

SOME EXPERIENCES AND CONCERNS ABOUT THE PRIVATIZATION OF AGRICULTURAL LAND

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SUMMARY: Privatization has been a term frequently mentioned in the past decades by both governments of transition countries and governments of developed countries. Privatization is a socio-economic process, which involves changes and as such becomes a world trend. The privatization process is usually initiated by the difficult economic situation, high debts, or a process initiated by the global trend of moving from one economic system to another. Privatization should, together with other transition reforms, accelerate the change of economic structure, foster entrepreneurship, improve competitiveness, all of which should result in the creation of an appropriate market environment in which it would be possible to implement the transition to a market economy. Privatization should provide clear and open ownership structure that will provide the entry of strategic investors into state economy. The authors of this paper discuss the current issue of privatization of agricultural land from the viewpoint of countries in transition. The authors also point out some issues and current views regarding the privatization of land in the Republic of Serbia and the new agreement with the EU.

Keywords: *privatization of agricultural land, transition, agriculture, agro-industry, the Republic of Serbia.*

INTRODUCTION

In Serbia, 87 percent of 4.2 million hectares of total arable land is privately owned and only 13 percent belongs to the state and agricultural companies. The average size of a household in Serbia is three, in Denmark, for example, 43 and in UK 69ha. Even more dramatic is the fact that only 2.9 percent of arable land in Serbia accounts for households bigger than 5.000 ha. There are 700.000 households, of which just about

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90.000 are registered. The ownership structure is quite diverse, and owners are predominantly ex-merchants, craftsmen, economists, doctors, who all make so-called new *agrobusinessman*. In transition countries in our region the privatization of agro-industry was carried out in different ways and the chosen method of privatization depended on the size and strategic importance of processing capacities. The privatization of small processing facilities in most countries was carried out through the sale, while the more complex procedure was applied in large systems or enterprises whose value is turned into equity. A transfer of shares was carried out in different ways.

In the Eastern countries, agricultural land was partly owned by the state, and in some countries of the Soviet Union completely, so that in the transition process as a central element of the reform of the agricultural sector of these countries there was a need for restructuring and privatization. This segment of reform has the greatest impact on the transition of agricultural sector, having in mind not only the economic but also strong social implications. The process of transition of agricultural sector has caused ownership, production and organizational structure changes in this countries. The expropriation in Eastern Europe was conducted differently and it demanded the implementation of restitution or compensation. The common characteristic of de-collectivization of the land is re-privatization (restitution) of land in collective ownership and sales of state enterprises. In cases where the land that they owned before collectivization could not be restored, the previous owners were given ownership rights to the land surface compatible.

The former socialist countries are far from us. They have transformed from kolkhoz – sovhozna systems into modern agricultural structure modelled on the EU concept. The experiences of former socialist countries show that that in the first five years of transition (1989-1994) there was a drop of performance, and subsequently, over the next five years (1994-1999) came to revive of the economy.

MODELS OF LAND PRIVATIZATION

Privatization of agricultural land is different from privatization of building land. Privatization of agricultural land is primarily released from the complications of connecting buildings related to land, as is the case with urban land. Also, the state land is not indispensably preconditioned for the survival of agricultural and agro-industrial companies that use it. Such features of agricultural land in state ownership certainly facilitate its privatization (Begović i sar., 2006). The process of privatization of agricultural land was carried out in different ways in countries in transition and using different models of privatization.

In the **Baltic countries** (Lithuania, Latvia, Estonia), where 100% of the land was taken away, the restitution or compensation was carried out. For these countries it is characteristic that in the process of agricultural policy reforms was implemented so-called “Shock therapy”. At the beginning of the transition period agricultural support and import protection have dramatically reduced, national economy was opened to foreign competition and holdings were more taxed than encouraged, and in the second phase (late 1990’s) support level increased and reached level similar to other countries (Pejanović, 2005).

