

## LAND: A DETERMINING FACTOR FOR THE VILLAGE AS A HUMAN SETTLEMENT

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**Abstract:** *According to the classical definitions, village is the oldest form of human settlement consisting of houses and groups of people who earn their living from an established social space. Besides the features of an urban, economic, social, ethnographic and historical nature, the village is characterized by a certain type of activities based on the exploitation of resources by inhabitants. The principle of causality, one of the principles of human settlements, puts into question the determining factors for the emergence, evolution and disappearance of human settlements, and the precautionary principle refers to the risk factors (natural or anthropic) that limit or stop the evolution of a settlement. This article presents a series of public data from the concrete reality that could be useful theoretically in order to establish a causality between the distance of the inhabitants on the earth, as their main resource of existence, and the disappearance of their forms of settlement, that is the disappearance of the determining factor becomes a risk factor.*

**Key words:** *Romanian village; European village; land; human settlements; agriculture.*

### Introduction

The Romanian scientist Simion Mehedinți appreciated land as being the education house of the human race (Mehedinți, 1943). For villages, as forms of human settlements, the land, as a source and resource of existence, represented the determining factor of their formation, evolution and development, of their lifestyle, of their standard of living (Pricină in Otovescu, coord., 2010). From this point of view, no scientific analysis or research on the topic of the reform or crisis of the European village can be final without referring the inhabitants of this space to the determining factor that is the land and to the direct and indirect aspects generated by this report (Stahl, 1939:37).

From this point of view, on a number of occasions, when the need for reforms aimed at this space was brought into discussion in the public space, a number of opinion leaders asked the question whether there is anyone to listen also to the opinion of the peasants, because, usually, the political scenery changes but, when the music stops, one thing shall not be changed: those in power, as well as those who write about public affairs, shall continue to come from big cities and, as a result, the natural environment shall continue to be unrepresented. As there

are voices in the space of the European village that are not heard in any of the national debates. Those living in the countryside have the experience of generations of rural life and are often intelligent people, but, in the last 30 - 40 years, they have been marginalized. Portrayed in the metropolitan media in a simplistic, caricature way - greedy, whining, grabby, "simple" - peasants are rarely invited to express their views on the modified appearance of the natural environment. So, at a time when great decisions are being made regarding the natural environment, the voices of environmentalists, entrepreneurs, settlers, even of the huge city army who invaded the "rural" area (with their villas) are heard, covering with their ruckus those of those who try, harder and harder, to earn their living from the land. The society is totally controlled by "city boys" and peasants are not "devoted to media games", an obvious trend since the 19th century, with the processes of industrialization and urbanization (Thomas, Znaniecki, 2016/1918).

Deeply connected to the world of the land, they are not shelling to do emotional exhibitionism regarding the defense of animals, preferring to do their job with the maximum of humanity (as they have done for thousands of years). There is still a sense of shame in the countryside, a tradition of not getting in the way of another, assuming that he / she shall treat you with the same common sense - which disadvantages the peasants in today's world of busybodies. The perspective of the farmer with a sense of responsibility is complex and not likely to find his / her place in the fairy tales of the media and on the corridors of power. Livestock is a source of food, but it must be treated with respect. The fields themselves have to pay for the work, but not be drained.

We live in an obvious hypocrisy. We rather not think about the animals killed for our soup. But we take care that peasants produce meat "in a human way", leaving commercial networks to get rich by cheap imports at the expense of animal welfare. We take care of foxes, ferrets, but we do not think for a moment about the frightening practices of poultry farms and slaughterhouses. Around 1995, at the congress of a political party in Romania, half of the hall stood up and came out ostentatiously, when a country teacher, dressed up in a peasant costume, came to speak. Whoever has heard the kind and intelligent words of the rural teacher would surely have remembered them every time he / she saw drought or other calamities that overtook the world. Out of which the lack of shame is not the last one.

