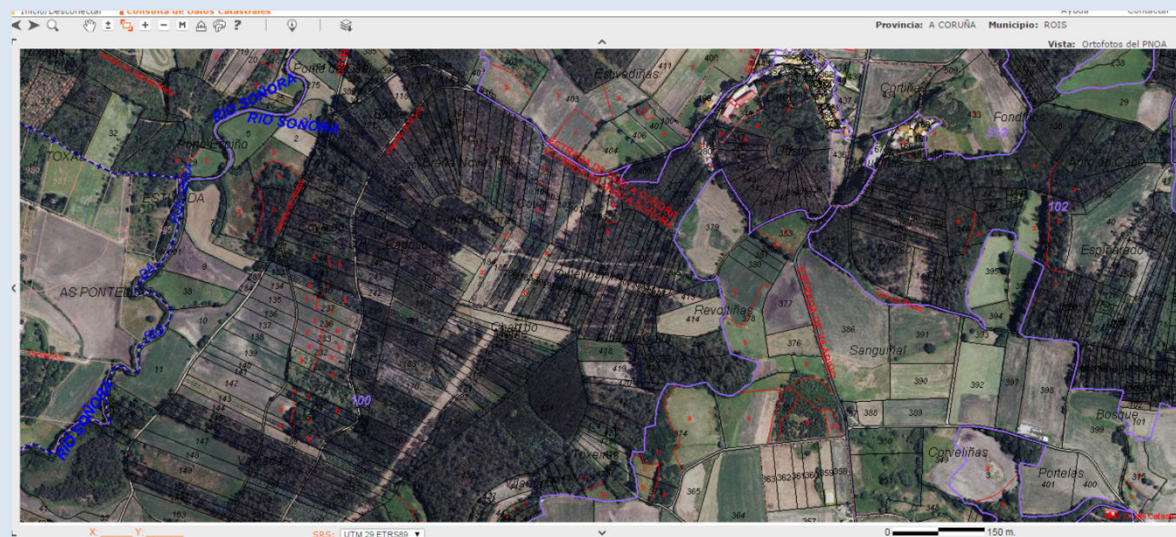


# COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

BRUSSELS, 18-19<sup>th</sup> NOVEMBER 2015

Xosé Tubío



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# COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

## 1. TERRITORIAL DELIMITATION.

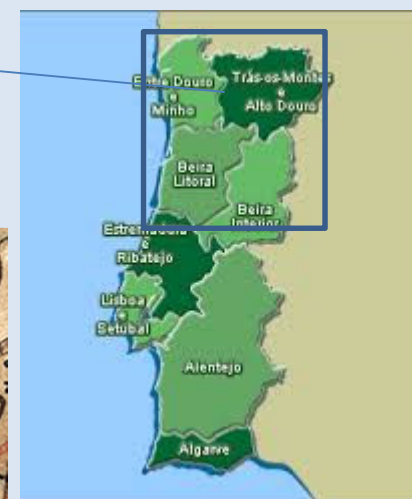


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(edited by Henry of Mainz) 1190

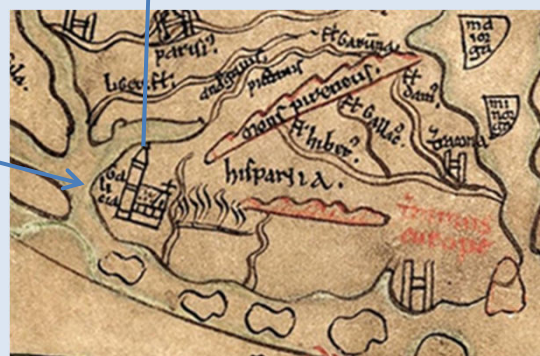
Gallaecia now: «Galiza» (Spanish Autonomous Community) and «Minho», «Douro», and «Tras-os-Montes», «Beira Litoral and Beira Interior» (Portuguese regions).



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## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 2. BRIEF HISTORY OF THE COMMON LAND CONFIGURATION.

- Common land property is usually academically referred as «Germanic property». Several Germanic migrations/invasions entered into the Iberian Peninsula during the 5<sup>th</sup> century c.e. The Kingdom of the Suebi (Gallæcia), was a Germanic post-Roman kingdom. Common lands consolidated by the Visigoths are also present all across Spain.
- Regardless of their current denomination, common lands and their democratic institutions are pre-Roman. As Currás and Evans point out, the territory was structured through farming, independent and self-sufficient communities that are understood as the “castro” elementary unit of settlement, above which there is no way of political-territorial integration. “The division of the landscape so that each community has equal access to resources, ensuring their independence, self-sufficiency and no hierarchy, was the foundation of Galician socio-political organization”.
- Germanic invasions/migrations consolidated preexistent institutions, including the parishes and the common land.
- Artiaga Rego points out that the common land regimes of Galiza and Spain separated during the confiscations of the XIX century. Seizure of the common land, auction and purchase by the ex-commoners (as Roman absolute divided private property) was the rule in Spain and the exception in Galiza. In Spain, remaining common land owned by town councils (political institution) constituted public property. In Galiza, town councils avoided those auctions and property has finally been recognized to the parishes and small villages (which are not public institutions) while the use belongs to their inhabitants managed *in common hand (gesamte Hand)*, alike in the North of Portugal.



Green: Kingdom of the Suebi, about 410 c.e.  
Yellow: Roman Empire provincial division.  
Wikipedia.