In **Romania, Bulgaria, The Czech Republic and Slovakia**, where it was taken

around 90% of the land, have also made full restitution, but in stages (the assignment of land in small quantities). The reforms of agricultural policy in the Czech Republic and Slovakia were carried out gradually, while the level of support to agriculture in Romania and Bulgaria was very unstable. In restoring the land to the farmers in Romania there was a huge fragmentation of tenure, most of the new owners remained in the cities and never engaged in agriculture, the aging processes of villages and 'deagrarization' spread to the villages. The process of enlargement of agricultural properties in Romania has been very slow.

During the Soviet Union, the agriculture in Ukraine was organized through two centrally controlled sectors – kolkhoz and sovhoz. The reorganization of kolkhoz/sovhoz sector began in 1992 year. Till year 2000, almost 36 000 farms were created, with 1.162 million hectares of agricultural land, with an average size of farm of 32ha (Bondar, 2002). The regulation of the Ministry of Ukraine "On Privatization of land parcels" from December of 1992 played a significant role at the beginning of the privatization of land. In Ukraine, about 70% of agricultural land transferred from state ownership into the ownership of 6.6 million inhabitants of rural areas with no charge (Bondar, 2002). These new owners exercised their right in the form of owners of land shares. The regulation of the land from January 2002 used this land shares as a basis for further privatization of agricultural land. According to this regulation, the citizens of Ukraine who wanted to buy agricultural land had to have education in agriculture, experience in agricultural business, or be associated with agricultural production. The Regulation contains important restrictions on agricultural land, such as: to 2010 the citizens of Ukraine may possess a maximum of 100 hectares of agricultural land; by 2005 the holders of land shares are prohibited from selling or donating their share to someone else; the owner of agricultural land can be either a citizen of Ukraine or company, whether is a citizen of either a foreigner, with two constraints - foreign citizens and foreign legal entities cannot have any agricultural or other land if it is outside of the village or there are no pre-made objects.

In 2002, **Russia** has passed a new law on land, which allows the sale of agricultural land, with certain restrictions.

The privatization in **Poland** was conducted by direct sale of state land. In pre-transition period Poland had a large share of privately owned land in total area, and there has been an increase in the size of private farms, as a result of land sale of state firms.

The process of land privatization has led to the establishment of a new ownership structure, with a growing number of farms and their significant participation in the farmland fund. The common characteristic of the CEE countries during the transition period was that these countries did not foresee the possibility of returning the land to foreigners, and that at first was not possible land purchase to foreigners (it was the result of negotiations).

The exception to the restitution is the voucher privatization and distribution to the employees in collective farms in **Hungary** (in this way was privatized about 2/3 of the cooperative land).

Table 1. Modles of privatization of agricultural land in CEE countries (Central and Eastern Europe)

Tabela 1. Modeli privatizacije poljoprivrednog zemljišta u zemljama CIE – Centralne i istočne Evrope

| Country | Collective farms | State farms |
|----------------|---|--|
| Bulgaria | Restitution | Others |
| Czech Republic | Restitution | Sale / lease |
| Hungary | Restitution Distribution Sales for compensation bonds | Sales for compensation bonds Sale / lease |
| Latvia | Restitution | Restitution |
| Lithuania | Restitution | Restitution |
| Poland | | Sale / lease |
| Romania | Restitution Distribution | Restitution Not decided |
| Slovakia | Restitution | Sale / lease |
| Slovenia | | Restitution |
| Estonia | Restitution | Restitution |

Source: Zekić, S., 2003.

CEE countries have begun the transition from very different initial levels and the effects of these initial differences are shown in Table 2.