### **1. The role of local communities in the exploitation of the land**

The basis of the Romanian society is the agriculture and the small peasant household (Otovescu et al., 2010), but, for this, the peasant or the farmer must be free and master on his / her land, the most valuable wealth Romania has, a fact recognized by at least all the political decision-makers.

In March 2016, Romania's Prime Minister Dacian Cioloș, a former European commissioner for agriculture, stated that, in Romania, there is a bipolar agriculture, with very large farms, where there is also very much poverty, "which says certain things about, probably, the efficiency of land use on larger areas, therefore, efficiency in increasing the yield of agricultural production, but, unfortunately, a negative impact on the development of local communities, which, if we ignore the agriculture, there is not much left over there" (Guvernul României, 2016) and there are subsistence farms or subsistence households, where one produces from one year to another the quantity necessary to that family, to cover its need for consumption and possibly to sell a surplus.

"On the other hand, what I have found, while I was in Brussels for five years, is that, practically, without exception, I think, there is no country with an important agriculture and agrifood sector in Europe that does not base its development on the agricultural and agrifood sector in the family farm. Of course, there is now the development of corporate agriculture, that of the company, as they say, but also by the evolution of the family farm. So the core, so far, the model in the EU, the high performance model of agriculture development, which also has an impact on rural and local development, this model is the family farm, family farming. And that is exactly what is missing from us and what Romania has not been able to consolidate for 25 years. And I would like not to see, at least I don't see the development of the middle class and that of the family farm as a reaction against big farms or against the farm or subsistence farms. I think it should be a natural evolution, but this evolution should be framed and must be accompanied by some adapted measures. In a wild environment, if I can say so, from a legal, legislative, fiscal and judicial point of view, the family farm shall not grow. In order to be strengthened, this model needs some sort of framing and support. And that's exactly what we want to do by this program, by this package" (The speech of the Prime Minister Dacian Cioloș at the conference "Package of measures for the development of the middle class in villages", 2016).

Regarding the reporting of the community to land, the former prime minister of Romania says he wants the land to be used by local communities, "because it is a resource that you can hardly get from elsewhere - and it cannot, practically, get it from another part", and even more, no one can use it better than the respective community (*Ibidem*).

"If you lose it, once you have given up such a resource, you can hardly get it back. But whatever laws we may give at a national level to legislate the sale of land to foreigners, whatever laws we may give, these laws cannot replace your desire, that of the owners, to sell or not the land, to sell it or to use it locally. So this resource - it is important to underline it - this resource must first make us aware that we have it and have the courage to undertake it. And I would also like to send the message of the mayors who are here, in the room, and who hear me: do not facilitate at any cost the sale of land until you have made every effort to exploit that land in the village, with local communities. Of course, it is probably

easier to get some support when a foreigner comes to buy the land and ask you to regroup it for them to sell it. But think about the fact that in that way you sell a resource belonging to the community that you can't bring back afterwards. No matter how many foreign investors you may bring in, those foreign investors cannot exploit the land better than local communities can exploit it. So, think about it very well and I can assure you that you shall have all the support of the Government, with the measures available to us, to give you the opportunity to organize yourself to work your land, but think that this is the first resource from which you start when you want to develop your communities and that the first responsibility to act in such a way that the land remain and be exploited by local communities is in your hands, that of mayors, and you know very well the reason for which I say it. So I hope we shall be partners here and there is nobody who calls out that, because of the Government, the land is being sold to foreigners and to find out that, in some places, it is too late to do anything else" (*Ibidem*).

## 2. Land exploitation in Romania: statistical data

In Romania, the surface of agricultural land exploited by foreign natural and legal persons was 422.000 hectares, at the end of 2018, with 793 persons registered using these lands, according to the data provided by the Ministry of Agriculture and Rural Development (2019).

In terms of provenance, most people came from Italy - 194, Germany - 80 persons, France - 33, Austria - 31 persons, Holland - 28, Spain - 23, Belgium - 17, Denmark - 16 and Greece - 10 persons etc.

