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TERRITORIAL DISTRIBUTION OF LAND CONFLICT TYPES IN THE RURAL AREA FROM ARGEŞ COUNTY

ABSTRACT

Specialists signal out the fact that in the period after the 1989 revolution, the number and complexity of the land disputes increased, first as a result of the changes produced in the agricultural land ownership system. The information regarding the type and nature of land disputes, their emergence rate and territorial distribution is deficient. In this context, the analysis of the land disputes, as a potential disturbing factor of the natural ecosystems – human ecosystems inter-conditionality is extremely important at present. The paper investigates the incidence and intensity of the land disputes as they are perceived by the rural players from Argeş county and as they result from the data and information obtained from the land survey conducted in the communes of this country. The obtained results, a typology of the land conflicts, are important from the perspective of the measures that should be taken for settling up these disputes; each identified category needs a specific corrective intervention.

Key words: land reform, land conflicts, rural area, Argeş.

JEL Classification: P29, Q10, R10.

1. INTRODUCTION

Specialists signal out the fact that in the period after the 1989 revolution, the number and complexity of the land conflicts and disputes increased, first as a result of the land law implementation (Hurduzeu, 2003; Popescu, 2001). While in the literature in Romania, ample studies have been dedicated to the analysis of land policies, the information regarding the types and nature of conflicts, their emergence rate and the mechanisms of settling up the disputes is quite scarce. In this context, in order to capture a series of aspects regarding the types of conflicts and land disputes and their causes, the information collected during a field survey conducted in Argeş county was used.

2. STATE OF KNOWLEDGE

Sociologists define a conflict as a social fact in which at least two parts are involved, and its origins can be found either in the differences between their interests, or in those between their social position (Imbusch, 1999). A land conflict

can be understood as a wrong utilization, restriction or dispute upon the land ownership rights (Wehrmann, 2005). Most often, the land conflicts have negative effects upon the economic, social, spatial and ecologic development. These negative effects are more pregnant in the developing countries and in the countries in transition, where the land market institutions are weak, where the opportunities for economic profit through illegal actions are widespread and many poor people do not have access to land (Wehrmann, 2008).

The land conflicts can affect individuals, groups of individuals and nations. When a land conflict exists, someone suffers the economic consequences. Where there are many land conflicts, the social stability in the society is affected, as the land conflicts submine the trust and increase fear and suspicion. Furthermore, when the state land is illegally allocated, this negatively affects the nation's budget and often leads to ecological destruction or social exclusion (OECD, 2004).

3. MATERIAL AND METHOD

In this paper, the analysis started from the premise that the main sources of land conflicts and disputes result from the ownership structure and the characteristics of the land operation; both are the consequence of the modality of implementing the land reforms and of the permanent modifications of regulations concerning the legal circulation of land. The investigation was based on a land survey conducted at commune level (NUTS 5), in Argeş county.

4. RESULTS AND DISCUSSIONS

4.1. Land reform at the origin of land disputes and conflicts

After 1989, in Romania, the land conflicts emerged as a result of the deep changes at society level. The passing of laws on the reconstitution of the ownership right upon the land abusively confiscated by the communist regime, the administrative and juridical reform, the proliferation of corruption and of the system of interests have been important factors in the emergence and increase in intensity of the land conflicts (Dumitru, 2002).

The reform process was initiated by the reconstitution of the land ownership right for an upper limit of 10 ha in arable land equivalent and 1 ha forestland (Law 18/1991); after several successive modifications, "restitution in integrum" (Law 247/2005) was promulgated. This process was based on a great number of laws whose succession and modifications generated the manifestation background for a whole series of land-related disputes and conflicts.

The hierarchy of factors that caused the emergence and intensification of the land disputes and conflicts in the history of the Romanian rural communities in the last two decades is the following: a) the confused and unstable articulation between the land regulations, the general legal practices, laws and the land market – the

design of a land legislation firstly subordinated to political criteria with a rich content, with an unstable character and difficult to apply, which led to tensions and informal conflicts, often turned into juridical forms; b) legislative abundance and legislative incoherence, which determined the consolidation of the informal economy and the increase of the lack of confidence between the rural players; c) the land relationships, reactivated by the application of the land law, have become tensed at the level of different social relationships: inside the family, between administrative-territorial units, between social/ethnic categories etc; d) the overlapping of the land rights – this also originates in the imperfect land legislation conjugated with the practical modality to re-establish the land rights.

