

# The property framework and land market interventions

# Presentation overview

- Policy levers to address land consolidation (land markets)
- Summarize the nuts and bolts of the dominant property system and why that may lead to agricultural land consolidation
- Present select examples of land market interventions

# **3 strategies for changing land use patterns**

# Danish Action Plan for Plant-based Foods



October 2023

## 1. Incentivize existing owners to manage lands differently

## Beginning Farmer and Rancher Development Program (BFRDP)



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### BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM

- › Eligibility
- › How to Apply
- › Frequently Asked Questions
- › Award Maps
- › Outcomes Based Reporting Guide
- › Sample Commitment Letter Template

The Beginning Farmer and Rancher Development Program provides grants to organizations for education, mentoring and technical assistance initiatives for beginning farmers and ranchers.

According to the USDA's National Agricultural Statistics Service's [Ag Census data](#), one-third of the United States' 3.4 million farmers are over the age of 65. Ensuring there will be a "new generation" of [beginning farmers and ranchers](#) – regardless of age or production choice – is essential to the continuation of agricultural production in the United States. Beginning farmers and ranchers have unique educational, training, technical assistance and outreach needs. Access to capital, land and knowledge that assists in ensuring profitability and sustainability are vital to farmers and ranchers in their first ten years of operation.

### Program Information

The primary goal of BFRDP, under assistance listing number 10.311, is to help beginning farmers and ranchers in the United States and its territories enter and/or improve their successes in farming, ranching and management of nonindustrial private forest lands, through support for projects that provide education, mentoring and technical assistance to give beginning farmers and ranchers the knowledge, skills, and tools needed to make informed decisions for their operations and enhance their sustainability. The term "farmer" is used in the broadest sense and may be interpreted to include agricultural farmers, ranchers and non-industrial private forest owners and managers. The term "beginning farmer or rancher" means a person who:

- Has not operated a farm or ranch.
- Has operated a farm or ranch for not more than 10 years.
- Meets such other criteria as the Secretary may establish.

## 2. Incentivize newcomer access to land



### **3. Rework the way land markets function, to facilitate diversification**

**“If there is ONE thing I’d ask of funders, foundations and philanthropists who want to support a transition to agroecology and regenerative farming, it’s this. BUY LAND! There is so much uncertainty to resolve, but nothing happens without land.”**



**Sue Pritchard**

Chief Executive, Food,  
Farming and Countryside  
Commission

# The Ownership Model



**NO ENTRY**  
**PRIVATE PROPERTY**  
**NOT A PUBLIC FOOTPATH**  
**KEEP OUT**

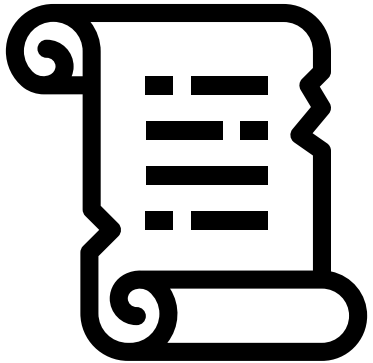
# Bedrock legal commitment to property

**The Fifth Amendment** of the constitution indicates:  
“[...] nor shall private property be taken for public use,  
without just compensation.”

**Fourteenth Amendment** says: “[...] nor shall any State  
deprive any person of life, liberty, or property, without due  
process of law.”

**Article 1 of Protocol No. 1** European Convention on  
Human Rights: Every natural or legal person is entitled to  
the peaceful enjoyment of his possessions. No one shall  
be deprived of his possessions [...]

