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## **Initiatives based on local resources – new challenges of agricultural law**

The intensification of the transformation of rural areas is one of the most important challenges of modern times. The European rural model assumes diversification of its economic structure as well as striving for a balance between the economic, social and ecological aspects. This is to contribute to the increase in the quality of life of rural residents, to prevent the processes of depopulation and degradation of rural areas. Among many factors affecting the sustainable and multifunctional development, the activity of rural communities is gaining importance. Over 56% of the population of the 27 EU Member States live in rural areas, which account for around 90% of their territory. In Poland, 38.6% of the total population live in the rural area – it is a huge social, political and economic potential both on a micro and macroeconomic scale. The multifunctionality of agriculture is the basic condition for the revival of rural development in Poland<sup>1</sup>.

The White Paper from the Commission on the future of Europe of 1 March 2017 called on the EU and its Member States to improve interaction with citizens, bear greater responsibility towards them, and foster a faster and better implementation of joint arrangements, including those in the field of social rights. It was also found necessary to switch to new models of sustainable economic growth. The combination of economic, social and environmental aspects in a holistic and integrative manner and the provision of public goods are to contribute to the further development of the common agricultural policy. As indicated in the document opening the debate on the future of EU finances, agricultural policy should develop in multiple directions and provide optimal

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<sup>1</sup> M. Bogusz, E. Kmita-Dziasek, *Zagrody edukacyjne jako przykład innowacyjnej przedsiębiorczości na obszarach wiejskich*, in: W. Kamińska (ed.), *Innowacyjność w turystyce wiejskiej a nowe możliwości zatrudnienia na obszarach wiejskich*, Warszawa 2015, p. 156.

responses to challenges and opportunities that arise at the EU, national, regional, local and farm levels<sup>2</sup>.

The document opening the debate on the future of the common agricultural policy<sup>3</sup> pointed to the need to strive to achieve the future success of agriculture and rural areas in the EU, and outlined a possible contribution to achieving the objectives determining the development of the whole society. Improving the effectiveness of the implementation of the agricultural policy and its updating to meet the challenges of the future, in particular through the investment in public services, infrastructure, skills and capacity-building, will create a dynamic rural community.

The rural development policy is based on a bottom-up and territorial approach, where development scenarios between different social actors are agreed. Residents of rural areas become co-responsible for setting and implementing detailed visions of the development of a given territory.

The model of rural development recognises the necessity of local development based on local resources. Investing in the growth of social capital refers to the postulates of implementing an integrated model of rural development, where different local actors engage and cooperate for the common good. This puts before the legislator the need to solve complicated problems, socialising the decision-making process regarding, among others, the local development. Agricultural law also faces challenges. As indicated in the literature, the inclusion of agricultural law in the context of contemporary challenges is characteristic of this branch of law. The specificity of regulation is related to the subject of agricultural law, which should be considered in the global, regional, national and local aspects. Contemporary challenges of agricultural law are determined by the features of farming in agriculture, especially these related to the natural factors of agricultural production, as well as the type of needs to be met. Agricultural policy, concretising these challenges, seeks to answer them and determines the choice of objectives, as well as instruments for their implementation. The latter find expression in the form of legal regulations classified as agricultural subject matter. Bearing in mind the relations between agriculture, politics and law, we can talk about the challenges of agricultural law<sup>4</sup>.

Economic development of rural areas based on the principle of multifunctionality, in addition to production functions, also provides for the development of

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<sup>2</sup> A document opening a debate on the future of EU's finances, Brussels, 28.06.2017, COM (2017) 358 final.

<sup>3</sup> Cork Declaration 2.0 of 2016 „A better life in rural areas”, [https://enrd.ec.europa.eu/sites/enrd/files/cork-declaration\\_en.pdf](https://enrd.ec.europa.eu/sites/enrd/files/cork-declaration_en.pdf)

<sup>4</sup> R. Budzinowski, *Prawo rolne wobec wspóczesnych wyzwań*, „Przegląd Prawa Rolnego” 2014, No 2, p. 12.

environmental protection, preservation of the natural landscape and traditional cultural values, which affects the implementation of tasks and expenditures in the economic, social and environmental spheres<sup>5</sup>. The new tools will also help achieve these goals. The most important of them are: smart specialisations, integrated territorial investments and the so-called local development led by the community. They are meant to enable local entities – citizens, economic and social partners, non-governmental organisations and local governments – to participate in defining development strategies in their area and identifying the most important problems, as well as defining methods of solving them.

