

## COMMUNAL LANDS AND RURAL DEVELOPMENT IN THE NORTHWESTERN IBERIAN PENINSULA

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### ABSTRACT

Communal lands occupy about one million hectares in the northwest Iberian Peninsula with high average areas (500 hectares in Portugal and 200 in Galicia). The region is among the poorest in the European Union with a notably lower gross domestic product in comparison with the most developed regions of Europe. Over centuries, ‘*Baldios*’ in Portugal and ‘*Montes Veciñais en Man Común*’ (MVMC) in Galicia played an essential role in the rural economy of their owner’s communities. They were mainly used in forestry, but several reasons resulted in a current sub-utilization of them. This role was lost during the twentieth century due to great reforestation and a decline in agriculture prominence. The restoration of democratic regimes returned Baldios and MVMC to their owners, now declining, aging and disorganized. Taking into account the extension of these lands and their average size, this paper looks into the main historical determinants of the commons existence and tries to illustrate their present-day with reference to the collective action problem; features related to the commoners’ (‘*veciños*’ and ‘*compartes*’) characteristics and to the way they use their lands are analysed. Both Galician and Portuguese realities exhibit similarities and complementary benefits requiring social innovation to make better use of rural resilience. Communal lands and small-scale business initiatives could support the network of the local produce markets with attractive values, and also the conservation of the biodiversity. These data are discussed focusing at the human and natural resources.

**Key words:** *Common lands, northwest Iberian Peninsula, local development*

### INTRODUCTION

For centuries the communal lands of northwest Iberian Peninsula (‘*Baldios*’ in Portugal and ‘*Montes Veciñais en Man Común*’ –MVMC– in Galicia played a crucial role in the rural economy of their owner communities (Baptista *et al.*, 2002). This function was lost during the 20th century due to the massive forestation and the decline of agriculture. The restitution of democratic regimes in both countries returned these commons to their owner communities, now declining, aging, disrupted and disorganized (Magariños, 1999). As the rural world they

belong to, they are now facing a number of threats and challenges. Communal lands occupy approximately 1 million hectares, 400,000 in north Portugal and 600,000 in Galicia, with high average areas (around 500 ha in Portugal and 200 ha in Galicia). They are owned by approximately 2900 communities in Galicia and 1000 in north Portugal. The use of these lands is primarily forestry, but several reasons resulted in a current sub-utilization of their potential (Sineiro, 1998).

The MVMC and the Baldios are currently faced with challenges that are common to the rural world, as well as with other challenges arising from the peculiar nature of their form of property (Baptista *et al.*, 2002). The living strength and the reason for their survival lies in the fact that they are an inseparable reality from the life of the local populations, strongly marked by a communal way of living. According to Saco (1998), *'this is a form of communalism that expresses itself not only in the organization of commons uses but also in the joint usufruct of certain facilities (such as clothes washbasins, hearths, wind- and water-mills) as well as the collective management of water supplies for irrigation, festivities, pathway maintenance and repair and for performing a number of farming tasks'*.

Our aim is to lay the ground for a debate on to what extent the commons may feasibly subsist, given their unique form of property and the widely democratic nature of their organizational aspects, and surrounded as they are by a different reality that appears to be less and less indifferent to their existence.

### **MATERIAL AND METHODS**

Resorting mostly to Galician and Portuguese literature, the paper seeks to describe the more determining factors of their historic evolution, from a time when communal lands set a essential balance with the traditional agrarian system, through periods of intense privatizations, alienations and administrative reforms that coincided with liberalism, to the systematic afforestation imposed in the 20th century by both Franco's and Salazar's regimes (Baptista, 2001). These common areas were the mainstay of the traditional agricultural system up until modern times and they have played a unique role in preserving the relationship between landowners, land users, and land. Stockbreeding and agriculture were, according to Balboa (2000), the two activities making the most use of the MVMC, largely on account of the use of furze as livestock bedding material, small-ruminant feed for its shoots, household fuel and organic fertilizer allowing for the development of other crops. Estêvão (1983) points to a similar role played by the Baldios: besides firewood, charcoal, timber, honey, etc. They provided the necessary pasture for livestock feeding while the brushwood and manure combined provided the traditional fertilizer used by the peasantry. So within the context of traditional agriculture, the use of MVMC and Baldios was a practical and appropriate way of ensuring a balanced agrarian system (Pereira, 1999).