4.2. The territorial distribution of the land disputes by their intensity

The conflicts generated by the agricultural and forest land restitution have different manifestations depending on the socio-economic, geographical and historical characteristics of the rural areas. The analysis of the incidence and intensity of the land conflicts in the rural area from Argeş county was treated from the perspective of the present conflict type, of the manifestation intensity and involved players. (Rusu *et al.*, 2010)

In Argeş county, at least one land dispute or conflict appeared in each commune. The emergence of inter-individual land conflicts (between co-owners, neighbors, etc.) is signaled out by the local respondents with a much higher frequency compared to those involving the collective structures (Figure 1).

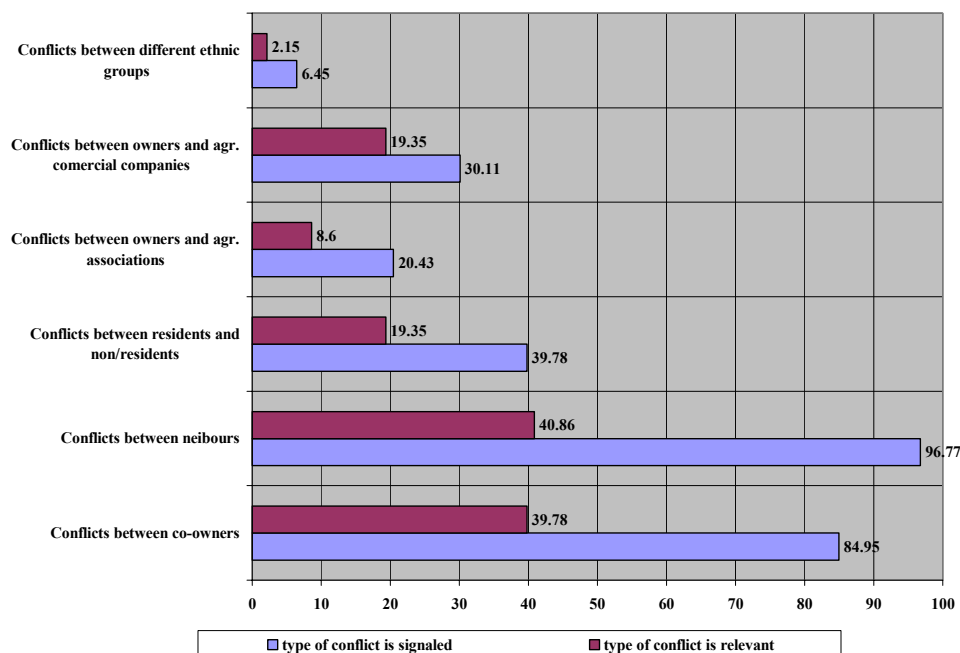


Figure 1. Share of types of land conflicts/disputes in Argeş county.

The explanation can be found in the larger number of individual players, who, potentially, could get involved into land disputes, compared to the number of collective players who could become the protagonists of such conflicts. Another reason for which the collective structures are less involved in conflicts could reside in their socio-economic power that may inhibit, to a certain extent, the attempt of individual players to get involved in a conflict.

The analysis of the types of conflict in the territory reveals the following aspects:

a) The conflicts between neighbors have the highest frequency in rural areas: 96.77% of respondents signal out the presence/existence of conflicts.

There are two communes in which the intensity of this type of conflict is perceived as very important – Bogați and Morărești.