The huge potential for the development of social services lies in Polish agriculture. It should be used for the multifunctional and sustainable development of rural areas. The main factor mobilising farmers to undertake non-agricultural activities is to gain additional income, compensating for insufficient financial inflows from agricultural production. Economic motivation can also be accompanied by social goals resulting from the need to share with others the value of farming on rural and rural life. This approach has become the source of a new trend called socially engaged agriculture, which includes activities that take advantage of the opportunities offered by agricultural activities to support therapy, rehabilitation, social integration, lifelong learning and social services in rural areas. The possibility of using the involvement of the local community, local government authorities, as well as business and non-governmental organisations in determining economic, social, natural and cultural development of rural areas is an effective development mechanism<sup>6</sup>.

Local development is identified with the increase in the level of underdeveloped areas, drawing them from backwardness and counteracting marginalisation and exclusion. This stereotypical approach is a very narrow view, limiting the scope and significance of development, which is inconsistent with the assumptions of the modern model of the economy. Increasingly, it is emphasised that it is a process at the local level that may be a chance for the economic growth and building a competitive advantage of regions and the whole country. In such activities, leverage is seen for a new economy subject to mechanisms of global competitiveness, based on knowledge, creativity and innovation<sup>7</sup>.

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<sup>5</sup> D. Łobos-Kotowska, *Jednostki samorządu terytorialnego jako beneficjenci środków Europejskiego Funduszu Rolnego na rzecz Rozwoju Obszarów Wiejskich*, in: P. Litwiniuk (ed.), *Samorząd terytorialny w procesie rozwoju gospodarczego obszarów wiejskich. 25 lat doświadczeń. Nowe wyzwania*, Warszawa 2015, p. 136.

<sup>6</sup> M. Słodowa-Helpa, *Zrównoważony rozwój a konkurencyjność w wymiarze lokalnym*, in: *Zrównoważony rozwój lokalny: warunki rozwoju regionalnego i lokalnego*, Szczecin 2010, pp. 131–139.

<sup>7</sup> P. Kościelecki, *Kultura w regionach – analiza dokumentów strategicznych polskich województw oraz piśmiennictwa przedmiotu*, „Studia Regionalne i Lokalne” 2007, No 3, p. 15.

In Poland, building bottom-up public-private and social partnerships (between local government authorities, farmers, entrepreneurs, and non-governmental organisations such as foundations, associations or private individuals) is a completely new issue and experience for rural communities. Residents of rural areas did not have the opportunity to interact locally and in such a wide range, in a long-term perspective. Through the use of local resources, it is possible to implement interesting initiatives, and to acquire experience preparing for applying for EU funds in the future. An example of interesting and diverse initiatives implemented by local action groups in our country are those of a cultural nature (competitions of choirs, folk bands); historical (acting out historic fights, marking trails of history); architectural (identification and documentation of mills preserved till today, taverns); natural sciences (determination of bird migration routes); tourist (marking of hiking, horse riding, canoeing); economic (setting up own business, creating new jobs); social (revitalisation contacts of the inhabitants of the village); promotional and advertising or even educational. Local action groups are a new form of social capital in rural areas, functioning for the public good, based on norms and values common to their members. They are open structures, a form of social capital, a platform enabling the cooperation of members based on shared norms and values and mutual trust.

In the literature on the subject, local partnership is defined as all kinds of undertakings, initiatives, jointly planned, implementation and implementation in a continuous manner based on innovative methods and measures, focused on the development of the local socio-economic environment and the construction of local identity and a socially cohesive local environment<sup>8</sup>.

The key principle of local partnership is the diversity of partners. The partners come from various spheres: public, social, economic, and scientific, with the catalog of potential participants being open. The basis of the partnership was to establish the effectiveness of local activities in solving emerging social, economic and environmental problems, as well as overcoming the emerging institutional divisions, social exclusion<sup>9</sup>.

Local partnership acts as a platform for cooperation between the three key sectors for the functioning of rural areas: public, social and economic. The cross-sectoral formula of cooperation derives from the experiences created as part of the implementation of various initiatives. The ability to use natural, cultural and social resources more efficiently – and especially to stimulate this huge human capital to be more active in support of our own small homelands – is a difficult

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<sup>8</sup> A. Sobolewski, *Przez współpracę do sukcesu. Partnerstwo lokalne na rynku pracy*, Warszawa 2007, p. 10.