### **RESULTS AND DISCUSSION**

The demographic growth from the 18th century onwards (and the resulting need to expand croplands) was partly responsible for disrupting this balance. The

ideological arguments (namely, with 19th century liberalism, the full support for private property ownership rights) and the developmental theories would soon make themselves heard. Bica (2004a) referring to Portugal, and Pereira (1999), referring to Galicia, use the same expression, *'disentailment frenzy'*, to describe the type of liberal intervention that was directed at the commons. Pereira (1999) points to an estimated one million hectares having been withdrawn from communal ownership in Galicia between 1860 and 1930. As for Portugal, Estêvão (1983) estimates that approximately 2.5 million hectares were turned into cultivated land between 1874 and 1902 and another 300 thousand followed suit in the period between 1903 and 1933, adding that *'the commons played a vital role in the increase of arable lands in the last quarter of the 19th century'* (...) and that *'in the first thirty years of this century (1903-33), such role was played by privately-owned holdings in the South'*.

The move towards disentailment raised complaints, protests and resistance of all sorts (Rodrigues, 1987; Magariños, 1999; Pereira, 1999; Bica, 2004a). New roadways for social development were being sought, but the foundations of the traditional agrarian and stock farming system and its centuries-old balance were being put at stake. The transition period into the 20th century witnessed a decisive commitment on part of the state, both in Galicia and in Portugal, towards afforestation of wildlands, communal lands and hillside areas. On top of the consequences (identical in Galicia and in Portugal) of this foretold intervention, there were the pressures for the shared allocation of the MVMC and Baldios. Ribeiro (1970) referring to the region where the largest private pinewood-planted area is located in Portugal, says that *'in the beginning of the century, on the initiative of the peasants and before the state would intervene and confiscate their commons, pinewoods came to cover these wildlands, up until then known to goat keepers and coalmen alone'*. Likewise, in this disentailment period, rural communities in Galicia divided the commons among the *veciños* on several occasions, *'anticipating what they presumed would most certainly be an expropriation, given the legal uncertainty surrounding community-owned properties'* (Pereira, 1999).

The individualization of the commons was, after all, a means of securing the resources they had always provided to the peasants. With individualization the road was open towards the progressive loss of the functions of the MVMC. One of the main reasons for this *'defunctionalisation'*, as Balboa López (1995) calls it, is the disappearance of joint disciplines and the new dependency of the commons on individual (and often diverging) strategies and decisions. The author adds that *'such defunctionalisation'* has a social dimension to it as well, for the community loses much of its cohesion capacity. The productive balance between commons and cultivated lands is lost, and so is the social balance between the household and the community, a situation most apparent during Franco's regime' (Balboa López, 1995).

The emergence of authoritarian regimes in Portugal and Spain meant that the state carried through the expropriation of those communal lands that had survived these

processes of shared allocation, alienation and individualization. In both cases, there were notorious coincidences of financial and industrial interests in the assignment of vast areas of land for afforestation. Among other examples, with regard to Galicia, Rodríguez (1999) refers to the interests of paper monopolies, and Magariños (1999) denounces the systematic use of eucalyptus in the reforestation activities. Estêvão (1983) draws a connection between this trend and the industrial expansion in Portugal. For one thing, in the aftermath of the cereal campaigns in the south of the country, the fertilizer industry gained new clients, in fact due to afforestation, farmers (north of the Tajo River) saw themselves deprived of their basic source of organic matter, i.e., brush lands and animal manure. More significantly, *'since it would be unlikely that the lesser layers of the peasantry would buy large quantities of chemical fertilizers, in the end it was the expulsion of this social stratum of the peasantry from their place of residence that would lead to the influx of abundant, cheap and unskilled labour into the urban centres, while forcing those that remained to take up a modern, intensive form of agriculture, based on the use of fertilizers, machinery and reduced labour'* (Estêvão, 1983).

In Galicia, communal land property was forbidden by law as from 1940 and the related traditional uses were restricted or even prohibited (Magariños, 1999). In Portugal, the great plantation of hillside areas, better said, of the commons, was announced in 1938 with the promulgation of the Afforestation Law. This law became the main regulation concerning communal lands and, as opposed to what applied until then, determined that the commons would become the property of the state as and when they became afforested. Pereira (1999) work *'O monte comunal na Galicia contemporânea: Unha historia de resistencia'* (The commons in contemporary Galicia: A story of resistance) contains many descriptions of the struggles and protests raised in defence of the commons. Such resistance is also signalled in Portugal by a number of authors, e.g.: Rodrigues (1987) and Gralheiro (1990). Quoting Estêvão (1983) again, *'in some instances, instead of starting afforestation in areas where the rural communities would be less affected, in both their actual farming and others activities, like sheep grazing, wood logging, etc., tree planting would begin precisely in the commons closest to the villages'*. Pereira (1999) also denounces the forced recruitment by the Civil Guards to fight forest fires. Bica (2004b) notes that the villagers deprived of their commons *'would find no other work apart from the humiliation of having to take up a job in planting their own commons on behalf of the Forestry Services'*.