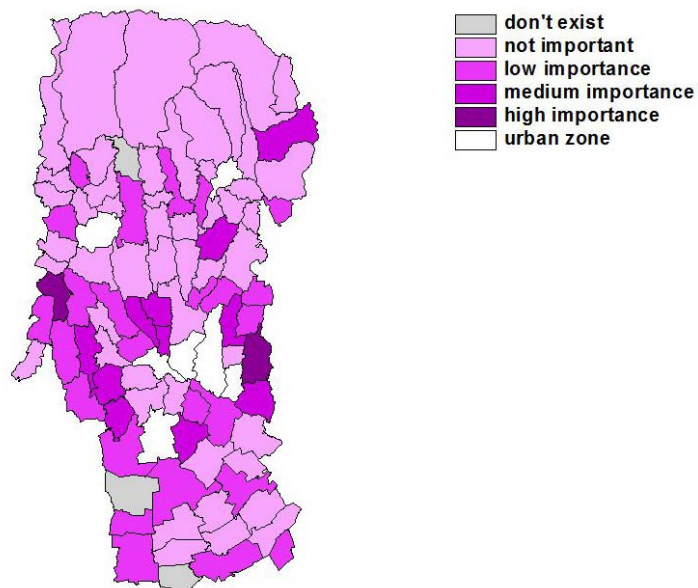


Figure 2. Territorial distribution of conflicts between neighbors in Argeș county.

The conflicts perceived as having an important intensity are mainly concentrated in the communes located in the central area of Argeș county: Mărăcineni, Micești, Budeasa, Poiana Lacului, Cocu, Săpata, Beleți – Negrești, Budeasa, Leordeni and Suseni communes, located near Pitești, Mioveni, Topoloveni and Costești towns, have relatively significant population densities, with an average share of arable land in the land resources and an active land market.

b) The conflicts between the co-owners – their existence is signaled out in 84.95% of the investigated rural communities; in about half of them the intensity of conflicts/disputes is appreciated as being of average or above average importance.

The conflicts between the co-owners have a heterogenic territorial distribution. Bogaţi, Săpata, Căteasca, Băiculeşti, Corbi and Lereşti communes can be included in the categories of rural communities in which the land conflicts/disputes between the co-owners are very important. A lower intensity is perceived in Morăreşti, Beleţi – Negreşti, Suseni, Oarja, Titeşti, Domneşti, Stoenestî and Vlădeşti localities. These communes have, in general, low population densities, in most of them the perceived poverty level is high (except for Lereşti, Bogaţi and Vlădeşti communes) and their land market is relatively active. Another common aspect for this group is the great number of parcels per household: from 4 parcels in Suseni, Stoenestî, Morăreşti, Lereşti to 8 parcels per household in Băiculeşti and 10 parcels per household in Săpata commune.

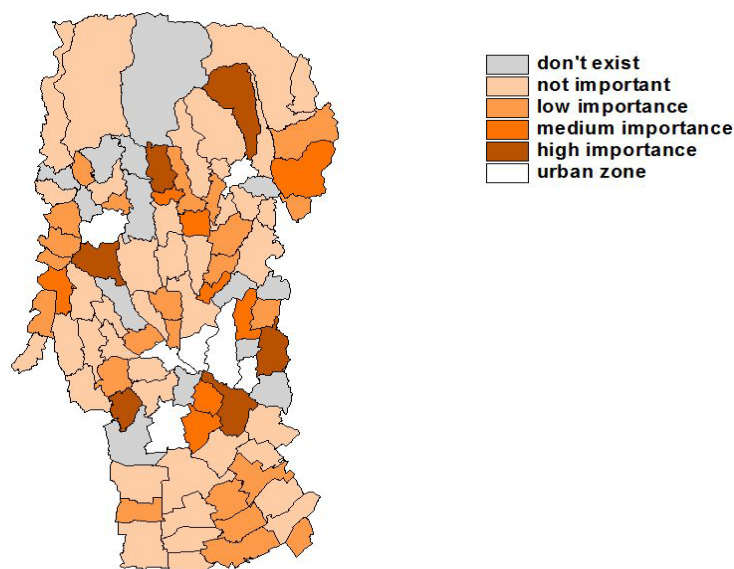


Figure 3. Territorial distribution of conflicts between co-owners in Argeş county.

c) the conflicts/disputes that emerged between the resident and non-resident owners – are signaled out in a significant percentage – 39.8% of communes.