<sup>9</sup> S. Pastuszka, *Znaczenie partnerstwa publiczno-prywatnego dla przedsięwzięć finansowanych z funduszy europejskich*, „Studia Regionalne i Lokalne” 2005, No 2, p. 64.

but necessary activity. However, by developing the Leader method and using various instruments in it, it was possible to: bottom-up designation of rural development strategies strategic for given regions, use of knowledge, experience and management skills of many representatives of various social environments to improve their quality of life in the countryside, renewal of ties and cooperation for the economic development of rural area<sup>10</sup>.

The social capital of rural areas is characterised by the bottom-up activities, locality and territoriality of initiatives, integrated approach, partnership action through local action groups, innovation in problem solving, independent management and financing of activities. It is also the creation of links and cooperation of local action groups at the regional, national and international levels. It encourages local communities to work together to change their surroundings, solve urgent problems, invest in activities diversifying their income, for example through small entrepreneurship, setting up non-agricultural activities, agri-tourism, thematic villages, care farms, production of traditional, regional and ecological high quality products, folk handicrafts, crafts. Cooperation within local action groups has contributed to raising the awareness of rural residents, overcoming the feeling of passivity and helplessness. Of course, apart from positive and effective mechanisms of activation of rural residents and the development of these areas, local action groups have contributed to building a huge base of potential and social bonds, social capital<sup>11</sup>.

The basic premise for local development based on endogenous factors is full and harmonious use of cultural resources of the area. Fortunately, more and more often the cultural and natural heritage is no longer treated as a ballast and a brake on development, but as a potential and catalyst for positive changes. What is more, heritage is proving to be an important factor in social and economic development. A thematic village is a local socio-economic initiative, as a result of which the inhabitants create a tourist offer based on a selected theme. A long-term and consistent development of a visit program in a village based on a chosen topic contributes to the image of the city. Thanks to these activities, the village in which the theme village is run becomes a tourist centre based on ingenuity, knowledge and creativity of the residents involved in its activities. A relatively favourable relation of the expenditures to the effects is an advantage of the thematic village. The village's activity is based on an original idea on a subject and the use of available resources. Broadly understood resources can

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<sup>10</sup> K. Zajda, *Nowe formy kapitału społecznego wsi. Studium przypadku lokalnych grup działania z województwa łódzkiego*, Łódź 2011, pp. 157–159.

<sup>11</sup> M. Słodowa-Helpa, *Inteligentna specjalizacja polskich regionów – warunki, wyzwania i dylematy*, „Roczniki Nauk Społecznych” 2013, vol. 41(5), No 1, p. 89.

be, among others special interests and skills of residents, landscape values as well as local or borrowed cultural heritage<sup>12</sup>.

At the economic level a thematic village is an example of creating alternative livelihoods for rural residents and is part of the trend of rural tourism developing today. Thematic villages are a response to the need to develop non-agricultural rural functions postulated in recent years. As indicated in the literature, the activity of a thematic village is not limited to developing business activity in rural communities. The thematic village is an interdisciplinary project. Its analysis may be applied to such disciplines as organisation and management, the theory of politics, philosophy, social psychology or sociology. These analyses may refer to both, inter-agency relations between the organisers of a thematic village as well as the contact of the thematic village with its surroundings – people and organisations from the outside. These relations can be considered from an educational perspective, in which the process of acquiring new competences by the inhabitants involved in creating the village and their guests, thanks to establishing contacts and creating a tourist offer, plays a special role. The process of learning through activities in a thematic village can also be analysed as a form of occupational activation in the labour market or a way of retraining of residents – the departure from work on the farm to handle tourism. The creation and operation of thematic villages are part of the village renewal process aimed at improving the quality of life of its inhabitants and adapting the village to changing living and farming conditions, in particular the growing role of human, social and cultural capital today. The social capital plays a special role in the thematic village's activity, which affects the economic and civic aspects of local communities, as it creates conditions for cooperation of individuals in the local environment<sup>13</sup>. The theory of social capital says that maintaining regular contact with other people and taking action to achieve common goals leads to lasting and positive effects on individuals and communities. In this way, needs are met as well as strengthened bonds and trust between people. A thematic village that engages local residents for long-term cooperation may contribute to the creation of social capital. The theme village is a peculiar combination of entrepreneurial and social activities combining economic and social innovation in the form of social trust, cooperation networks and involvement in the village's activities. Initiatives for the creation of thematic villages do not always result from economic needs. The impulse for their creation is the desire to revive the social and cultural life of the village. Commitment to creating a thematic village teaches new

<sup>12</sup> J. Purchla, *Dziedzictwo kulturowe a kapitał społeczny*, „Małopolskie Studia Regionalne” 2011, No 1, pp. 6–7.

