	+++	+++	+++

+ low influence; ++ medium influence; +++ high influence

We must specify that the methodology used has both strengths and limitations. The advantages of this approach are given by the transparency of the matrix framework of indicators that makes it possible to analyze the potential exposure on the basis of its determinants. However, the *stricto sensu* interpretation of information from table may lead to false accuracy (each measure is influenced by an important number of other factors). The obtained clusters reveal differences in the exposure level to land conflicts of the different measures. In this context, the decision-makers should analyze the current situation and to use it in the new CAP financial framework.

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