«Castros» were the common type of pre-Roman settlements in the NW of the Iberian Peninsula



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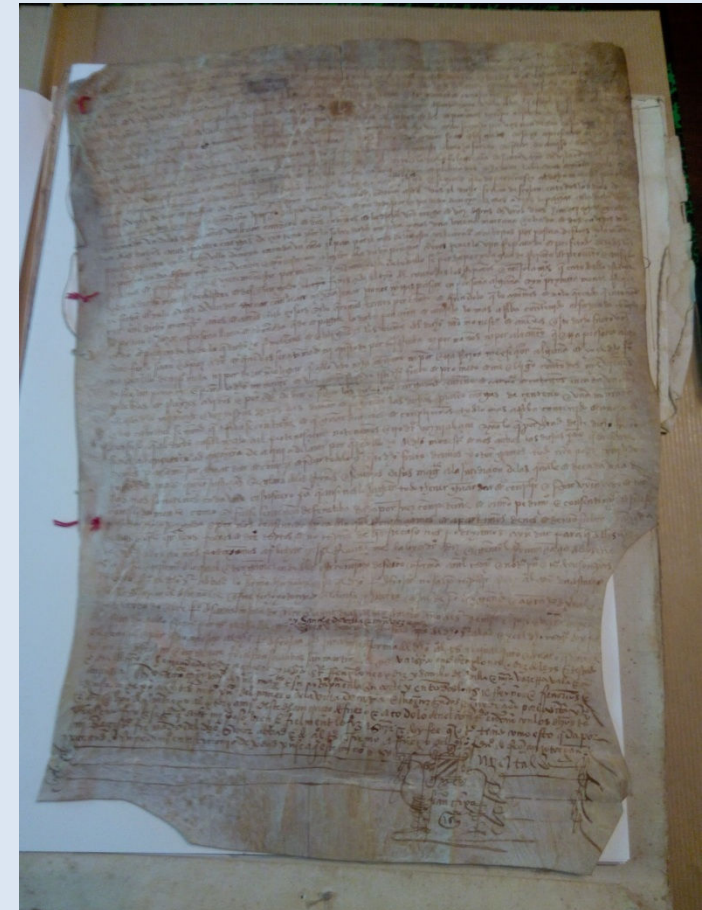
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## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 2. BRIEF HISTORY OF THE COMMON LAND CONFIGURATION.

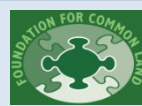
- There is historiographical consensus about common land and its management through direct democracy being widely spread in the northwest and north of the Iberian Peninsula from IX to XII centuries.
- Meanwhile the powers of the rising kingdoms were weak, the assemblies of parish/parochial and small villages were entitled to fully manage common land. In addition, many of them were not subject to further jurisdiction, ecclesiastic or noble: they were self-determined and self-sufficient communities.
- In 1149 the County of Portugal seceded from the Kingdom of Galiza, and the evolution of common land, although similar in some results, starts to differ.
- The rise of the powers of kingdoms during this period transforms the situation. Both private and common land mainly become subject to jurisdiction. Jurisdiction means that the land (regardless the types) belongs to a noble or to Monastery. Nobles start to use monasteries as legal means to preserve and to transmit property through generations: property rights are ceded to monasteries and ecclesiastic institutions in exchange of a rent (also for their future generations). As the secular powers increased, the monasteries role become more and more that of a Taxation Service. Peasants had to pay an annual fee or tax in order to use the land. Every household fee is registered in a document ("foro", chapter, royal roll). Nevertheless , common land usage follows common law adopted by the community,.



«Foro» (royal roll, chapter) of the of Frojam, 1527.



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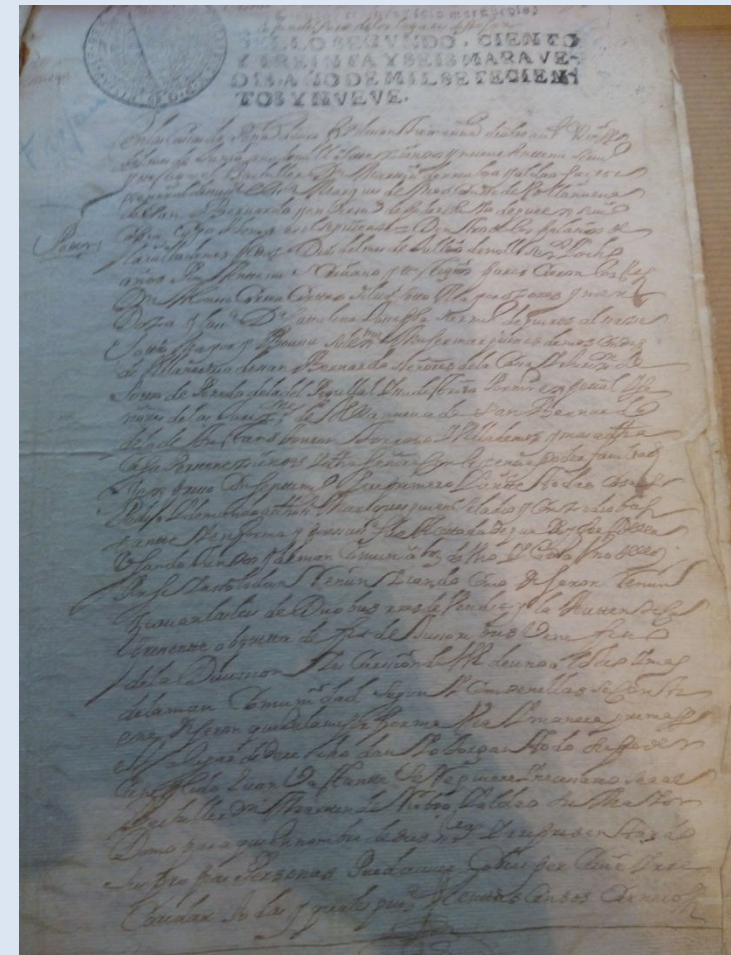
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## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 2. BRIEF HISTORY OF THE COMMON LAND CONFIGURATION.