<sup>13</sup> W. Idziak, *Wymyślić wieś od nowa. Wioski tematyczne*, Koszalin 2008, pp. 31–32.

attitudes and strengthens self-esteem. People start to get out of their homes, talk to one another, and discover their abilities. A characteristic feature of such industry specialisations of local communities or thematic villages are developed informal social ties and incidental residents, which maintain the atmosphere of trust and enable the transfer of cultural values and technical skills to its successors. Initiatives based on local resources contribute to the multifunctional and sustainable development of rural areas<sup>14</sup>.

In the field of social farming, initiatives based on local resources, including the educational educational farms are becoming a reality in Poland<sup>15</sup>. The purpose of the activity of educational homesteads is to familiarise the society with the natural environment of a rural farm, as well as to convey knowledge about the origin of food and the difficulty of its production, and indirectly also to build a market of conscious consumers. The specific educational objectives are implemented on the basis of infrastructure and agricultural resources in the farm and its natural and cultural surroundings. As indicated in the literature, the concept of an educational holding with its market identification “Educational Farm” was defined as a result of a nationwide project run by the Agricultural Advisory Centre Branch in Krakow and approved by the Ministry of Agriculture and Rural Development in November 2011, and its implementation resulted in the creation of the Nationwide Educational Grid Network. Under the concept of an educational holding, there are rural farms with farm animals or agricultural crops intended for presentations for groups of children and young people accepted as part of school curricula or made available as a tourist attraction for families with children and adults traveling individually and implementing educational programs in the following areas: plant production, animal production, processing of agricultural products, environmental and consumer education, or the material culture heritage of the village, traditional occupations, handicrafts and folk art. Membership of the Network is voluntary and takes place on the basis of the application of an individual facility and the recommendation of an authorised employee in the territorially competent Agricultural Advisory Centre. Program objectives of educational homesteads can be implemented as the main activity of the farm or as an additional activity, supplementing the basic production or agri-tourism activity. There are two organisational forms of educational farms that result in different legal and financial obligations for

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<sup>14</sup> B. Domański, *Czynniki społeczne w lokalnym rozwoju gospodarczym we współczesnej Polsce*, in: I. Sagan, M. Czepczyński (eds.), *Wybrane problemy badawcze geografii społecznej w Polsce*, Gdańsk 2001, p. 130.

<sup>15</sup> M. Bogusz, E. Kmita-Dziasek, *Zagrody edukacyjne jako przykład innowacyjnej przedsiębiorczości na obszarach wiejskich*, online: <http://www.czasopisma.pan.pl/Content/97622/mainfile.pdf>.

their owners. An educational farm can complement the offer of an agri-tourism farm or be a specialised educational activity independent of tourist services<sup>16</sup>.

It is widely recognised in the doctrine that the Nationwide Educational Gaming Network was created as a result of searching for new motivations for farmers to continue their farming activity and to realise that the farm has the unique potential to conduct attractive educational activities that meet the need to approximate the global work of the farmer and sources of food<sup>17</sup>.

An example of social farming initiatives based on local resources is also welfare farms. Care activities will certainly be particularly attractive for small farms which are more strongly in need of finding their place on the market. Enriching the offer of farms with new functions will allow to solve problems of accessing social services that affect many towns and regions. These problems are a serious threat in the context of the growing intensity of disturbing phenomena, such as the aging of society. The concept of development of care farms assumes that they must be economically rational entities whose running should provide additional income to farmers. The vision of obtaining such income cannot, however, be the only motivation to undertake activities that are so demanding and involve many challenges. Careful activities will have limited economic efficiency due to the constant high costs of running it and the limited scope. Increasing income would be possible here mainly by taking in more and more charges, which is obviously limited by the infrastructure of a given farm, as well as by the very realities of providing care. For this reason, the concept of the emergence and development of nurturing households is addressed to those people who, knowing the difficulties associated with care, will be willing to devote themselves to this work and derive additional, non-financial satisfaction from it. An important argument for the development of welfare farms is the fact that contact with nature, the qualities of the rural environment and specific cultural resources provide the basis for creating high-quality services that will have a real impact on the quality of life of the people using them<sup>18</sup>.