# The legal heart of the ownership model

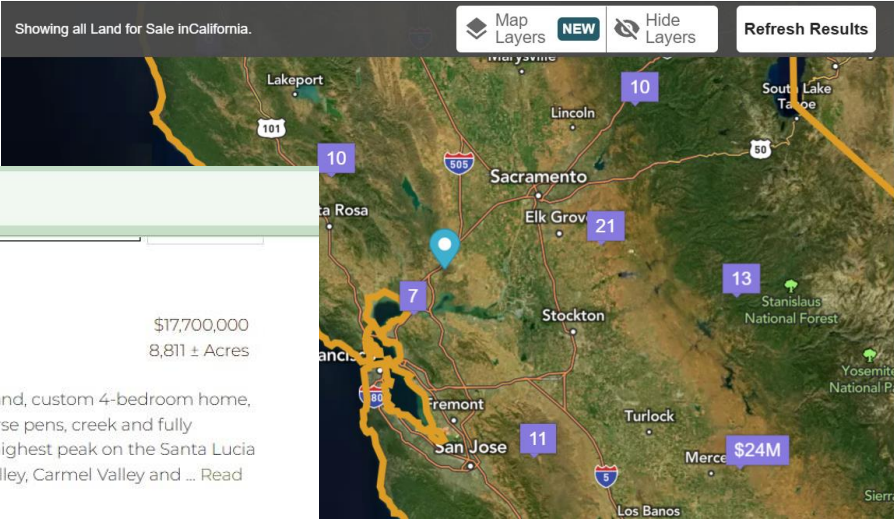



**Private** state-backed rights to  
**acquire, exclude, and dispose**


# Farmland consolidation and financialization

Parcels For Sale Sold Land Community Custom - Draw Solano County, California, U

Listings (109 results) Per page: 10 Sort By: Newest For Sale Recently Sold Filters



02/07/2025	\$1,920,000	160 ac.	Fresno County, CA	
				
Status: ACTIVE				
00 West Shields Ave, Firebaugh, CA				
I-5 and Shields I Almonds and Open Ground				
LAND BROKER CO-OP				Listing Details

02/07/2025	\$1,350,000	41.48 ac.	San Joaquin County, CA	
				
Status: ACTIVE				
25045 N. McIntire Road, Clements, CA				
McIntire Ranch				

californiaoutdoorproperties.com/property\_type/farms-ranches



SALE PENDING

DETAILS

**Palo Escrito Ranch**  
Monterey County, CA  
\$17,700,000  
8,811 ± Acres

Imagine 8,811 acres of coastal range land, custom 4-bedroom home, additional 1 bedroom home, barn, horse pens, creek and fully functional cattle operation, with the highest peak on the Santa Lucia Mt. Range, overlooking the Salinas Valley, Carmel Valley and ... Read More

PROPERTY TYPE:Cattle, Equestrian, Farms and Ranches, Fishing and Hunting, Luxury Homes over \$1,000,000, Recreation



NEW LISTING

VIDEO

DETAILS

**AP Ranch**  
Siskiyou County, CA  
\$16,900,000  
14,000 ± Acres

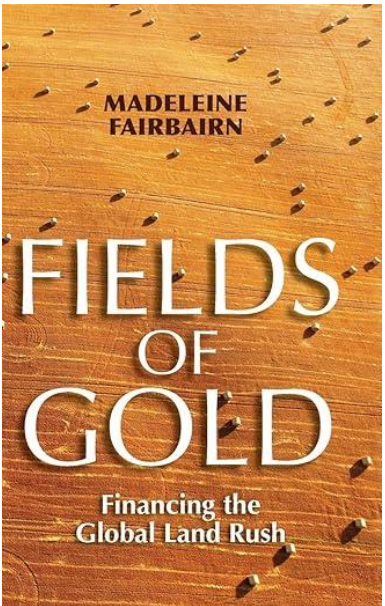
Located in scenic, rural western Siskiyou County, California, lies the sprawling 14,000 ± acre AP Ranch, steeped in history. This historic ranch offers a unique opportunity to own a piece of the American West, where ... Read More

PROPERTY TYPE:Cattle, Equestrian, Farms and Ranches, Fishing and Hunting, Homes and Cabins, Mountain Home For Sale, Recreation, Timberland



**The Carroll Ranch**  
Shasta County, CA  
\$15,595,000  
3,068 ± Acres

You dream of a ranch with extreme privacy, abundant water, fertile farm ground, irrigated pasture, and self-sustaining cattle operation; top it off with a stunning custom home and breathtaking views