#### GALIZA (1/3)

- By the end of the 18<sup>th</sup> century the manorial rights scheme is consolidated. Peasant's conditions worsens. Renewal of the taxes increases frequency (3 kings' lives Vs every new king).
- At the beginning of XIX century is commonly agreed that common lands occupied more than 2/3 of the territory.
- The manorial scheme meant that commonly and privately used lands (arable land, orchards, hamlets, etc) were *extra commercium*. Enlightenment and Enlightened absolutism deemed this status as unproductive and contrary to progress. In Spain, successive liberal revolutions try to (and partially succeeded at) confiscate ecclesiastic and manorial land. In 1837 the ecclesiastical confiscation Law of Mendizábal is passed, and the confiscation Law of Madoz is passed in 1855. Both laws entitled the State to seized the land and to auction it. Some communities purchased their lands (both privately and commonly used) but others were purchased by the same landowners limiting "devolution" effects.
- By the end of the 19<sup>th</sup> century the foral regime of rentier landowners declines: in 1873 the *foral redemption law* is passed, specifically to address the galizan situation. Although quickly derogated by the next "revolution", it started the reunification of property and its use on the same people. A second redemption law is passed in 1928. Some "fora" will be redeemed as late as 1980s.



Renewal of the rights and obligations of the «Foro» (chapter) of Frojam, 1708.



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## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 2. BRIEF HISTORY OF THE COMMON LAND CONFIGURATION.

#### GALIZA (2/3)

- During the Franco's dictatorship (1939-1977) the reforestation becomes a regime's priority (mainly with *Pinus pinaster*). A Forest Act is passed in 1957, the same year where ENCE (National Company of Cellulose, currently privatized) was set in the south of Galiza, missing to mention common forests. The Spanish government did not recognize the rights of the commoners. Common lands were deemed as belonging to the municipalities (public property). Profits from the selling of wood were distributed 60% to the central Government and 40% to the Local Administrations. The lack of recognition ignited commoners' contestation.
- Some common lands were divided by commoners for uses such as bushes collection (but not for grazing), even including the constructions of walls, in order to avoid the application of the law.
- Engineers of the regime led the reforestation policies and sifted the approach to the commoners by offering them agreements. Briefly explained, those agreements consisted on accepting the reforestation undertaken by the State in exchange of a participation on the timber-yielding exploitation, after discounting reforestation costs and maintenance.
- The first Forest in Common Hand Act is passed in 1968 (replaced in 1980). It substitutes some articles of the 1957 Law and of the Galician Compilation of Customary Law. The law recognizes most of the customary management of the common land (common forests in common hand regime) and marks the beginning of the legal constitution of Communities, although at a very slow rate and against the real will of the authorities.



«Green revolution» started in the middle of the XVII century, meaning and increase of agricultural production due to the “harvesting” of nitrogen-rich *Ulex europaeus* and other bushes (*Ericacea*, ferns, brush, etc) and their use as bed for the livestock, in order to produce manure.

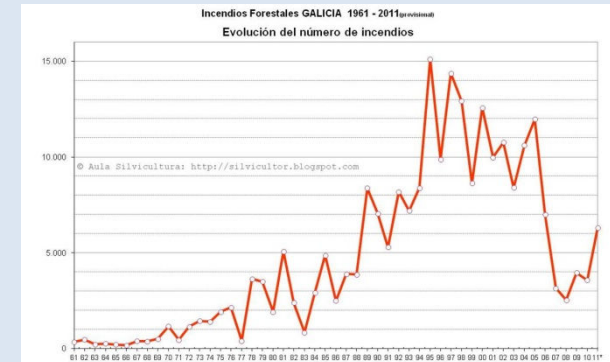


## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 2. BRIEF HISTORY OF THE COMMON LAND CONFIGURATION.

#### GALIZA (3/3)

- The limitation of commoner's rights during dictatorship poses a threat on the subsistence of home economies of the commoners (some authors see in that a factor for the increasing of the massive emigration that took place since the 60s) which became stronger during the 60s and 70s. The documentary "O monte é noso" (1978) [The forest is ours] reports the social contestation: [https://www.youtube.com/watch?v=XIVjPnQkE\\_U](https://www.youtube.com/watch?v=XIVjPnQkE_U)
- Reforestation of common land, in particular with *Eucaliptus* is also carried out by private small landowners and also by commoners since the late 70s. It will be subsidized until 2005. Together with the reforestation carried out by the State, it posed a conflicting use on common land among users between pastoralism and timber production.
- In 1961 there were less than 300 wildfires in Galiza. Wildfires peaked at 15.000 per year in 1995.
- In 1978 a new Spanish Constitution is passed, providing the political decentralization of Spain: 17 autonomous communities appeared. Article 132 says that: *"The law shall lay down the rules governing public and communal property, on the basis that it shall be inalienable, exempt from prescription and seizure, and it shall also provide for the case of disaffectation from public purpose"*.
- In Galiza, the devolution of powers included the setting of the legal framework of the Forest in Common Hand management. In 1987 the regional Act is passed (further amended in 2007 and 2012), establishing the basis of the current regulation in Galiza. At that moment, common land had been reduced to less than 1/4 of the territory.



Number of wildfires in Galiza 1963-2001.  
Graphic: silvicultor.blogspot.com.



*Eucalyptus globulus*, a species with rapid growth used for cellulose production.

Year	Nº Ha.
1970	<1000
1992	40.000
1996	138.000
2003	375.000
2011	396.000

## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 2. BRIEF HISTORY OF THE COMMON LAND CONFIGURATION.

