

Land Grabbing, 'Artificialisation' and Concentration in France:

Causes, Consequences and Challenges

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Land policies in France were profoundly reshaped after World War II in order to provide land tenure for small farmers. To date, these policies and state regulations have maintained a high level of rights for farmers and kept down the price of land relative to other European countries. These policies also changed ownership. Before 1939, the aristocracy held much of the farmland whereas today farmers or close members of their family control 80% of agricultural land. At the same time, it is hard for young people to obtain land in order to take up farming – despite the fact that almost half of the new farmers are not originally from farming families. In other words, the policies that granted land tenure for small farmers are now impeding the equitable access to land. To paraphrase Edgar Pisani (1986), 'it is because of its success that this land policy needs to be reworked'¹. Within this context, two main factors explain the difficulty of obtaining access to land: land concentration and what can be termed the 'artificialisation' of agricultural land.

Before the World War II, most small farmers would access land either by leasing it or by sharecropping. The landlords, very often aristocrats, were extremely powerful as they could evict the farmer after the harvest. During the war, the National Committee of Resistance, mostly composed by progressive people, established a programme to improve social justice after the war. The 1946 law on farm rent is the direct result of their work. Although not named as such, it has had the effects of an agrarian reform on rural society. First, sharecropping was abolished because it was considered inequitable for the farmer: most often 50% of the harvest had to be given to the landlord. The strict rules then established for leasing land are still in place. Contracts are for nine years, and the landlords are obliged to renew unless they or their children want to work the land. Furthermore, if there is no written contract but the farmer pays a rent, it is considered to be a verbal contract that has the same force as a written one. This law effectively released small farmers from their fear of the landlords. For many rural people it was only then they could feel that serfdom and the arbitrary power of aristocracy had really been abolished. Obviously, those who own land frequently criticise these regulations, which they consider do not respect private property. It leads some of them not to rent their land or to do so without a proper lease, by asking payments in cash. In the first case the local mayor has the right to oblige the owners to rent their land if it is proved to be lying idle, although few would proceed in this fashion for fear of alienating the landowners. In the second case, there is a tribunal composed of landowners, tenants and a judge in each department to discuss conflicts between landowners and tenant farmers.

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Two additional regulations were established in the 1960s, at the time when the then European Common Market was being created and there was a need to modernise French agriculture. Their goal was to enable small and middle farmers (rather than large-scale farmers) to scale up in order to be competitive. The first was 'the monitoring of the farming structures', whereby the land can be worked only with a government licence. *Owning* agricultural land is not sufficient to give the right to farm it, without such authorisation. For those renting the land the authorisation alone is not sufficient and there must be a formal lease from the landowner. These authorisations are given after a consultative process with a local commission (Departmental Agricultural Advisory Commission, or CDOA) comprising representatives of the farmers' unions, local authorities or farmers' cooperatives and banks. Usually the commission follows a list of criteria giving priority to new farmers and farmers whose farm is too small to be viable. This regulation is very important but not always easy to take advantage of. For instance, in order to block the authorisation of a farmer already working 200 ha and asking for 50 ha more, the commission requires the name of someone who wants to start a farm on the same land. The commission then has then to receive within a month the young farmer's business proposal, proving that it is feasible to settle. This short timeframe often makes it very difficult to block an authorisation and prevent a big farm from taking over more land. The monitoring of the farming structure is also threatened by the fact that an increasing number of farms are 'legal firms', so instead of buying land and/or buildings, newcomers buy shares in the company and thus escape control of the administration.

The second tool is called SAFER – the society for land planning and rural establishment. It was established to help to prioritise agricultural land use, restructure farms and settle new farmers. Its mission is basically to buy agricultural land and buildings in order to re-sell them to other farms. There is a SAFER in each region, and whenever a land is being sold – SAFERs are informed of all sales – they can either buy the land voluntarily or block the sale. They have the capacity to pre-empt the sale if they can prove that someone else with a higher level of priority wants the farm (such as a smaller or younger farmer wanting to settle) or if the price is too high and represents speculation. People seeking to purchase a farm usually go through the SAFER. Once again, it is a very interesting mechanism, but with many loopholes. First, SAFERs have neither the financial capacity nor the political will to stock land for long enough to allow a young farmer to present a viable project, go through all procedures and make financial arrangements, given that the sale has to be stopped within three months. The second problem with SAFER is that it is a public-private partnership (PPP) – hence a partly private body controlled by its stakeholders, namely the main farmers' unions, the chamber of agriculture and the bank *Crédit Agricole*. Local authorities also own a share but they have little part in the decision-making process. The last issue is that it lacks transparency, since the information about what farm is being sold, where and when is only given to the stakeholders, networks from which young farmers are excluded. *Confédération Paysanne* has taken several SAFERs to court and is little by little winning the right to transparency.