Located in the southern part of the county, at the border with the county Teleorman, Popeşti commune has the highest score (5) with regard to the intensity of conflicts between the owners who live in the commune and the owners with the domicile in other localities. This commune is characterized by high shares of arable land, average level of land parceling, low demographic density and a very high poverty level of the rural households. Other eight communes – Bogaţi, Morăreşti, Săpata, Beleţi–Negreşti, Dobreşti, Cocu, Cotmeana and Bradu – are confronted with high intensity disputes and conflicts between residents and non-residents.

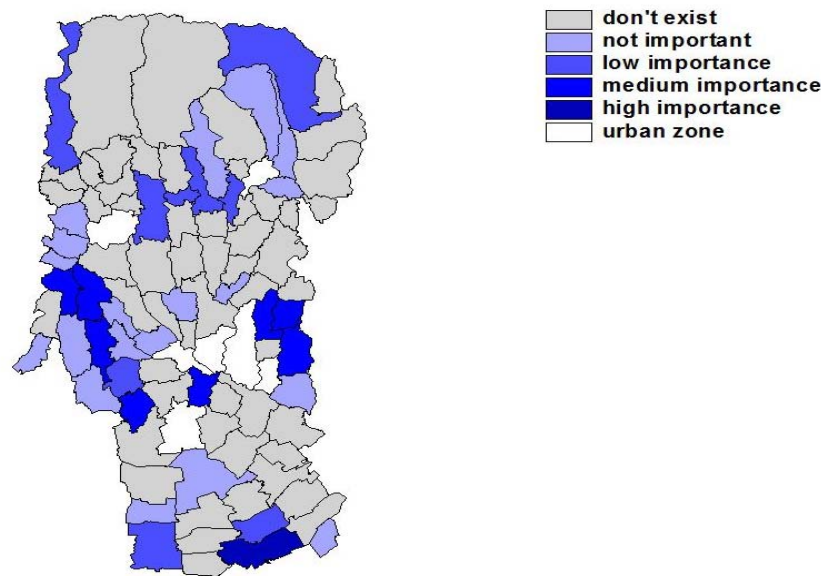


Figure 4. Territorial distribution of conflicts between residents and non-residents in Argeș county.

d) Conflicts between private owners and the organizations that operate the state land – are signaled out in 30.11% of communes. In over 60% of the communes in which these conflicts are reported, the conflicts are perceived as having average or above the average intensity.

The territorial distribution of this type of conflict reveals the presence of a compact area in the western part of the county that includes Morărești, Micești, Moșoaia, Merișani, Cocu, Vedeia and Băbana communes. There are also three communes, i.e. Lerești, Corbi and Oarja in which the authorities perceive the conflict between the private owners and the organizations administrating the state ownership as being very intense.

e) Conflicts between the private owners and the agricultural production associations – are signaled out in over 20% of the communes from the county Argeș.

The type of conflicts/disputes between the private owners and the agricultural production associations is present in two distinct areas: a larger area, located in the southern part of the county, which includes Căteasca, Rociu, Negrași, Recea, Izvoru, Popești, Ștefan cel Mare, Bradu, Moșoaia, Săpata and Lunca Corbului communes, with a low population density, with important land resources that are divided into a great number of parcels, where the agricultural land was largely farmed under associative system; the other group, consisting of Albeștii de Argeș, Mușătești, Corbi and Brăduleț communes, is located in the central part of the county.