#### (NORTH OF) PORTUGAL (1/2)

- Common land («*baldios*», free land, denomination also used in Latin-American) existed in the whole continental and insular Portuguese territory, while currently they are almost restricted to the north half of the continental territory.
- Some Portuguese and Spanish authors and NGOs point out the resemblance between the Galizan Forests in Common Hand and the Portuguese *baldios*, which suggests a shared origin.
- Pursuant to Roland Brouwer, the royal rolls by which kings acknowledged privileges during the Middle Ages also refer to the baldios. These lands have always been a bone of contention between the rich and the peasants, between shepherds and farmers and between local groups and central authorities (including the forest service).
- As late as 1875, the baldios comprised more than 4 million ha but, by the advent of the Estado Novo (new state regime) in 1933, usurpation and government-backed individualized privatization had reduced them to some 450 000 ha . The Portuguese Junta of Inner Colonization stands at 500.000 ha the area in 1939 (5% of Portugal).
- The new state regime (which remained in power until 1974) considered these lands either as being totally unused or at least as being used in a manner which was deemed inappropriate or undesirable. Salazar's dictatorship applied an almost identical approach as the Spanish dictatorship: it strengthened the forestation. More than 300.000 ha of *baldio* were covered by trees, generally with *Pinus pinaster* and placed under the management of the State Forest Service. The forestation efforts effectively curtailed many traditional usufruct rights (based on open wooded grazing land rather than on closed forests) and forced many members of local communities to abandon herding in favor of other occupations, or even to emigrate. Commoners' contestation spread. Government compensation was promised when the timber was harvested.
- In 1966 the civil code was revised to abolish communal property and, for the next decade, the baldios had no legal recognition.



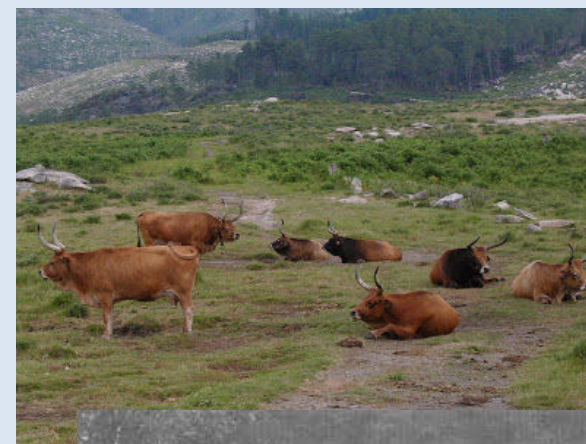


## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 2. BRIEF HISTORY OF THE COMMON LAND CONFIGURATION.

#### **NORTH OF PORTUGAL (2/2)**

- The new Portuguese constitution of 1975 enshrines 3 main types of property: public, private and communal.
- In 1976 a law was passed returning the land to the original user communities if the people were organized in users groups who according to customary rules and tradition, were entitled to use the common and were joined into a commoners' assembly. The assembly elects a management council. Both, assembly and council has to be recognized by the state. 637 management councils were created at that moment.
- Forestation continued on common lands, sifting to eucalyptus, and being carried out also without State intervention, resulting in more than 800.000 ha (9% of continental territory) planted nowadays.
- The area of baldios continued to decrease.
- The current legal framework of the common land has been passed in 1997 (Act nº 68, amended in 1997 by Act nº 89). Currently there are 6057 baldios in continental Portugal officially registered within the Land Identification System. The area covered by common land is less than 5% of continental Portugal.



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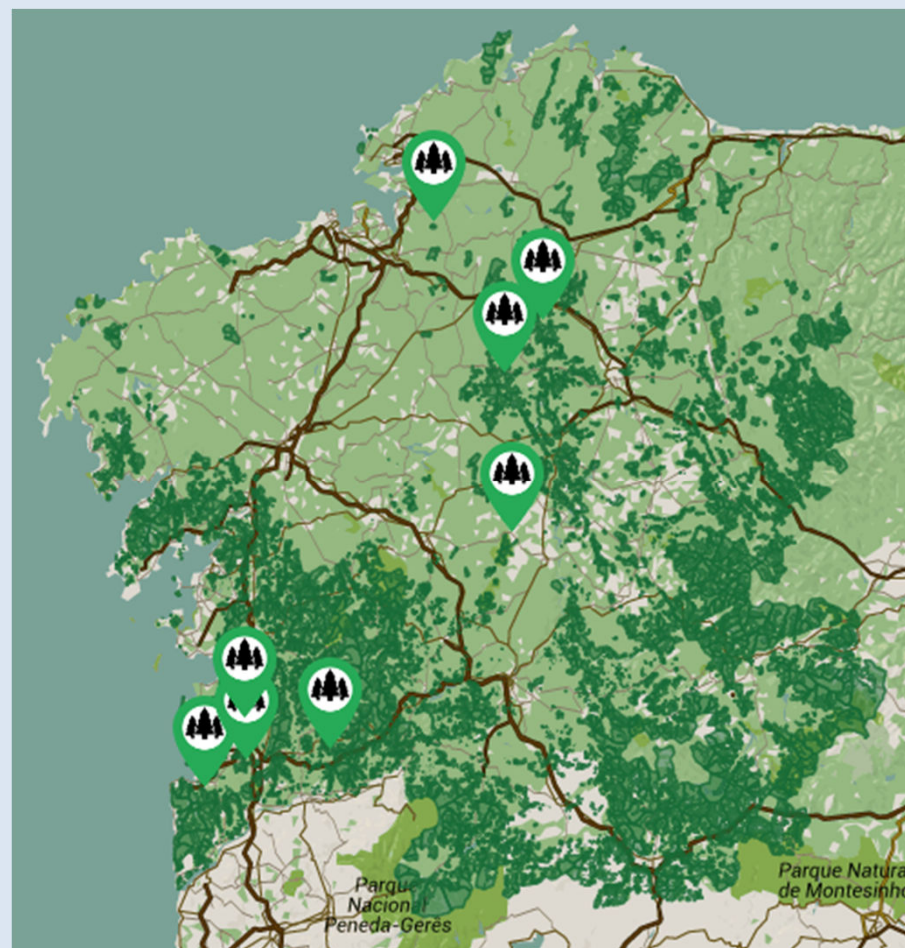