Regarding the sale of agricultural land in Romania, the operational data of the Ministry of Agriculture, according to the procedure provided by the Law no. 17/2014, shows that, last year, 154.076,23 hectares were sold, almost similarly to 2017, respectively 153.927,46 hectares. Last year, a total of 149.546 tenders were submitted for the sold area, and, in 2017 – 149.767 tenders.

MADR statistics from the last years show that, in 2014, 58.875,14 hectares of agricultural land were sold, in 2015 – 172.353,79 hectares, and in 2016 – 144.350 hectares. In 2019, until the 30th of April, 48.746,67 hectares of agricultural land were sold, the number of tenders submitted being 50.304 (Agerpres, 2019).

Currently, at the level of the Parliament, there is a legislative initiative that shall regulate the sale of agricultural land in Romania, and which aims to amend and supplement the Law no. 17/2014. It was transmitted for report to the standing committees of the Chamber of Deputies, as a decision-making chamber, with a view to exercising parliamentary control and finalizing the parliamentary procedure. The legislative proposal aims to establish the right of preemption in this order: co-owners and relatives of the first degree, the landlord / the owners of agricultural investments for the crops of fruit trees, vines and hops, of owners

of neighboring agricultural lands, of young farmers, ASAS, units of research as well as the Romanian state, by the State Property Agency.

With regard to the preemption right of tenant farmers who want to buy agricultural land, they must first have the status of a tenant farmer, according to the agricultural lease signed and registered at least one year before the date of listing of the sale tender; tenant farmers - natural persons must prove the domicile / the residence located on the national territory, established for a period of 5 years prior to the registration of the tender; tenant farmers - legal persons: associates / shareholders to prove the domicile / the residence located on the national territory established for a period of 5 years, prior to the registration of the sale tender; legal persons tenant farmers, having as shareholding another / other legal person / persons, their associates to prove the social / secondary headquarters located on the national territory established for a period of 5 years. The legislative initiative stipulates that, in the case of the preemptive owners of neighboring lands, the owner of the neighboring land with the large side of the land offered for sale has priority; in the case of owners of neighboring lands that meet the same conditions, the young farmer with the residence established on the national territory for a period of 1 year takes precedence.

Also, there are following the neighboring agricultural land owners who have a common border - in descending order of the length of the common border with the land in question, and if the large side or one of the equal sides of the land has the common border with a land situated within another administratively territorial unit, the priority when buying the land belongs to the neighboring owner with the residence / the registered office and / or the secondary headquarters located within the administratively territorial unit where the land is located. As for young farmers, the young farmer who carries out livestock activities with the fulfillment of the condition regarding the residence established on the national territory for a period of 1 year has priority in buying the land subject to sale. In the case of the exercise of the right of preemption by young farmers, the priority for the purchase of the land subject to the sale belongs to the young farmer who carries out activities in animal husbandry, by complying with the condition regarding the domicile / the residence established on the national territory for a period of one year. The main conditions for natural persons potential buyers are: the domicile (the residence) located on the national territory established for a period of at least 5 years, prior to the registration of the sale tender; to carry out agricultural activities on the national territory for a period of at least 5 years, prior to the registration of this tender; to be registered by the Romanian tax authorities with a minimum of 5 years prior to the registration of the sale tender and to have studies in the agricultural field.

In the case of legal entities, they must have the registered office and / or the secondary office located on the national territory established for a period of at least 5 years, prior to the registration of the sale tender; to carry out agricultural activities on the national territory for a period of at least 5 years, prior to the

registration of this tender. Also, legal entities must have the documents stating that out of the total income of the last 5 fiscal years, at least 75% represents an income from agricultural activities, and the associations must prove the residence located on the national territory established for a period of at least 5 years, prior to the registration of the sale tender of agricultural land located in the outskirts. In case the shareholding is another legal entity, their associates shall prove the residence located on the national territory established for a period of at least 5 years, before the registration of the sale tender.