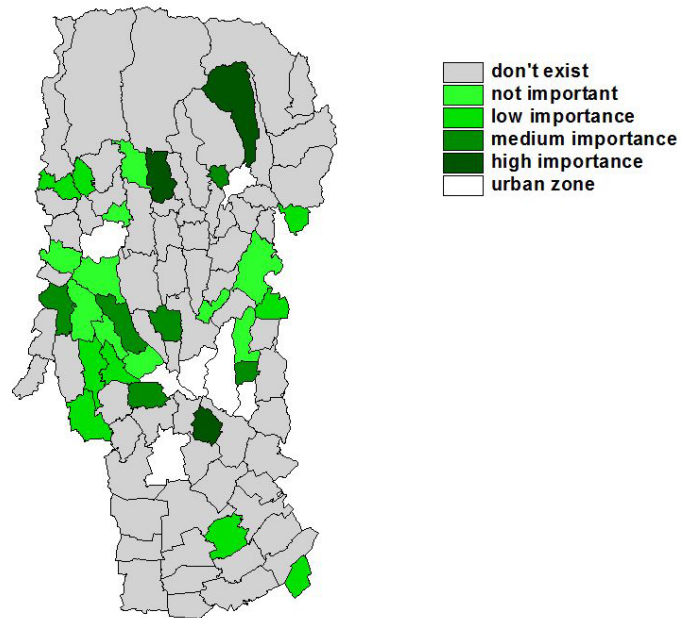


Figure 5. Territorial distribution of conflicts between the private owners and the State in Argeş county.

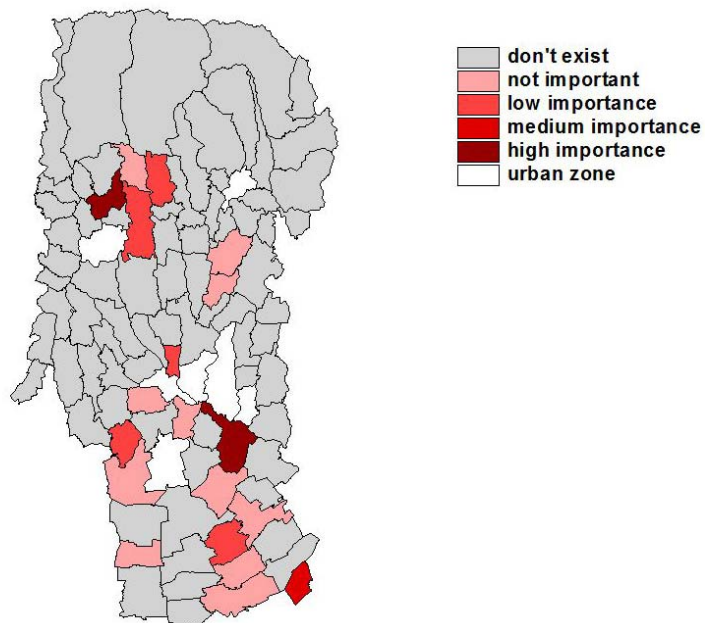


Figure 6. Territorial distribution of conflicts between private owners and agricultural production associations.

f) Conflicts between ethnic groups – are signaled out by the respondents in about 7% of the investigated communes. In both cases, the community incidence of these conflicts is significant for only one third of the communes where these are reported.

The conflicts between the ethnic groups are perceived as having a low intensity; there are only two communes in which these are considered as being very important – Băiculești and Davidești, both located in the central part of the county. Land conflicts and disputes between the ethnic groups were also reported in Bughea de Jos, Merișani, Sălătrucu and Tigveni communes, but they were considered as being insignificant. In all the above-mentioned communes, this type of conflict was reported in relation to the gypsy (Romani) population.

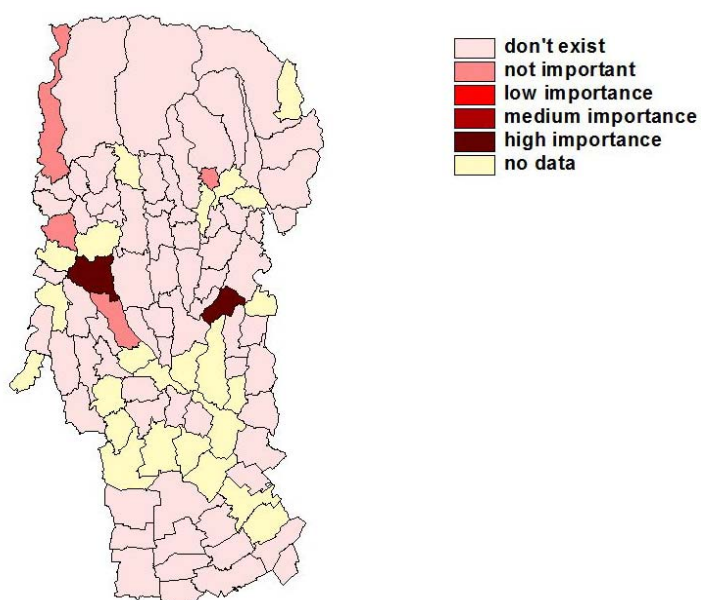


Figure 7. Territorial distribution of conflicts between ethnic groups in Argeș county.