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### 3. CURRENT FEATURES OF THE COMMON LAND IN GALIZA (1/4)

- *Legal definition: “Forest in Common Hand are private forest of Germanic nature, regardless of their origin, their productive potential, its current use and its agricultural vocation, belonging to neighborhood communities as social groups rather than as administrative entities, and which has been customarily communal exploited by the neighbors as members of a community without allocation of quotas.”*
- There are more than 2800 registered and recognized Forests in Common Hand [FCH], comprising a total area of more than 700.000 ha (24,1% of the territory).  
[www.medioruralemar.xunta.es/nc/areas/forestal/ordenacion/man\\_comun/#inicio](http://www.medioruralemar.xunta.es/nc/areas/forestal/ordenacion/man_comun/#inicio)
- ORGACCMM, an association of FCH communities, estimates that there are another 400.000 ha of common land to be recognized (which would imply that almost 40% of the territory is common land).
- PAC-oriented reforestation of arable land (lowlands) together with further agricultural use of common land by remaining farmers has sifted traditional distribution of uses based on altitude and slope.



Distribution of Forests in Common Hand in Galiza. [www.montenoso.net/cartografias/](http://www.montenoso.net/cartografias/)



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## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 3. CURRENT FEATURES OF THE COMMON LAND IN GALIZA – 2/4

- The FCHs are **indivisible, inalienable, imprescriptible and nonsieizable** goods. But they may be subject to expropriation/compulsory purchase/swap due to “public use or social interest”.
- *Ownership of the FCHs, regardless of its origin, is of **private and collective nature**, corresponding its actual ownership and use, without allocation of quotas, to all holders of neighboring economic units, with open house residence (“with smoke”) in the population entities that traditionally had been assigned their use, and which were customarily exercising some activity related to those uses, according to the customs of the Community. This Community will be formed by the neighbors which belongs to it at each time.*
- Communities are not recognized as legal persons but they have legal capacity to act in order to defend their rights, including before Court.
- Recognition of FCHs is carried out by 4 “administrative courts”, whose resolutions can be challenge before courts.
- In case of “serious state of abandonment” (serious ecological deterioration or when the FCH is not operating in accordance with its resources or suffers an abusive removal thereof) the Administration can take over.



Those natural resources WERE COMMON. Now they ARE PUBLIC domain, belonging to the State, thus, they can be ONLY USED BY PRIVATE operators.



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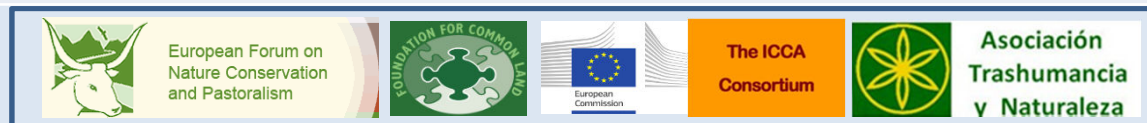
## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 3. CURRENT FEATURES OF THE COMMON LAND IN GALIZA – 3/4

- Communities can purchase territory, which will increase the extension of the FCHs. They can cede the use of the land temporally: 30 years for infrastructures, 10 years for agricultural uses and the time needed for the timber-yielding in case of plantations. The law allows the distribution of the FCHs among the commoners by drawing lots for periods up to 11 years for agricultural purposes and privative usage.
- Communities managing FCH must adopt an Statute which lays down, within the limits of the legal framework, the foundation of the Communities functioning. Statute's amendments require a majority of 50% of the commoners. The Statute regulates the exploitation of the FCH. Statute can set some requirements to become a commoner beyond residence: pastoralism activities, number of heads of livestock, etc.
- The General Assembly, which comprises all the villagers, is the supreme expression of the will of the local community. The Governing Board carries out the management and representation of the Community. It shall consist of a President and the number of members to point the Statute, but in no case may be less than two. The Governing Board will be elected by the General Assembly for a period of four years. The Chairman of the Governing Board is the legal representative of the Community.
- Nevertheless, pursuant to the Law, internal architecture of the Community may differ from basic abovementioned configuration, if it follows its own customary institutional rules. For instance, Community of Vilar (Triacastela, Galiza, Spain), recently constituted, has adopted an innovative Statute inspired in a new more comprehensive approach regarding the relation of the Community with Nature and resource managing. Vilar's Statute also highlights the political dimension of the Community and has no Governing Board (Assembly carries out all competences). The Community of Vilar has become a member of the ICCA Consortium.
- FCHs usually comprise the area of one or several small villages, or one or several parishes. In the southeast there are FCH with less than 5 ha and with more than 2000 ha.

Province	Nº of Communities	Area (has)	Area (%)	Average area per FCH (has)
A Corunha	239	43 883,76	6,5	183,6
Lugo	904	213 228,00	31,7	235,9
Ourense	1052	281 295,78	41,8	267,4
Ponte Vedra	640	134 895,15	20	210,8
Galiza	2835	673 302,71	100	237,5

Source: University Institute of Studies for the Development of Galiza. Data from 2004.