Intervention type	Place	Description	Source
Restriction of foreign ownership	US	Eight Mid-west states prevent outright or restrict the ownership of agricultural land by a foreign owner or corporate entity. These provisions are fairly dormant and scaled back.	Shelman 2016. <sup>21</sup>
Inheritance reform	US	Tax upon transfer to a relative encourages open market sale, although the status quo strongly protects dynastic ownership.	Shoemaker 2020
First right of refusal and “community right-to-buy”	Scotland	A preemptive right is granted to community groups under certain circumstances and proper registration. Registered groups get first right to buy property when it comes up for sale. Both willing seller and compulsory sale conditions exist. For example, if the land in question can be determined as vacant or derelict, a community group can force a sale.	Calo et al., 2022. <sup>22</sup> , Shields 2022
Public interest test	France, proposed in Scotland	A committee known as SAFER (Sociétés d’Aménagement Foncier et d’Etablissement Rural) must approve sales of agricultural land. In Scotland, a proposed addition to the Land Reform Acts mandates that land sales over a certain size must pass a “public interest test.”	Shields 2022
Size caps	Poland, Hungary, Latvia	In Poland, the amount of agricultural land that can be used is capped at 300ha, for both farmers and businesses.  In Latvia, this limit is set at 2,000ha of agricultural land, for both individuals and legal entities. There is also a limit for groups of companies, which may not collectively own more than 4,000ha. (EC, 2021)  Similarly, in Hungary, this limit is set at 1,200 hectares for farmers and 1,800 hectares for livestock farmers. It is not possible to acquire more than 300 hectares in a single transaction. (EC, 2021)	(EC, 2021). <sup>23</sup>
Acquisition limited to by future land use	Poland, France	Any agricultural land larger than 1 hectare can only be sold to an individual farmer: be a resident of the municipality, must have agricultural qualifications and must manage the farm personally for at least 5 years. During this period, the land cannot be sold to others.	(EC, 2021) Shields (2022)

Land return, reparations, “land back”

US, NZ, Canada, global

Through negotiating unresolved treaty disputes, adjudicating historical land dispossession, and pressure campaigns, land is transferred out of the US

Kepkiewicz 2020.<sup>24</sup>

Reform of securities law

US

property system and into Indigenous management. Often represents a transfer from state to indigenous group. Some cases of transfer from individual to indigenous groups.

Oldham 2024.<sup>25</sup>

Some investment structures like Real Estate Investment Trusts (REITs) have stricter tax and reporting laws than private corporations. Proposed changes to security law could change the way financialized farm law is used and managed

Oh 2023.<sup>26</sup>

# Prevent foreign ownership

## Gov. Reynolds Signs Foreign Ownership of Land Bill into Law

Tuesday, April 9, 2024 | Press Release

Today, Governor Kim Reynolds signed **SF 2204** into law, a bill for an act relating to interests in agricultural land acquired or held by foreign businesses, foreign governments, or nonresident aliens, or by agents, trustees, or fiduciaries thereof, by providing for registration and reporting requirements, providing for enforcement, and providing penalties.

“Iowa's laws on foreign ownership of land have long been recognized as some of the strongest in the nation, with other states looking to us when crafting their own policies. Yet, in the decades since we first addressed this issue, adversaries like China have grown significantly more aggressive on the world stage, constantly looking for any opening to assert themselves at the expense of our country. One all-too-common weapon in this battle is the purchase of American farmland.

“Our state's fertile soil and unmatched production capacity make us a natural target for this strategy. Our farm families produce 10 percent of the nation's food supply and Iowa ranks as America's top producer of biofuels. That makes us a natural leader in the race to stave off the evolving threat to American agriculture. When Iowa speaks, the country listens. And with this bill our message is unmistakable: American soil belongs in American hands.”

## Australia blocks sale of enormous Kidman farmland holding

© 19 November 2015



GETTY IMAGES

| Anna Creek Station is the world's largest cattle station and is the size of Belgium

**Australia's government has blocked the sale of the country's largest private landholding to foreign investors.**

S Kidman & Co has pastoral leases covering 101,411sq/km - an area bigger than Ireland.

Two Chinese companies, Genius Link Group and Shanghai Pengxin, were reportedly engaged in a A\$350m (\$249m, £164m) bidding war over the holdings.

Selling the company would be against the national interest, Australian **Treasurer Scott Morrison said.**

Part of the property is inside the Woomera Prohibited Area (WPA), a military weapons testing range in South Australia.