The complexity of the local land relationships and the diversity of the rural players involved in patrimonial relations are different from one commune to another. Thus, the higher the increase of the variety of land relationships and/or of the involved players, the more intense the conflict risks. The cumulation of the conflictual risk factors also result in the overlapping of several types of land conflicts/disputes; this overlapping makes it more difficult to settle up/reconcile these disputes.

The analysis of the cumulation of the manifest conflict situations reveals that 57% of the communes from Argeș county are characterized by a great diversity of

conflict forms, which cumulate three or more types. Furthermore, in almost half of these communes, the cumulated conflicts also have a significant intensity; in 21.5% of communes, three or four conflict forms are manifest.

From the territorial distribution point of view, we can notice the existence of a problem area, which cumulates over three conflict types, located in the western part of the county.

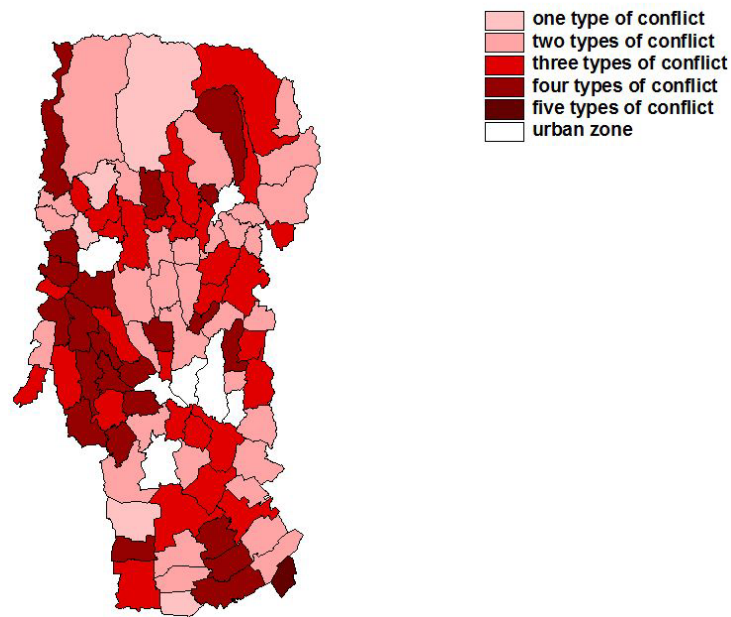


Figure 8. Territorial distribution of communes by the total number of conflicts in Argeş county.

On the other hand, in 36.6% of communes there is no conflictual situation perceived as having a relevant impact, and in 5.38% of the communes there is only one form of manifested land conflict, these rural areas benefitting from the chance to pool their efforts to settle up the conflict.

As a result, in one fifth of the communes from Argeş county, the conflict situations have a high degree of complexity, because they involve a variety of rural players and ask for a multitude of solutions for their settling up.

5. CONCLUSIONS

The analysis conducted in Argeş county led to the identification of six types of conflicts. These can be grouped into two categories:

i) inter-individual land conflicts – manifested in the interpersonal relationships concerning land ownership; this category included conflicts between the 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 or usufruct right is represented by a formal organization (of public authority type, private or public enterprise, etc.) or other types of social groups (under the form of ethnic groups); at the level of the communes in the investigated area, this category included the conflicts between individuals and associations, conflicts between private owners and the organizations operating the land areas belonging to the state and the land conflicts generated by the affiliation to different ethnic groups;

The obtained results are important from the perspective of the measures that should be taken for settling up these land conflicts/disputes. Given the diversity of players and contexts, the multiple land conflicts, simultaneously present in the investigated rural area, make it more difficult to settle up these conflicts. Each form of conflict and each type of involved actor needs a specific corrective intervention, and the efforts for settling up and reconcile the conflict run the risk to be dissipated and not to reach the proposed goal.

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