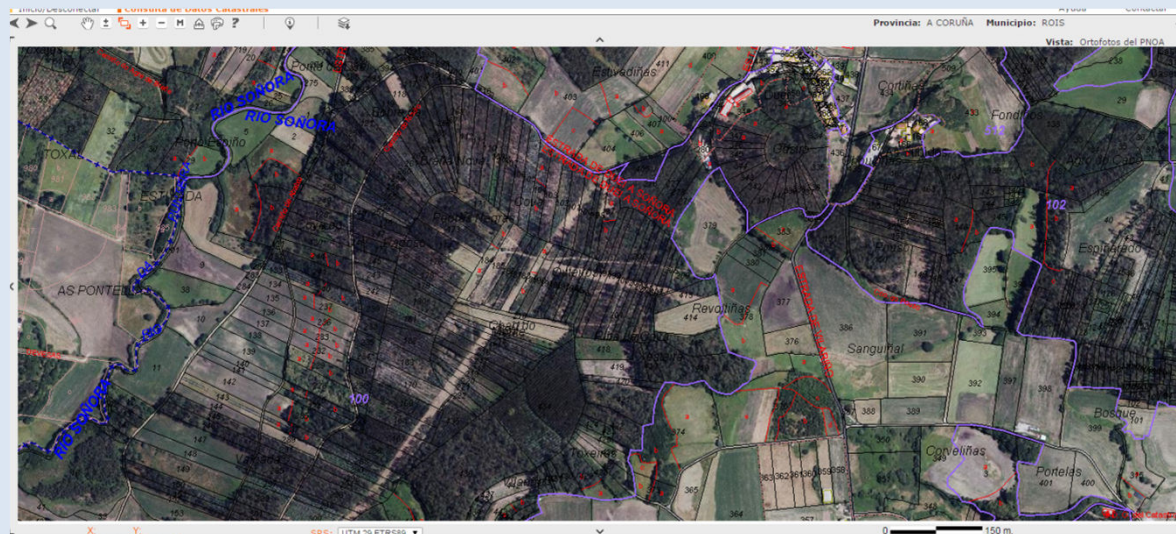




## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 3. CURRENT FEATURES OF THE COMMON LAND IN GALIZA – 4/4

- FCHs are exempted from real state taxes.
- Direct democracy is qualified by certain degree of representation: traditionally, there was one commoner per home, representing all the family members. The Community can decide to extend vote and participation to, for instance, all adults of the community. Nevertheless, this is rare, as the vote directly relates to every household as the basic economic unit.
- FCHs have been progressively pushed into the scheme of the limited companies. Since 1/1/1999 Communities have to pay the companies' tax (currently at a rate of 28%).
- Regional *Law 7/2012 of Galizan Forests* establishes new administrative interventions and deepens existing others as the minimum percentage (40%) of income that has to be reinvested on the FCH. The first reinvestment objective has to be the adoption of a Management Plan drawn up by a Forestry Engineer. After that, distribution among commoners is also possible, but it is subject to personal income taxes and it is deemed as a dividend (double taxation).



← This used to be common land.

Imprescriptible: If lands were common land originally, FCH regime applies even after prolonged periods of private appropriation. Nevertheless, imprescriptible effects are widely obviated in practice.

During the 70s and 80s the devolution of FCHs acted against the common land regime, because most lands were “given back” to the former commoners but as Roman absolute divided private property.



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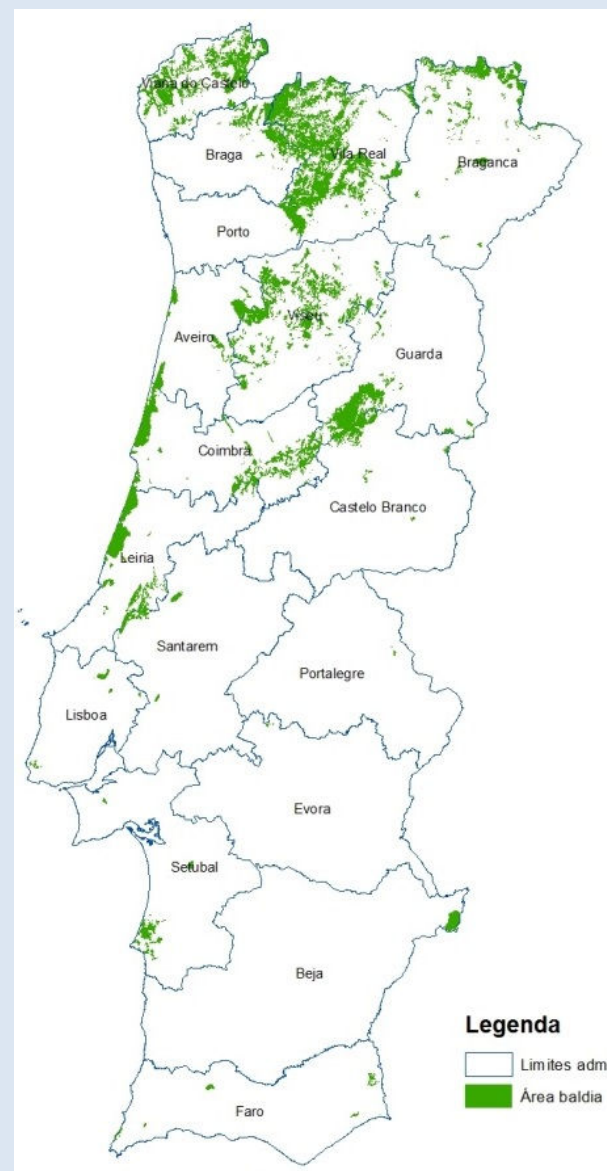
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### 4. CURRENT FEATURES OF THE COMMON LAND IN (THE NORTH OF) PORTUGAL – 1/2

- The baldios are the lands owned and managed by local communities. Communities are formed by “compartes” (commoners) which has the right to vote. They must be residents of the local communities.
- Commoners are entitled to usufruct from the baldios pursuant to the community’s regulations and resolutions, local traditions and customs. They have to manage the baldio in a sustainable manner, in accordance with law and the resolutions of a meeting of “compartes” (commoners).
- From the point of view of the tax system, baldios are deemed as autonomous patrimonies. Infringements of accounting rules are deemed as committed by legal persons irregularly impersonated, *mutatis mutandis*.
- General management regime and regulation follow what has been explained for Galizan FCH (baldios are also exempted from real state taxation). Cession of the use is not temporally limited. There is an specific audit body formed by 5 people. This body is common in other civil entities in Portuguese civil legal tradition such as associations.