Table 2. The structure of agriculture in the CEE according to use of land in pre and post transition period

Tabela 2. Struktura poljoprivrede u zemljama CIE prema korišćenom zemljištu u pred i post tranzicionom periodu

| Country | Share of total agricultural area (%) | | | | | | | |
|----------------|--------------------------------------|-------------------------|--------------------------|-------------------------|--------------------------|-------------------------|--------------------------|-------------------------|
| | Cooperatives | | State-owned enterprises | | Other corporate farms | | Private farms | |
| | Period before transition | Period after transition | Period before transition | Period after transition | Period before transition | Period after transition | Period before transition | Period after transition |
| Hungary | 80 | 28 | 14 | 4 | - | 14 | 6 | 54 |
| Czech Republic | 61 | 43 | 38 | 2 | - | 32 | 0 | 23 |
| Poland | 4 | - | 19 | 7 | - | 8 | 77 | 82 |
| Estonia | 57 | - | 37 | - | - | 37 | 6 | 63 |
| Slovenia | - | - | 8 | 4 | - | - | 92 | 96 |
| Latvia | 54 | - | 41 | 1 | - | 4 | 5 | 95 |
| Lithuania | - | - | 91 | 33 | - | - | 9 | 67 |
| Bulgaria | 58 | 42 | 29 | 6 | - | - | 13 | 52 |
| Romania | 59 | 12 | 29 | 21 | - | - | 12 | 67 |
| Slovakia | 69 | 60 | 26 | 15 | - | 20 | 5 | 5 |

Source: EU Commissiona (1998).

Slovenia, in contrast to other transition countries, retained their traditional ownership structure of agriculture. More than 99% of farms remained in private ownership and just a smaller part of farms were nationalized. These characteristics caused minimal changes in the ownership structure in agriculture. From 1991 and with the process of denationalization and privatization in Slovenia and the adoption of the Law of decentralization, all agricultural land and all forests, with which conglomerates and state farms were disposed, were transferred into state ownership. The Fund of agricultural land and forests of the Republic of Slovenia was established, which had the function of managing the land, deciding to return the land to their original owners in the process of denationalization and giving land to lease agricultural enterprises.

Taking into account the previously mentioned fact that in Slovenia in pre-transition period the dominant share of the total land area was in private ownership, structural reforms have been a less important goal. In Slovenia, the emphasis was placed on promoting multi-activities of individual farms and the development of multifunctional agriculture (Pejanović, 2005). Slovenia, unlike all other countries in transition, had a relatively high rate of growth of agricultural production in this period.

In **Hungary**, after the mistakes made at the beginning of the privatization of large complex of land, all land without an owner was declared as state land. This land is without auction (auction) given to the large agricultural enterprises.

In Slovenia and Hungary, agricultural producers had the advantage in the distribution, which had a double positive effect: reducing the monopoly power of processing sector, while on the other hand, providing more stable raw material base (the verticality of the market structure), thus preserving the reproduction unit, from primary agricultural production (crop and livestock production) to the processing industry.

In some countries, the company was completely sold to employees and governed as part of the opportunity to purchase shares on preferential terms or free distribution.

In a **new agrarian structure** transition countries as responsible for the development of agriculture **medium-sized commercial farms**, owned by the younger, educated, energetic farmer, which are slowly extracted from a large group of family farms, although still hampered by significant financial, technological, administrative and other restrictions (Pejanović, 2005).

The issue of **foreign investments** had a very important role in securing the initial development capital and new technologies in agro-industry in transition countries. New investments which were expected through the privatization process should contribute to the restructuring, revitalization and modernization of processing facilities. It is often argued that this foreign investments / companies, after privatization, had the impact on the introduction of new health and hygiene standards in processing facilities necessary for EU accession processes. In particular a high amount of foreign investment in the sector of food and tobacco had Hungary. Estimates have shown that until 1996 about 60% of Hungarian agro-industrial capacities were controlled by foreign companies. In addition to Hungary, a high proportion of foreign investments in agro-industrial sector during the transition period, was recorded in Bulgaria and Poland (25%).