Reconciliation of the agricultural activity with caring for persons in need of support and the launching of a care home will certainly be a huge challenge for the majority of those concerned. There is no doubt that the success of welfare farms in Poland will largely depend on the support and incentive system that will be created for them. They are a model and an inspiration for further actions and an effective way to promote new ideas in rural areas. In addition, they enable testing of developed

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<sup>16</sup> Ibidem.

<sup>17</sup> E. Kmita-Dziasek, *Organizacja i funkcjonowanie Ogólnopolskiej Sieci Zagród Edukacyjnych. Materiały informacyjne, II ogólnopolski Zlot Zagród Edukacyjnych*, Kraków 2014, p. 4.

<sup>18</sup> A. Jurczyk-Miżejewska, K. Stepnik, J. Król, *Działania na rzecz rozwoju gospodarstw opiekuńczych w Polsce na poziomie regionalnym i lokalnym*, online: <http://www.gospodarstwa-opiekuncze.pl/>.



solutions. Undertaking farmers' actions supporting the development of local communities will also result in strengthening their position in local communities and resulted in the improvement of the image of agriculture. One should also point to the economic dimension of the development of welfare farms. They will support the development of local economies and will be an opportunity for farmers to diversify and increase income.

The challenges underlying the development of agricultural law should be targeted at specific economic, social and environmental goals, while at the same time reflecting the needs and aspirations of rural residents. Future actions undertaken in various areas of agricultural policy should strive to develop social capital in rural areas, so as to support the potential of people living in a given area.

Further considerations are needed on the role and effective functioning of social capital, in particular in rural areas. They will result in a further cooperation of rural residents, built on a permanent dialogue of cultures, customs, traditions, religions, generations, discovering dormant or forgotten possibilities. Sustainable value chains created in rural areas based on local resources are a chance for the inhabitants of particular areas to diversify their activities and provide additional income. The agricultural policy should increasingly focus on supporting such activities. The bottom-up, local-level activities are an effective way of building local potential, as well as promoting social inclusion, reducing poverty also by creating jobs. Synergies and coordination of rural residents' actions with local government authorities and entrepreneurs will contribute to the activation of the potential of rural areas. The challenge is to support mechanisms to verify the impact of specific solutions on the situation of rural areas, which provides a systematic overview of policies from the perspective of rural areas and communities living in a given territory. As indicated in the literature, the development of agricultural legislation should be accompanied by the development of scientific research, in particular agricultural law science, which – in cooperation with other sciences – can support multifunctional and sustainable rural development determined by the social capital of a given territory.

## **INITIATIVES BASED ON LOCAL RESOURCES – NEW CHALLENGES OF AGRICULTURAL LAW**

### Summary

The model of sustainable rural development recognises the necessity of local development based on local resources. Investing in the growth of social capital refers to the postulates of implementing an integrated model of rural development, where different local actors engage and cooperate for the common good. Agricultural law also faces these challenges.

The social capital of rural areas is characterised by bottom-up activities, locality and territoriality of initiatives, an integrated approach, a partnership action through local action groups, innovation in problem solving, independent management and financing of activities. It encourages local communities to work together to change their surroundings, solve urgent problems, invest in activities diversifying their income, for example through small entrepreneurship, setting up non-agricultural activities, thematic villages, care farms, production of traditional, regional and ecological high quality products, folk handicrafts, crafts.

## **INIZIATIVE BASATE SU RISORSE LOCALI: NUOVE SFIDE PER IL DIRITTO AGRARIO**

### Riassunto

Il modello di sviluppo rurale riconosce la necessità di uno sviluppo locale basato su risorse locali. Investire nella crescita del capitale sociale si riferisce ai postulati dell'attuazione di un modello integrato di sviluppo rurale, in cui diversi attori locali si impegnano e cooperano per il bene comune. Anche il diritto agrario affronta queste sfide.

Il capitale sociale delle zone rurali è caratterizzato da attività dal basso verso l'alto, località e territorialità delle iniziative, approccio integrato, azione di partenariato attraverso gruppi di azione locale, innovazione nella risoluzione dei problemi, gestione indipendente e finanziamento delle attività. Incoraggia le comunità locali a lavorare insieme per cambiare l'ambiente, risolvere problemi urgenti, investire in attività che diversificano il loro reddito, ad esempio attraverso la piccola imprenditorialità, la creazione di attività non agricole, villaggi tematici, aziende agri-sociali, prodotti tradizionali, regionali ed ecologici di alta qualità, artigianato folcloristico, artigianato.