Distribution of continental Portuguese baldios:



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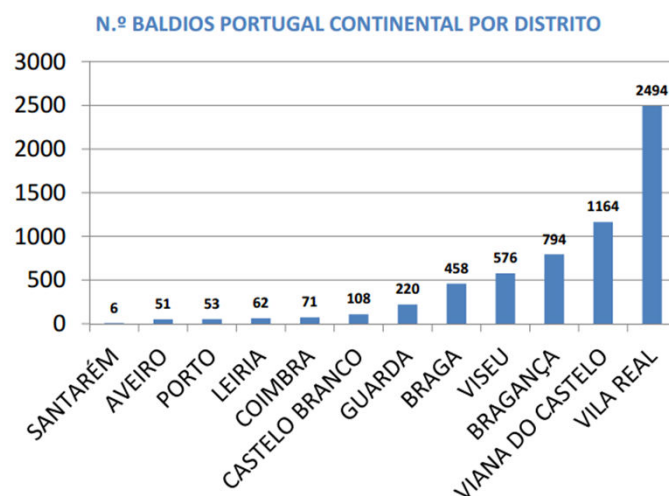
## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 4. CURRENT FEATURES OF THE COMMON LAND IN (THE NORTH OF) PORTUGAL – 2/2

#### Portuguese baldios registered in the Land Identification System

Baldios em Portugal Continental registados no Sistema de Identificação Parcelar

DISTRITO	N.º de Baldios
AVEIRO	51
BRAGA	458
BRAGANÇA	794
CASTELO BRANCO	108
COIMBRA	71
GUARDA	220
LEIRIA	62
PORTO	53
SANTARÉM	6
VIANA DO CASTELO	1164
VILA REAL	2494
VEISEU	576
<b>Total</b>	<b>6057</b>



Main associations of baldios in Portugal.

[www.baladi.pt](http://www.baladi.pt): Portuguese federation of Baldios



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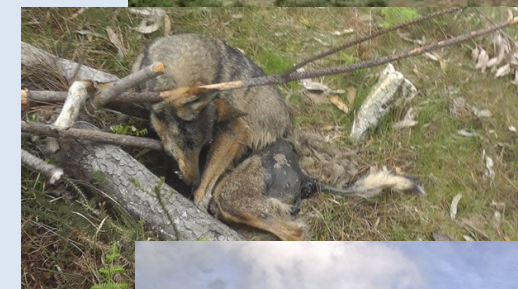
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## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 5. COMMON EXPLOITATION OF COMMON LANDS.

#### ❑ GRAZING: COMMON PASTURES EXAMPLES IN THE “BARBANÇA’S RANGE”.

- The range forms the peninsula between the two rias of Muros-Nóia and Arousa in the extreme west of Galiza.
- There are still several Forests in Common Land in the area, although others has become private property during the last 40 years through rulings, appropriation, municipal decision, etc.
- 40 years ago almost every rural household had sheep (and sometimes goats), usually from 5 to 50 heads. Common land was used for common pastures. At that time lambs were marketing locally, but one century ago the market was in Ponte Vedra, and there was limited consumption of sheep.
- Everyday one person from each village (or from several small close villages) acted as a shepherd/shepherdess. The shepherds' shifts were proportional to the number of heads owned by each home.
- Fines were in force in cases of shepherd's negligence (cattle entering into private arable land, lost of heads, etc), although very rarely applied in practice.
- Some Communities had their common land enclosed and used horses as a means of clearing vegetation.
- Common pastoralism based on sheep has mostly disappeared within the area or has been restricted to one or two homes in some Communities. Common pastoralism based of sheep as a shared Community's task has almost ceased to exist.
- Today there is pasturage activity in common lands based on (wild -without shepherds-) horses and cows. Owners of the cattle are sometimes from neighboring villages (not commoners). Occasionally cattle enters into other properties. Both situations create neighboring conflicts.
- Old traditions like the yearly collection of the horses (for marking and selling) have now become touristic attractions, strengthening the grazing practices.



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## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 5. COMMON EXPLOITATION OF COMMON LANDS.

- ❑ OTHER COMMON USES IN COMMON LANDS: PAST AND PRESENT.
  - Brush (nitrogen-rich species, mainly), wood, firewood, nuts and berries, mushrooms, water, water-powered mills, stone for house building, mud, medicinal herbs, hunting, fishing, etc were obtained from common lands.
  - Survival economic approach instead of industrial entailed a high level of nature protection and biodiversity conservation. These approaches are based on different systems of values.
  - Nowadays, protected areas are frequently demarcated by current or former common lands.
  - Hunting, fishing, minerals, wind, water and other natural resources has been declared “public domain” by the State. It means that Communities which used to make good use of those resources, are not allowed to do so anymore. State provides franchises/concessions to individuals and companies for exploiting resources placed within the boundaries of the common lands without any compensation for the Communities and sometimes under the threat (or implementation) of expropriation. On the contrary, exploitation activities usually pose new obligations, threats and conflicts on Communities (water usage, ways and roads deterioration, operators breaking into adjoining lands without permission, etc).
  - The main outcome of this situation is **land abandonment**, mainly in inner rural areas of Galiza and the North of Portugal. In Galiza more than 3.000 villages are now deserted. Galizan’s current population is 2,7M, the same as in 1940. In 2050 it’ll be 1,7M, the same as in 1837.
  - Back-to-the-land movement is weak in the NW of the Iberian Peninsula. Migration is strong. Though, due to the patron of settlements of the area and historic reasons, almost everyone is a farmer or the son/daughter of a farmer.