"The WPA weapons testing range makes a unique and sensitive contribution to Australia's national defence and it is not unusual for governments to restrict

# Preemptive rights (right to buy)



# Land Reform in Scotland

History, Law and Policy

Edited by  
Malcolm M. Combe, Jayne Glass  
and Annie Tindley

## The Land Reform Scotland Acts (2003 - 2016) & Community Empowerment Acts

- Land Rights and Responsibilities Statement (2017)
- New Access Code "Right to Roam" (2003)
- New Pre-emptive rights:
  - Crofting right to buy (2003) – *absolute*
  - Community right to buy (2003)
  - Community right to buy neglected, abandoned and vacant land – (2018) *absolute*
  - Community right to buy to further sustainable development – (2020) *absolute*
- New financing via the Scottish Land Fund
- Establish the Scottish Land Commission (2017)
- Mandate the completion and digitization of the land register (by 2024)

# IMPACT OF THE LAND REFORM ACTS

Chart 1: Number of Assets in Community Ownership, 2000 to 2020

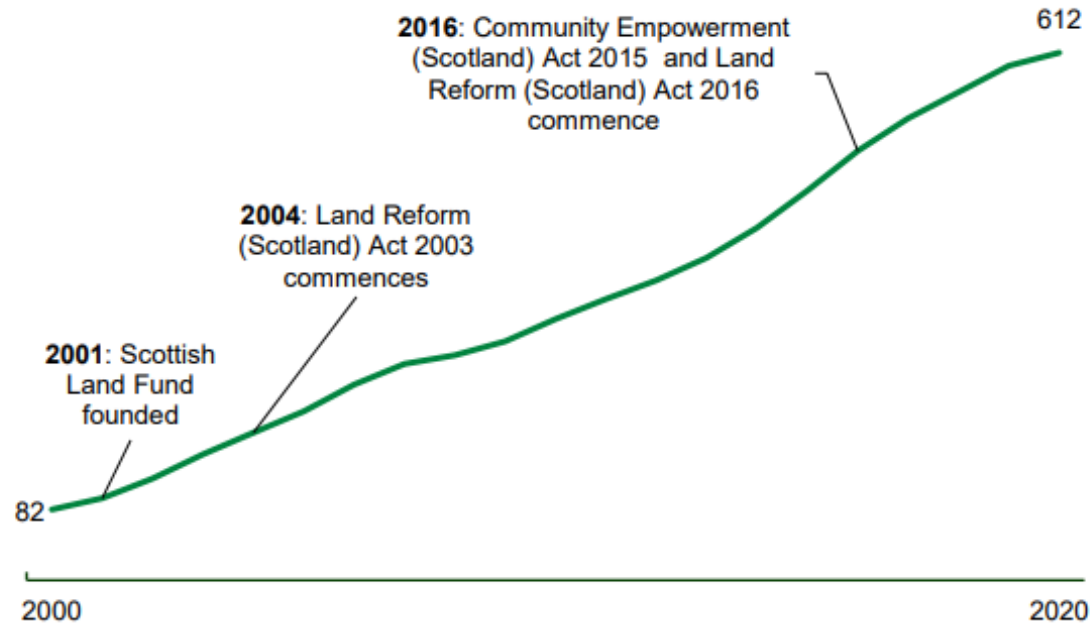
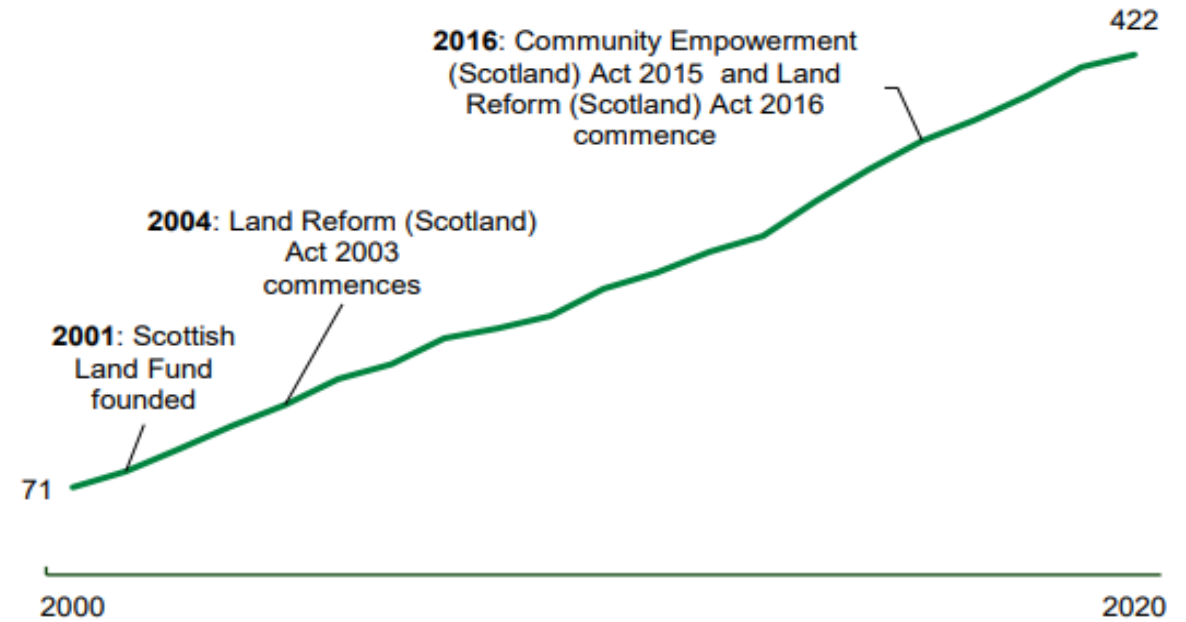