This is also characteristic of the privatization of this sector in Serbia, where in the individual sectors the share of foreign capital was almost one hundred percent (breweries, dairies, tobacco, etc.). Although the public has a fear of foreign control of strategic sectors of agriculture, there are also opinions that the investment has a positive impact on improving competitiveness. The fact is that foreign investors in food production in

transition countries may be motivated primarily with lower-cost resources and cheap labour. There are opinions that foreign investments in the industrial sector in transition countries were motivated by re-export products to the EU. There are doubts that in the production of sugar and milk foreign investments are used as a strategy for establishing control of production quotas. Analyses show that in 1999 the share of production capacities with foreign capital in the sugar industry was 100% in Hungary, Slovenia and Lithuania 95%, 90% in Slovakia, in the Czech Republic over 75% and in Poland 50%. In addition to the processing sector of sugar and milk, thoughts are that attraction for foreign investments are production of tobacco and alcohol.

In **Montenegro**, privatization was carried out by the so-called voucher model. The first division was carried out giving vouchers only to citizens of Montenegro. Later it was allowed also to the foreigners to become owners of the land.

In **Macedonia**, the privatization carried out by the stock model, where only Macedonians got shares (actions). Later the same was allowed to the foreigners.

Croatia has made privatization through stock model and the model of sale only to the citizens of Croatia, and in **Serbia** by combining several models: sales, stock and restitution model. The owners of the land became only the citizens of Serbia or the companies registered in Serbia. Privatization of agricultural land based on the sale has several advantages compared to the gift of land when the user is a private agricultural company, because it avoids favouring one at the expense of others.

The dilemmas that have occurred in the process of privatization of agricultural land in Serbia through the sale are the following: whether to give to existing user an advantage over others or to use a competitive method of sale “who offers more”; whether to sell by auction or solicitation of tenders; and whether to sell large land complexes of several thousand hectares, which occur in the possession of certain companies in Vojvodina, or divided into smaller parcels and sold separately (Begović i sar., 2006). It is believed that the competitive method of sale is best because, above all, provide the best offer/price, is the most transparent and is provided with the most efficient offer (presumably the most economically efficient is one who is able to offer the most). In the theory of auctions it is the same whether the competition is achieved by collecting auction or sealed bids, except that the transparency in auction is bigger. If the bigger land complex divides into smaller and thus sales, increases the number of interested potential buyers, thereby increasing the selling price and total revenue for the state.

According to the FAO data since 1994 in Albania about 94% of the total land has been de-collectivized and privatized; in Macedonia approximately 85% of agricultural land has been privately owned; in Bosnia and Herzegovina about 94% of agricultural land is privately owned, 86% in Serbia and 83% in Croatia. Statistical data confirm that there is a large percentage of agricultural land in private ownership in the Balkan countries, but that the land market turnover is low, unstable, with a high degree of risk and inefficiency.

In contrast to these countries, many countries, including China and Vietnam, according to its current law did not allow the privatization of agricultural land, believing that this would be an obstacle to the successful realization of the set of defined goals and strategies.

SOME CONCERNS ABOUT THE PRIVATIZATION OF AGRICULTURAL LAND

In Serbia discussion was initiated on whether it is necessary to make a change to the agreement with the EU which allows the sale of land to foreigners. Many believe that the concluded agreement should change and the period when non-residents will be able, without limitation, to buy our land should be extended. It is anticipated that the local “tycoons” will buy agricultural land cheaply and then they will sell it with higher prices to foreigners. One of the grounds for concern is the fact that a hectare of land can be bought in Serbia for 5.000 Euros, while hectare in EU cost from 50.000 to 70.000 Euros.

The land, like capital and labour, is the condition for business and production. Prices and availability of requirements and resources are different between Serbia and the EU and within the EU. Concerning the differences, Serbia has the leading roll. Our credit prices are several times higher than in the EU and since we do not have enough savings we sell assets and get into debt. Price of labour in Serbia is still several times lower, because there is no prosperity and employment. Subsidies to farmers and average yields of most crops are much lower here. Agriculture is not competitive, and there are other conditions that contribute to this poor state of this branch of economy.

