# RURAL LAND CONFLICTS - THEORY AND PRACTICE

# CONFLICTE FUNCIARE RURALE - TEORIE ŞI PRACTICĂ

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***Abstract:*** *After December 1989, the Romanian governments made efforts to re-establish a coherent legal and institutional framework for private rights in rural land but the whole process has been characterized by instability, incoherence and unjustified delays. During the early phases of economic transition (privatizations), when regulatory institutions, controls and mechanisms of sanctions are not yet in place, people keenly take land if their position allows for it. Privatization does not force people to fight for land, but sometimes it offers illegal opportunities to make an economic profit. All land conflicts and disputes produce negative consequences for individual people as well as for the entire society. The aim of this paper was to analyze the concept and the causes of land related conflicts in Romania.*

***Key words:*** *land conflict, types of conflicts, land reform, rural space*

## INTRODUCTION

The Romanian land reform has involved three distinct processes: 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 compete set of laws and regulations to secure land ownership and tenure (law on land restitution, law on registration and cadastre, leasing law, law on land selling and intervention agency) the legal and institutional framework set up was rather devious with big gaps of three-four and even more years between different laws (Hurduzeu, 2003).

The restitution of land properties in 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 interest.

## MATERIALS AND METHODS

For analyzing the types, causes and consequences of land conflicts some studies and researches were examined. Because information on the types and nature of conflicts, their emergence rate and the settling down mechanisms is not available the situation of land conflicts and disputes were examined 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). The incidence of land conflicts and their intensity was investigated from the perspective of the involved players and nature of relations between them. The importance and complexity of these conflict areas were determined by the analysis of information included into a questionnaire.

## RESULTS AND DISCUSSIONS

In Romania, after 1989, the land-related conflicts emerged soon, as a result of the deep changes produced at society level. The enforcement of legislation with regard to the ownership right reconstitution for the land properties that had been abusively confiscated during the communist regime, the political instability, the administrative and juridical reform, the proliferation of corruption and the system of interests represented important factors in the emergence and aggravation of land-related conflicts.

**A Theoretical Approach of Land-related Conflicts**

The sociologists define a conflict as a social fact in which at least two parts are involved, with its 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, etc.

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 land-related conflicts are common conflicts and they can appear at any time and in any place. They often generate strong negative effects upon the economic, social, spatial land ecologic development, mainly at the level of less-developed or transition countries, where the land market institutions are poorly developed, where the opportunities for economic gain through illegal actions are quite a common practice, and many people do not have access to land. The land-related conflicts can have negative effects both for individuals, for certain groups, or even for the whole nation.

Although conflicts are perceived as destructive, they also have positive functions. The land-related conflicts can become engines of change, if they lead to a massive protest and to changes of policies and of their implementation modalities. Thus, it is important to approach the land-related conflicts in a constructive manner, instead of ignoring them or of trying to stop them.

The land-related conflict is the most frequent form of rural social conflict in the Romanian rural communities; it is the type of conflict that produced a history, a tradition of negative feelings between groups, yet it also resulted in the clarification of the differences of values.

The post-modern history of the land-related conflict originates in the interface between the external entities to rural area (governmental, governmental agencies, private business, etc.) that implement capitalist

relations and the endogenous entities (farms, rural households, entrepreneurs, etc.). The land-related conflict stems from the failure to coordinate the exogenous and endogenous factors in the action to consolidate another social order.

**Land Related Conflicts in the Rural Area of Argeş County**

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

i) inter -individual land conflicts - manifested in the inter-personal relations/arrangements with regard to the landed property. The main land conflicts from this category, which were found in the rural area from Argeş county are the following: conflicts between co-owners; conflicts between neighbors; conflicts between residents and non-residents;

ii) land conflicts involving formal and/or informal collective structures – in which at least one of the parts that disputes its ownership right or usufruct right is represented by a formal organization (public authority, private or public enterprise, etc.) or other types of social groups (ethnical, religious groups, etc.). At the level of communes from the area under investigation, the land conflicts that are considered relevant in this category fall into three types: conflicts between individuals and 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 ethnical groups (Rusu, M., Tudor, M., Chitea, M., 2011).

The analysis of the incidence of land conflicts in the communes from the county Argeş has in view to signal out the emergence of the two categories of land disputes as well as to highlight the amplitude of these disputes in the rural area[1]. According to the information collected by the

[1] In the sense of the present study, a certain type of land conflict was considered as being "relevant" for a certain area when the interviewed subjects during the survey appreciated the answer to the question *Please estimate the importance of the following land conflicts in this commune* by scores of 3 – little important, 4 – important, 5 – very important

study at community level, at least one of the forms of land conflicts is found in each commune. Furthermore, in 63.4% of communes, the land disputes had a significant frequency, in the perception of local authorities.