Chart 2: Number of Community Groups Owning Assets, 2000 to 2020



# St Andrews group wins historic Scottish land ownership ruling for poetry garden plan

A St Andrews community group has won the first stage of a David and Goliath battle over an overgrown section of town centre land.

Poets Neuk has been granted permission for a compulsory purchase of a plot in Greyfriars Garden from an Isle of Man-based financial services company.

It hopes to transform the land into a poetry garden to celebrate its historic link with Mary, Queen of Scots.



The St Andrews poetry garden would include a statue of Mary, Queen of Scots.

The decision by Scottish ministers is the first successful application under a recently-implemented section of the Land Reform (Scotland) Act.

And it forces the offshore trust to sell unless they win an appeal lodged at Dundee Sheriff Court.

The residents' victory comes amid a planning conflict, with two competing applications for the same site.

# Public interest test (community review of sale)



## How we operate

Rural areas are common areas. How can private interests and collective projects be reconciled?

Safer organises the dialogue. Within the framework of consultative and decision-making bodies (the technical committee, the board of directors, the government commissioners), the local stakeholders concerned consult each other. All decisions taken are validated by the State.

### LOCAL STAKEHOLDERS GIVE THEIR OPINIONS

#### The technical committee: its role

The technical committee examines the files of candidates for the purchase of land or a farm. All projects are studied. The committee issues an opinion on the one that fits best into the local fabric and the missions of the Safer.

#### The technical committee: its composition

The technical committee brings together representatives:

- agricultural organizations: chambers of agriculture, agricultural banks and mutual insurance companies, representative agricultural unions,
- local authorities: general council and associations of mayors,
- of the State: the departmental director of agriculture and the director of public finances.

And in some Safer:

- of the regional council,
- of notaries,
- environmental protection associations or organizations,
- forest owners' unions,
- rural property unions.

### THE BOARD OF DIRECTORS DECIDES

The board of directors of each Safer decides after consulting the technical committee. As in any private law company, the board of directors of the Safer brings together the representatives of its shareholders (agricultural organizations and communities). It directs its action and decides on operations in accordance with the objectives set by the Law.

### THE STATE VALIDATES

# Indigenous land return



Oldham, O, et al. 2024. Land-based resistance: Enacting Indigenous self-determination and kai sovereignty. *Elem Sci Anth*, 12: 1. DOI: <https://doi.org/10.1525/elementa.2023.00118>

## REVIEW

### Land-based resistance: Enacting Indigenous self-determination and kai sovereignty

Olivia Oldham<sup>1\*</sup>, Pania Newton<sup>2</sup>, and Nicola Short<sup>3</sup>

This article outlines the role of land relations in the advancement of food sovereignty in the settler colonial context of Aotearoa New Zealand by exploring how land-based anti-colonial resistance movements, including the recent #ProtectIhumātao campaign, can inform food system transformation. First, this article draws on theories of Indigenous food sovereignty, land sovereignty, and critical property theory to argue that in settler colonial contexts, food sovereignty movements must take a critical approach to questions of the state and sovereignty, property relations, and Indigenous struggles for territorial authority and self-determination. Drawing on land-based resistance movements which have included food production as a method of reclamation, this article further proposes a need to understand food sovereignty in the Aotearoa context as firmly grounded in Māori land sovereignty and territorial authority. Finally, this article explores how the struggle to protect Ihumātao ruptured the seemingly settled nature of property relations and state sovereignty, opening space for the articulation of new modes of land governance and new constitutional arrangements more conducive to Māori aspirations for land management and stewardship—including food sovereignty.