On the other hand, the soil is a natural resource of any state, but we cannot keep it by choosing customers but we have to establish the conditions of its use. Our forest land is state-owned, but prescribed standards of rational maintenance of forest reserves are not used, as it is the case in some countries concerning private forests. At construction sites illegal construction is very common, and construction regulations make it difficult to work. The main problem of the regime of land as a public good is how to use it for economic growth. Foreigners are now indirectly owners or co-owners of agricultural land through their respective legal entities. Prices of capital and land are determinate with the agreement between buyers and sellers. The Foreign Investment Law allows that “a foreign physical or legal person, as a foreign investor, can acquire property over real estate”, and the Law on Basic Property Relations define the conditional of reciprocity that a foreign country gives us the same right. Foreigners can obtain property on arable land and forest through legacy, also. With interstate agreements the equality of foreigners and domestic investors is protected.

Providing opportunities to foreigners to buy agricultural land in Serbia could be in the interest of “tycoon” who bought a part of that land and the other land owners, because it increases the number of potential buyers. On the other hand, the closing of the agricultural land market for foreigners could obviously be in the best interests of local “strong players” - in which case they will have more time to buy cheaper land from the state or small proprietors.

Some advocate the view that no serious country allows speculative trade with the land. Estimates are that the future will depend on how farmers, whose fields are first, bought by the “big”, and now they buy products from small producers with over 180 day delay in payment, will behave. In Serbia, the most vulnerable will be small farmers, and they are majority. To survive they will have to join each other or to subscribe to large systems in Serbia.

Prohibition of sale of agricultural land to foreigners in Lithuania and Slovakia, which have long joined the EU, and will soon be able to fully make use of the European

agricultural budget, was recently extended until 2014. Baltic republics have managed to postpone the moment of the sale of land to their full influence in the EU agriculture. This issue was delayed in Bulgaria and Romania that are also EU members. Hungary decided during negotiations that the foreigners will be able to buy land after more than 10 years of its membership. Denmark, for example, allows the sale of agricultural land to foreigners, but only to those who have lived at least two years in that country. Croatia will offer land to foreigners after 15 years of their candidature for the EU.

Serbia, however, has negotiated that the foreigners will be able to buy our land after four years of full implementation of the Interim Trade Agreement. It must be borne in mind that Serbia is a country with high land quality, among the best in Europe. The land is not contaminated and it can be easily translated in to the soil for organic food. Today the best hectare of agricultural land in Serbia can be purchased for 5,000 Euros. Hectares of such land or worse in Europe will cost minimum from 50,000 to 100,000 Euros.

There are opinions that when it comes to ownership of agricultural land, the Government must urgently implement restitution, which is actually quite simple and does not threaten any country or “tycoons”. State land is as much the state owes it to those from whom he was cruelly and unjustly taken away (about 350,000 hectares), and restitution in kind can be immediately implemented.

There are opinions that when it comes to the ownership of agricultural land, the Government must urgently implement restitution, which is actually quite simple and does not threaten to the country or the “tycoons”. State land is as much the state owes it to those from whom it was cruelly and unjustly taken away (about 350,000 hectares), and restitution can be immediately implemented.

The second issue raised relates to the manner in which the state has disposed of the land that is one way or another in her possession. Strengthening the presence of the state as land owner may have its justification, but it certainly opens up new opportunities for corruption - the management of assets, lease, sell or trade information on future change of use. Corruption is always associated with the process of decision making. The most dangerous is the one that occurs when decisions on different acts are made (international treaties, laws and regulations). So the first task is to illuminate that process - to enable all interested parties to give their opinion (public debate), reveal the influences on decision makers (lobbying), obligate the decision makers to give a reasonable and detailed explanation of what they attempted to achieve and to present the regulatory impact analysis that were made for that purpose.