**Table 1: Relevance of land conflicts by type of conflicts**

| Conflict | Type of conflict is signaled out | Type of conflict is relevant |
|---|---|---|
| - between co-owners | 84.95 | 39.78 |
| - between neighbors | 96.77 | 40.86 |
| - between residents and non- residents | 39.78 | 19.35 |
| - between individuals and associations | 20.43 | 8.60 |
| - between private owners and organizations operating the land belonging to the state | 30.11 | 19.35 |
| - between different ethnical groups | 6.45 | 2.15 |

The respondents at local level signal the emergence of inter-individual land conflicts out with a much higher frequency compared to those involving the collective structures. The explanation resides in the higher number of individual players who are at a potential risk to be subject to a land dispute, compared to the collective players that might become subjects of such conflicts. The second reason out of which the collective structures are less involved in conflicts resides in their socio-economic power (that inhibits to a certain extent the attempt of conflictual involvement from the part of weaker players) and in the fact that the organizations of this type prefer to operate land areas upon which the ownership rights are clearly delimited.

The complexity of local land-related relations and the diversity of rural players involved in patrimonial relations are different from one

commune to another. Thus, the higher the variety of ownership relations and/or of involved players, the higher the risk of increased conflict situations. The cumulation of risk factors also generates the overlapping of several types of land conflicts; this overlapping makes it difficult to settle down the respective disputes.

**Table 2: Land conflict situations concerning land ownership**

| Types of cumulated land conflict | Percent of communes by the number of conflicts they cumulate, according to: | |
|---|---|---|
| | Conflicts signaled out | Relevant conflicts* |
| No land conflict | 0.00 | 36.56 |
| One conflict type | 5.38 | 21.51 |
| Cumulates 2 conflict types | 37.63 | 20.43 |
| Cumulates 3 conflict types | 31.18 | 18.28 |
| Cumulates 4 conflict types | 24.73 | 3.23 |
| Cumulates 5 conflict types | 1.08 | 0.00 |

*a certain type of land conflict was considered "relevant" when the interviewed subjects appreciated the answer to the question *Please estimate the importance of the following land conflicts in this commune* by scores of 3 – little important, 4 – important, 5 – very important

The analysis of the cumulated conflict situations reveals that 57% of the communes from Argeş county are characterized by a great diversity of conflict types, cumulating three or more types of conflicts. Moreover, in about half of these communes, the cumulated conflicts also have a wide scope (in 21.5% of communes there are three or four forms of relevant conflict types). Given the diversity of players and contexts, the multiple land disputes, simultaneously present in a given area, make it difficult to settle down the conflicts. Each conflict form and each type of involved player call for a particular specific corrective intervention, and the efforts to settle down the conflicts risk to be dissipated and not to reach the target immediately.

## CONCLUSIONS

The investigation of the rural land-related conflicts in the theoretical perspective leads to the following conclusions: i) the legislation and the institutions have a determining role for the content and size of the rural conflicts; and ii) there is a historical continuity of the land-related tensions, enhanced by the instability of current legislation.

The analysis of the incidence of land conflicts in the rural area from Argeş county revealed the following main aspects: six main types of land conflicts were identified that were grouped into two great categories: i) inter-individual 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) 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 (ethnical 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 obtained results are important from the perspective of measures that should be taken for solving up these land conflicts. Given the diversity of players and contexts, the multiple land conflicts, simultaneously present in the investigated rural area, make it more difficult to solve up the conflicts. Each conflict form and each type of involved player need a particular corrective intervention, and the efforts to settle down and solve up the land conflicts are under the risk to be dissipated and not to reach their goal fast.

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**REFERENCES**

1. COSER, L**.**, (1956), " The Functions of Social Conflict" Glencoe, Free Press.
2. CZAKI,C., AND LERMAN, Z**.**, (1997), Land Reform and Farm Restructuring in East Central Europe and CIS in 1990's, Review of Agricultural Economic, no. 6
3. DAHRENDORF, R**.,** (1988) "The Modern Social Conflict", University of California Press: Berkely and Los Angeles.
4. DEININGER, K., (2003), Land Policies for Growth and Poverty Reduction. A World Bank Policy Research Report, Washington.
5. DUMITRU, M., (2002), Romania – Country Case Studies on Integrating Land Issues into the Broader Development Agenda, (unpublished paper)
6. FAO, (2005), Acces to Rural Land and Land Administration after Violent Conflicts, Rome.
7. FAO, (2002), Land Tenure and Rural Development, Rome.
8. HURDUZEU, GHE.**,** (2003), Assessment of Land Related Disputes and Conflicts and Elaborate Proposals for "Out of Court" Conflict Management Schemes, FAO Project (unpublished paper).
9. MILLS, W., (1977), "Imaginatia sociologica", Bucuresti, Editura Politica, Bucuresti.
10. POPESCU, M., (2001), Transition's Lessons. Agriculture.1990-2000, Expert Publishing Co., Bucharest
11. RUSU MARIOARA, TUDOR MONICA, CHITEA M.**,** (2011), Land Related Disputes and Conflicts in Romania: Field Survey – Arges County, IAE (working paper)
12. RUSU MARIOARA (coord.), (2010), Land Conflicts in Romania, IAE (working paper)
13. THOMAS, J., (2006) "Property rights, land fragmentation and the emerging structure of agriculture in Central and Eastern European countries", eJADE Vol. 3, No. 2
14. WEHRMANN, B., (2008), Land Conflicts, GTZ, Eschborn, Germany.
15. WEHRMAN, B., (2005), Urban and Peri-urban Land Conflicts in Developing Countries. Research Reports on Urban and Regional Geography 2. Berlin.