Nevertheless, the disregard for or the failure to safeguard the rights of the people were not sufficient to erase completely an age-old social reality: the exclusive right held by the villagers of certain places or *'parroquias'* to use certain MVMC and Baldios. Besides, the migration flows, on one hand, and the new industrial policies linked to the emergence of different markets, on the other, weakened some aspects of the afforestation approach. The advance of the forest would go only as far as it proved relevant for industrial development and could actually risk affecting agricultural crops that had evidenced sufficient economic strength. The lack of interest for massive reforestation, the inefficiency of the state authorities in

maintaining the wealth thus created, the rural communities' protests against the occupation of their lands, the artificial, not to say parasitic, nature of the management carried out by many local authorities, all this gave way, with the advent of political changes towards democratic practices, to a number of legislative initiatives seeking to hand back the MVMC and Baldios to the local communities.

In 1976 is promulgated in Portugal the law returning the '*use, the income and the administration of the Baldios to their respective compartes*'. This law allows two administration procedures for the Baldios –fully by the compartes or by an association between the compartes and the state–. In Spain, there were several initiatives to legislate the '*veciñal*' property between 1957 and 1968. In 1980 is published a new law highlighting the non-public attribute of the MVMC, and in 1989 (when the MVMC are already under the juridical competence of the Government of Galicia) is promulgated the law establishing that the MVMC belong to the '*agrupacións veciñais na calidade de grupos sociais*', communities, and the communities may collectively manage these or may delegate their management to the Forestry Administration by way of a contract (López, 1995; Díaz, 1999).

In 2001, twenty five years after the promulgation of the legislation which returned the Baldios to the local communities, the performance of the state regarding the application of the law was strongly disapproved by the communities (Carvalho, 2001). The main criticisms regarded the lack of state investments in the commons and the neglected accompanying of its own projects, and the delayed responses regarding for instance the permission to sale the goods produced in the Baldios. In addition, complaints were also made regarding the lack of use of the potential European Union financial supports.

In Galicia, the commons were also the object of strange behaviours on part of the state structures. Sineiro (1998) denounces '*the notorious lack of government support to the real autonomy of the comunidades veciñais*' and '*the non fulfilment of its legal duties, such as the preparation of the Rexistro de Montes Veciñais (commons registration) containing an update on their situation, their use and their boundaries*'. Garcia (1998) also points out '*the government's neglect towards the monte comunal*', evidenced in particular by '*the lack of technical and economic support, the non-existence of a fire prevention policy, the scarce interest in considering the commons as a distinct reality that must be preserved under the same conditions as any other aspect of the national heritage*'. From another viewpoint, Escariz (1998) stated that '*in the current legal framework there is no clear rule on the tax regime of the Comunidades de Montes Veciñais en Man Común, or communally held properties*', which he adds, '*besides being a violation of the principle of legal security, stands against the constitutional principles of legality and equality*'. In its turn, referring to the ways in which the communities are organized, a Galician survey underlines the long distance between reality and what is provided by law –in half of the communities, either there is no Xunta Rectora (Ruling Board) or if it exists it is only a name, i.e. it doesn't operate–. The same survey further points out that the organized communities, while being less

numerous than the non-organized, hold altogether a larger commons area and predominate in regions with a higher economic development and a more dynamic demographic behaviour, being more abundant when the MVMC include a forest component (Fernández *et al.*, 2006).

Recent work, support by extensive field surveys and experimental research, helped to expand the theory of common property. According to Poteete (2004) *'the clarification of concepts allowed scholars to recognize the possibilities for sustainable management of resources under common property as opposed to open access, and to raise questions about the supposed superiority of private property rights for the management of common-pool resources'*.

A lot of the motivation to perform early case studies and to develop theoretical work was based on an effort to try to bring forward evidences to refute Hardin's theories and the policies of privatization and state takeover of resources. However, to further develop the Common Pool Resources (CPR) theory, it is still necessary to go beyond simple descriptions (almost always successful ones) and designing principles (Edwards and Steins, 1997).

### CONCLUSIONS

The heterogeneity of existing situations and the complexity of the involved institutions (including property) exclude only one *'scientific truth'*. Common property, private property, state property, all have shown to be able and unable in providing sustainability, organization, and investment capacity in the management of the natural resources.

As a global conclusion of our work, the communities owning the communal lands currently seem to have the conditions to successfully manage their commons if the commoners are able to mobilize and organize their communities. For that purpose, they should be able to valorise: i) their cultural and heritage patrimony; ii) the natural resources and the biodiversity conservation potential; iii) the productive potentials; iv) the new uses presented by their lands.

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