Other conditions provided in this legislative initiative to amend and supplement the Law no. 17/2014 regarding the sale of lands aim to the prohibition of alienation by sale, for a period of 15 years from the date of purchase; the sale before the 15-year deadline is made only to the Romanian state; the unitary application of the procedure provided by the normative act regarding the observance of the preemption right and the increase of terms; establishing the unique national Register regarding the movement and the destination of agricultural lands located in the outskirts; the conclusion of the documents by which the ownership right is transferred (payment, establishment as a contribution to the share capital of a company or for any other legal act between the living by which another real right is transferred or constituted to ensure the possession and the use of agricultural land located in the outskirts, by the circumvention of the Law no. 17/2014, is sanctioned by absolute nullity.

“The evaluations carried out with regard to the application of the law and the developments on the land market have identified issues that imply the need to amend the conditions of sale of agricultural land, so that young people have access to the land market, to achieve economic exploitations that produce for the market, the consolidation of agricultural lands, as well as the diminution of the acquisition of agricultural land on the land market for speculative purposes”, it is shown in the explanatory memorandum of the Draft Law for amending and supplementing the Law no. 17/2014. Regarding the land registry of agricultural lands for which subsidies are obtained from APIA, according to the data of the National Agency for Land Registry, until the 1st of March 2019, 3,87 million hectares, respectively 40%, were registered.

### **3. Experience of Western European farmers exploiting land in Romania**

“Out of the total of 9,57 million ha of agricultural land subject to APIA subsidies, 3,87 million hectares (40%) were registered in the integrated land registry and real estate register system (40%) and approximately 4,10 million hectares (43%) are contracted, with the term of completion the end of 2019, respectively the beginning of 2020, which represents about 83% of the total area subsidized by APIA”, it is specified by the representatives of MADR (Agerpres, 2019).

Romania has a total agricultural area of 14.630.072 hectares, out of which in private property 13.699.725 ha (93.6%), while the arable area is 9.395.303 hectares, out of which in private property 8.940.204 hectares (95,1%).

Since 2010, in the Western media, there were articles discussing the issue of fertile land in Romania and the opportunities it offers, for Western farmers, the agricultural land in Romania representing a manna from Heaven (Ziare.com, 2014), and today it is impossible to cross Romania without meeting foreigner farmers who make agriculture in Romanian villages increasingly depopulated and abandoned.

In 2014, the newspaper *Le Monde* made a report on “the sweet attraction of Romanian green pastures, an agricultural Eldorado in Europe, with about 10 million hectares of agricultural land, out of which one third is cultivated by western farmers”, presenting the case to a French farmer, by his name Maxime Laurent, who came with machinery and bought land around the commune of Macesu de Sus of the county of Dolj (Le Monde, 2014). The Frenchman cultivated wheat, barley, sunflower and rapeseed, he was considering a project for which he received European funds in order to have good conditions for the storage of 7.000 tons of products and the irrigation of 500 hectares of crops.

Together with his life partner from Romania, he built a nice house in the village and they have an apartment in Craiova. “Here, from the age of 19, I have started to run a 1.400 ha farm. In order to do in France what I have achieved in Romania in three years, it was required the work of three generations. In the first months, I felt overwhelmed. If I remained in France, what would I have done today? I would have finished my studies and found a job for a maximum of 1.200 euros a month. You pay your taxes, bills, you eat, you get dressed and, at the end of the month, you have almost nothing left. As far as I am concerned, you can’t call this a life”, that was what the French man told reporters (*ibidem*).

## Conclusions

The land, as a determining factor for the village as a human settlement, has ceased to be considered a heritage, in order to become progressively a working tool, by changing itself, above all, into an immobilized equity from which a financial return is expected. In this context, it would be necessary to conduct extensive research on the theme of relation between the distancing of village inhabitants from land, as the main resource of their existence, and the disappearance of these forms of human settlement.

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