The fact that the process of decision-makers is closely guarded secret in Serbia is helping to hide corruption where it exists, but sometimes it can be seen where it does not exist.

CONCLUSION

The privatization process, as already stated, is a current problem that has existed for two decades in Europe and is a form of ownership structuring. For the success of privatization it is necessary to make several important preconditions: the selection of appropriate methods and efficient organizational activities related to its implementation; stable macroeconomic environment, the appropriate economic policies; transparent and stable system of rules and policies governing the rules of the game in the economy. The

goal of privatization should be to establish clear ownership structure, concentration of ownership in the hands of the relevant investor and restructure of the economy and companies.

The issue of foreign investment had a very important role in providing the initial development capital and new technologies in agro-industry in transition countries. With the analysis of the privatization process in all parts of the agro-economy in the countries in the region and in Serbia it can be concluded that the decisive role in the privatization had the foreign investment in processing capacity. In some privatizations of agro-industry in Eastern Bloc countries, it is characteristic that the whole companies are sold to foreign investors. New investments that were expected through the privatization process were to contribute to the restructuring, revitalization and modernization of processing facilities.

The process of land privatization was carried out in various ways and using different models of privatization across Europe. This process led to the establishment of a new ownership structure, with a growing number of farms and their significant participation in the farmland. The common characteristic of the CEE countries during the transition period was that these countries did not foresee the possibility of returning the land to foreigners, and initially the foreigners were not able to purchase land.

Serbia now has a low productivity and lack of competitiveness and this is a big problem for the Serbian agriculture. Inclusion of Serbian agriculture in European integration is one of the priorities of the current state administration. However, promised speed in this area still needs to be taken with great caution. In Serbia, two important issues related to privatization of land are raised, namely: whether to change the agreement with the EU that allows land sales to foreigners (with us earlier than in other countries), the question of how the state has disposed of land that is in one way or another in her possession.

Small areas do not allow the use of modern agro-technical measures and appropriate solutions for higher yields. Merging of property arises as a priority that cannot be achieved without a comprehensive national program and adhering to its implementation. If we aspire to be part of a large family of EU agricultural deeper cuts are inevitable in a land policy. The state must take responsibility for the food security of the nation, but it should not sell natural resources.

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NEKA ISKUSTVA I DILEME OKO PRIVATIZACIJE POLJOPRIVREDNOG ZEMLJIŠTA

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Izvod

Privatizacija je poslednjih decenija termin koji se često spominje, kako u vladama država u tranziciji, tako i u vladama razvijenih zemalja. Privatizacija je društveno-ekonomski proces koji znači promene i kao takav postaje i svetski trend. Proces privatizacije je najčešće iniciran nepovoljnom ekonomskom situacijom, koja za posledicu ima visoke dugove, ili je sam proces iniciran globalnim trendom prelaska sa jednog na drugi sistem ekonomije. Privatizacija bi trebalo da, zajedno sa drugim tranzicionim reformama, ubrza promene privredne strukture, podstakne razvoj preduzetništva, poboljša konkurentnost, što sve treba da rezultira u kreiranju odgovarajućeg tržišnog okruženja u kome bi bilo moguće sprovesti proces tranzicije u tržišnu privredu. Privatizacija treba da omogući jasnu i otvorenu vlasničku strukturu, koja će obezbediti ulazak strateških investitora u agropivredu. Autori u ovom radu razmatraju aktuelnu problematiku privatizacije poljoprivrednog zemljišta, dajući prikaz iskustava zemalja u tranziciji po tom pitanju. Autori takođe ističu neke dileme i aktuelne stavove vezano za privatizaciju zemljišta u Republici Srbiji i novog sporazuma sa EU.

Ključne reči: privatizacija poljoprivrednog zemljišta, tranzicija, poljoprivreda, agroindustrija, Republika Srbija.

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