**Keywords:** Food sovereignty, Land sovereignty, Settler colonialism, Property relations, Land relations, Constitutional transformation

## Ihumātao deal done: Government's \$30 million deal to buy the land



By Claire Trevett

Political Editor, NZ Herald · NZ Herald · 17 Dec, 2020 02:46 AM ⌚ 7 mins to read

S. \_\_\_\_\_

To ban new corporate ownership of agricultural land, and for other purposes.

\_\_\_\_\_

IN THE SENATE OF THE UNITED STATES

Mr. BOOKER introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

\_\_\_\_\_

**A BILL**

To ban new corporate ownership of agricultural land, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

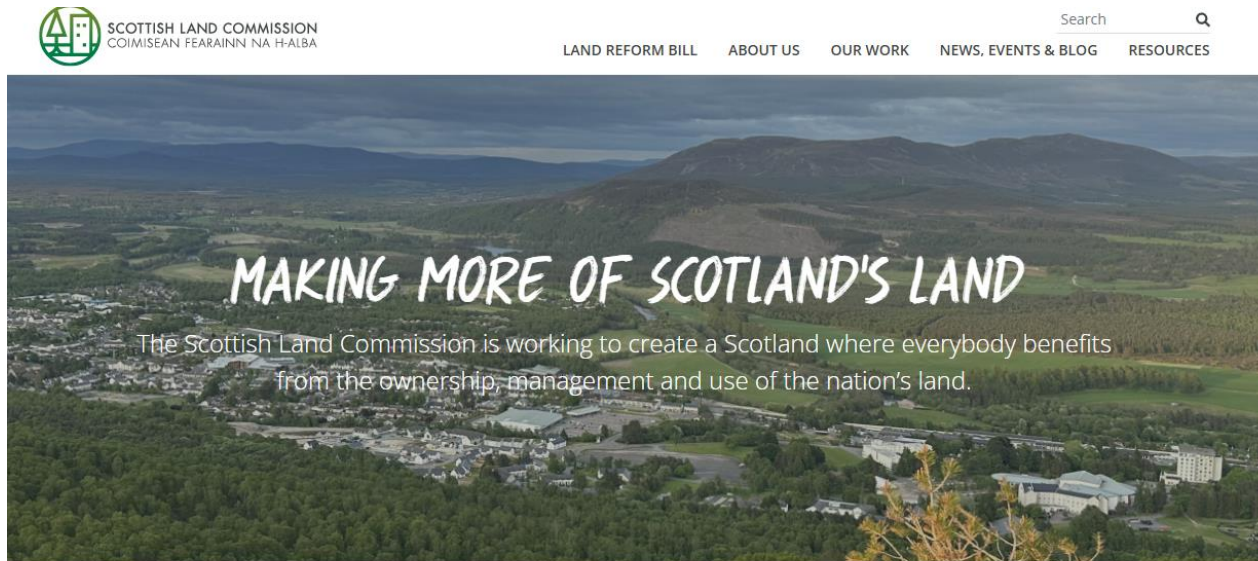
4       This Act may be cited as the “Farmland for Farmers  
5       Act of 2023”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) it is the longstanding policy of the United  
9       States to foster and encourage the family farm sys-  
10      tem of agriculture in the United States;

# Reforming property and political pragmatism



**Legal innovations**

**Governance opportunities**

## WHAT WE DO

Land is at the heart of Scotland's identity, economy and communities. The Scottish Land Commission is driving a programme of land reform spanning both urban and rural land, to create a Scotland where land is owned and used in ways that are fair, responsible and productive.



**Mobilizing narrative**

# Bedrock legality?

**The Fifth Amendment** of the constitution indicates:  
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without **just compensation**.”

**Fourteenth Amendment** says: “[...] nor shall any State  
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**Article 1 of Protocol No. 1** European Convention on  
Human Rights: Every natural or legal person is entitled to  
the peaceful enjoyment of his possessions. No one shall  
be deprived of his possessions except in the **public**  
**interest**



Railroad University

[Thank you!]



[adam.calo.substack.com](http://adam.calo.substack.com)



[landscapes.libsyn.com](http://landscapes.libsyn.com)