

About land access

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A brief history of land access in France (for farmers who exploit it)

It took 200 years - with fruitful and painful periods - before obtaining access to arable land, legally and securely organised, for the benefit of farmers who exploit it to produce food.

Before 1789, land was owned by educated families who had in charge the security of their working farmers by providing housing (utility of fortified castles). The rights of farmers were very limited.

1789 – French revolution: “Liberty – Equality – Fraternity”. Referring to Equality, the birth right giving the eldest son of the family the possibility to become the only owner of the whole agricultural property is abrogated.

1789-1810 : Creation of the right of individual property over land by legacy or acquisition.

- Equality of heirs for land possession resulting from birth right suppression.
- Creation of cadastral maps including numbered pieces of land and named localisations.

1870 : France lost the war against Germany. A huge war debt stopped the agricultural progress.

1883 : Creation of compulsory primary schools in all French villages.

1884 : Violent revolts of farmers. Adoption of a law allowing farmers to gather

into unions aimed at defending their rights collectively.

1900-1904 : Adoption of a law allowing the creation of mutual insurances against fire, accidents and other risks ... The possibility of the creation of credit cooperatives (like Crédit Agricole bank) allows farmers to oppose usurers. The law includes the status of economic cooperatives (one man, one vote) allowing farmers to manage collectively grain silos, equipment or workshops (milk – flour).

1914-1918 : France wins the war against Germany. Lots of farmers and horses were dead during war. The destroyed agriculture was saved by farmers'wives.

1924 : The law creates “Chambers of Agriculture”² under the authority of the prefect (State representative) in order to represent agriculture.

Their members, elected within each department, are representative of both land owners and working farmers. Chambers of Agriculture are in relation with public authorities. They have in charge to collect a land property tax from all land owners to financially support various collective agricultural projects (exhibition markets – contests).

Another mission of Chambers of Agriculture was to gather within each department the practices and customary rights applied to arable lands. As a result

²<http://www.chambres-agriculture.fr/>

¹<http://ccfd.visitation.free.fr>

they edited a written code of customary rights (100 to 300 pages) including three years agricultural lease and various rules (water – hedges – paths – pastures ...).

1936 – Agricultural crisis : Impossibility to sell cereals due to speculations. The French state creates l' "Office National Public du blé" (public national wheat office) including rules for quantities, prices and storage silos.

1935-1980 : Grouping and consolidation (remembrement) of land pieces in all villages financed by the state. Creation of "Associations foncières" (public land property associations) gathering all land owners of a village in order to pay a tax and look after paths and ditches.

1940-1944 : Last war opposing France and Germany. Many French farmers are prisoners in Germany. Generalized food shortage. Limited food rations.

1945-1947 : Law creating the public status of rent for arable lands (fermage). The law includes clauses greatly inspired from the local customary codes elaborated in 1924 : Nine years agricultural leases. Rent representing approximately 10% of the production. Tribunals for arbitration between land possessors and farmers. Fifty-fifty sharecropping forbidden. Sharecropping giving 66% to the farmer and not more than 33% to the landowner who has to provide the farmer with livestock and equipment in addition to land.

1947 : American credits and tractors from Marshall Plan. Low rate loans for young farmers getting settled.

Law about a possible preferential allocation allowing one of the heirs to receive the entire agricultural familial property if he can afford a financial compensation for his brothers and sisters.

1962-1975 : Creation of SAFER's « sociétés d'aménagements fonciers et d'établissement rural »³ (societies for land development and rural settlement). The SAFER's are regional entities ruled by public laws and are entitled to buy lands sold freely and to sell them back in order to increase the surfaces of the neighboring land pieces.

1975 : Adoption of laws about long term agricultural leases (18 years). Landowners are encouraged to contract 18 years leases so that they got then a 75% tax succession exoneration. The transfer of an agricultural lease to a new farmer is forbidden without the landowner agreement. One advantage of 18 years agricultural leases for farmers is to allow long term investments improving farmer feeding and housing and production as well.

2007 : Creation of optional environmental leases asking the farmer to limit his agricultural production activities in order to protect environment (For instance water).

³<http://www.safer.fr/>

Analysis and discussion

Successful experience of land management

(Case where the working farmer get satisfied)

Ideal case : The farmer owns the building and a small surrounding garden but not the land that belongs to the township. He pays an annual leasing amount corresponding to the cultivated area. This contribution benefits to the township management.

French errors about the integrity of agricultural properties

The 1789 French revolution abrogated the eldest's son birth right on the name of equality between all the landowner's heirs. The result was the fragmentation into multiple small pieces of land hardly cultivable.

From 1935 until 1980 the (re-)aggregation of land pieces into "ilots culturaux" (cultural islets) was long lasting, compulsory and expensive for the French state.

New land access laws in favour of farmers

The landowners who do not exploit their lands by themselves should not receive more than 10% of the crop from the working farmers. This was one of the fundamental dispositions of the status of land leasing (fermage) from 1944 to 1947.

These landowners, generally well educated, will never accept working farmers to get land easily or to get the right to cultivate freely.

Improving laws is subject to the simultaneous realization of two conditions:

1. Year of economic crisis and food shortage.
2. Starting from local solidarities among working farmers based on customary rights actually in use in agriculture.

French examples illustrating these two conditions:

1. The famine of 1940-1946 resulting from the war against Germany.
2. Reaction of French deputies by adopting the laws creating the status of "fermage" for the benefit of working farmers on the basis of the local customary codes written in 1924.

Present conditions to improve land access for French farmers

- Cultivate freely the land, sometimes as a land possessor, but more frequently through agricultural lease (paying an annual rent to the land owner).
- Cultivate for producing food according to several destinations : feeding family, exchanging with neighbors, selling to buy equipment.
- Cultivate land following a nine years timescale in order to alternate crops and improve soil quality and sustainability.
- Make sure that crops are properly protected by closing the grazing areas for cattle, goats and sheep.