Farmers' unions play a key role in the administration of land tenure. This so-called 'co-management' is, however, highly criticised for legitimising the monopolistic control and power within the hands of the main union, FNSEA, while other agrarian-related actors are excluded both from the debates and from the decision-making process. Indeed, the representatives from FNSEA often also sit for the *Crédit Agricole*, the farmers' cooperatives and the chamber of agriculture in institutions such as CDOAs and SAFERs. As a result, one of the major struggles is to open up this process to other actors: other farmers' unions, environmental organisations, consumers, etc. For example, *Confédération Paysanne*, although elected by 20% of French farmers, is not represented in SAFERs and by very few representatives in CDOAs.

Concretely, if a person wishes to settle as farmer but has no family farm to inherit, she or he will first need to get a diploma in agriculture as without it there will be no government support. The next step is to obtain information about farms for sale or rent – a step where transparency is deeply lacking. Eventually, if the would-be farmer happens to know about land on sale or for rent, it is possible to contact the landowner and/or send a request to the administration for the license to work the land. Having this authorisation gives a lot of weight to a demand to rent the land, and is in any case essential in order to be permitted to work the land. Another approach is to contact SAFER to inform them about the type of farm that is of interest, so that they may be able to pre-empt a farm that can then be purchased from them. But the best way to succeed is to speak to a lot of neighbours, network in the surroundings and make friends with a great number of people!

There are two main reasons why it had become so hard to find land for newcomers in agriculture: first, land grabbing and 'artificialisation' for non-agricultural projects, which reduced the amount of available agricultural land and second, the concentration of land within the farming sector.

In France, each year more than 60,000 ha of agricultural land is lost to make space for roads, supermarkets, urban growth or leisure parks. The land grabbing takes place close to those cities where the best agricultural land is to be found. It means that a great part of the most fertile land is lost to agricultural use. In some parts of the country, particularly near the Mediterranean coast, farmlands are less than 20% of the total area. This process is due to the fact that transforming agricultural into urban land creates a massive added value. If farmland worth € 5,000 per hectare is assessed in terms of what could be built on it, its value increases by at least a hundred times more. Decisions regarding land use change are made at the local level, where vote-catching is at its highest. It is standard for a city major to change the urban plans just before elections in order to win votes. Even if in the long term it leads to reduced employment and wealth creation in agriculture, in the short term a change in land use is a very quick and easy way to create artificial monetary wealth, economic growth and employment – but in the construction sector. It is the reason why, although the need to stop such land 'artificialisation' is consensual in political discourses, in practice nothing is done about it. For landowners, the possibility of getting their land reclassified as suitable for construction, which would make them millionaires, often leads them not to rent or sell their land, but to keep it untouched 'just in case'. Most land struggles currently taking place in France are about large infrastructure projects that would destroy agricultural land. One example is the aim to build an airport project at Notre Dame des Landes which, if it were to go ahead, would destroy at least 2,000 ha of farmland and lead to the eviction of several farmers.

In addition to the declining amount of land available for agriculture, people wanting to start a farm will find themselves in stiff competition with existing farmers. While in 1955 80% of the farms were of below 20 ha, the current average is around 80 ha. As a rule, if a farm of below 50 ha is for sale, it will be purchased by a neighbouring farmer rather than be taken up by a new farmer. The European Common Agricultural Policy (CAP) gives a clear incentive to concentrate land, as direct payments are linked to the number of hectares owned. Another reason for land concentration is speculation. As the price of land frequently increases, many farmers see it as a good investment or retirement plan, not to farm it, but to re-sell it. A young person wanting to take up farming will never be able to compete with someone whose farm has already been paid for, especially considering the additional costs related to investment either to create or renovate production equipment. Finally, some environmental laws have also paradoxically pushed farmers to increase the size of their farm. This has been the case with the nitrate regulation: industrial farms had to prove that they had enough land to apply the fertiliser without

exceeding a certain ratio for the level of nitrate released into the environment. In intensive livestock production areas, this has led to a race to buy or rent land simply to be able to use the fertiliser without having to reduce the number of animals raised on farm – which should have been what the regulation aimed to achieve.

What solutions might make it easier for future farmers to obtain access to land?

- Stop or drastically limit the amount of land that can be taken out of agriculture to meet urban demands. Urban policies should stop viewing agricultural lands simply as a space to be colonised and try instead to make cities grow intensively, better using the space already available.
- Change policies that create incentives to enlarge the size of farms, such as direct payments linked to the number of hectares (to be replaced by payments linked to employment on the farm and/or limited to the first 25 ha) and environmental regulations that push farmers to acquire more land to overcome restrictions (for example, by prohibiting farms to raise over a certain number of animals).
- Reform the institutions regarding land tenure to make them more transparent and more open to all stakeholders.
- Either give the SAFERs the financial and administrative capacity to act as a land bank and to stock land for new settlement in agriculture, or create a new institution to do this. Stocking land during for a longer period of time long enough would make it easier for young people to set up and present their farming projects.
- Strengthen the monitoring of farming structures tool to ensure that land is shared according to priorities linked to the common good and not according to whoever has the most money or influence to obtain it.

References

Pisani, E. (1986) 'À propos d'une « Europe sous influence », au-delà des impératifs purement gestionnaires', *Le Monde Diplomatique*, January, p20.