~~SOCIOECONOMIC DECLINE  
→ POLITICAL DECLINE~~

POLITICAL DECLINE →  
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Nature Conservation  
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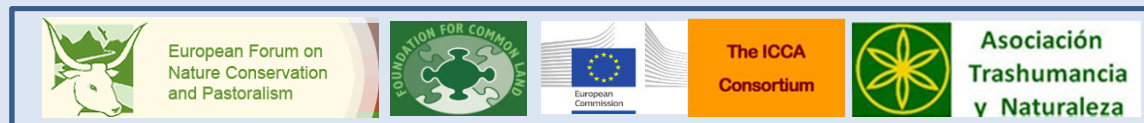


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## COMMON LAND AND COMMON PASTURES IN GALIZA (NW OF SPAIN) AND THE NORTH OF PORTUGAL

### 6. CONCLUSIONS.

- ❖ Common lands and their institutions are customary pre-Roman and were consolidated in the NW of the Iberian Peninsula by the Kingdom of the Suebi (Germanics).
- ❖ They politically peaked in the tenth century and survived until the XIX as property of the nobility managed by monasteries, but indeed used by the peasantry as always.
- ❖ Confiscations and the changing of the used during the last 2 centuries of modern State has reduced the number of communities managing common lands (Forests in Common Hand, baldios) and the area of such property. Currently they represent less than 5% of Portuguese area, and 24% of Galizan area.
- ❖ Legal recognition came 40 years ago. During this period forestation has dramatically increased, being considered as progress, while pastoralism activities have declined and are regarded as unproductive. Land abandonment and decreasing demographics pose a big thread on the continuity on the Forests in Common Hand.
- ❖ Remaining pasture exploitation in common lands is carried out by horses and cows, usually without shepherd/shepherdess, while traditionally common pastures based on sheep or goats has mostly disappeared in the region. In some areas, yearly marking of the horses has become a tourist attraction.
- ❖ The legal status is slowly changing the political nature (direct democracy and social features) of the Forest in Common Hand and baldios in order to convert them into Limited Society-like entities, erasing traditional neighboring institutions and focusing on production (currently, of wood).
- ❖ Political erosion of the common land's institutions hampers them to manage natural recourses (wind, water, minerals, etc), being subject to expropriation.
- ❖ Land abandonment together with migration is increasing, mainly in inner rural areas of the NW of the Iberian Peninsula.
- ❖ Political restoration of powers is more important (is the key) for the future of baldios and Forests in Common Hand and of their Communities than further intensification of public policies. Self-awareness if the first step.



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### Sources and references:

- Pérez-Soba Díez del Corral, Ignacio; Solá Martín, Miguel Ángel. La tragedia de los comunales : legalidad y realidad de los montes comunales en España. Revista Española de Estudios Agrosociales y Pesqueros, 2004, 203:187-132.
- Spanish Land Registry: <https://www1.sedecatastro.gob.es/OVCFrames.aspx?TIPO=CONSULTA>
- Torres Luna, MP; Gómez Nieto, G. y Álvarez Rodríguez, J.A. (1987). "A propósito de los montes comunales en Galicia" [About common forests in Galiza]. Actas del IV Coloquio de Geografía Agraria: pp (690-701). Asociación de Geógrafos Españoles/Universidad de La Laguna.
- Roland Brouwer, 1994. Los baldíos: gestión de las propiedades comunales en Portugal [Common land: management of the common property Portugal]. FAO publications.
- Ribeiro, Ângelo; Hermano, José (2004), História de Portugal I — A Formação do Território [History of Portugal: The Formation of the Territory], QuidNovi, ISBN 989-554-106-6.
- "Foro" (chapter) of the commoner Pedro of Frojam, 1527. Renewal dated on 1708.
- Baldios em Portugal Continental registados no Sistema de Identificação Parcelar, 2015 [Common lands in Continental Portugal registered on the Divisions Identification System, 2015: [http://www.drapn.min-agricultura.pt/drapn/Apresentacao\\_Baldios\\_IFAP\\_24\\_03\\_2015\\_VPAguiar.pdf](http://www.drapn.min-agricultura.pt/drapn/Apresentacao_Baldios_IFAP_24_03_2015_VPAguiar.pdf)]
- Aurora Artiaga Rego, 1994, La renta foral em Galicia a finales del siglo XIX [The "foral" regime in Galicia at the end of the 19th century]. University of Santiago de Compostela.
- Ramón Villares, Madrid 1982. La propiedad de la tierra en Galicia :1500-1936 [The property of the land in Galicia: 1500-1936].
- Soto Fernández, 2003. Transformacions productivas na agricultura galega contemporánea. Da Agricultura Orgánica á Revolución Verde (1752-1986). [Productive transformations in contemporary galizan agriculture. From the organic agriculture to the green revolution (1752-1986), University of Santiago de Compostela.
- Grupo dos Comúns (2006): Os Montes Veciñais en man Común: o patrimonio silente. Natureza, economía, identidade e democracia na Galicia rural. [Common forests : the silent patrimony. Nature, economy, identity and democracy in the rural Galiza]. Vigo, Edicións Xerais de Galicia.
- Balboa López et al. 2004. La política forestal gallega en los MVMC. [The galizan forest policy on common forests], Comunicación do IV Congreso Nacional de Economía Agraria.
- Fernando Ramos Fernández, 2014. La prensa como vehículo de la historia del eucalipto en Galicia [The press as a means in the history of the eucaliptus in Galiza]. University of Vigo.





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### Sources and references:

- Baptista, Gualter, B. Bridging environmental conflicts with social metabolism. Florestry expansion and socioeconomic change. Universidade de Lisboa: Faculdade de Ciências e Tecnologia, Dissertação de Mestrado, Lisboa, Nov. 2010.
- Dirección General de Conservación de la Naturaleza, Ministerio de Medio Ambiente, IFN-3[Third Forestry National Inventory 1997-2006 of the Ministry of Agriculture].
- Consellería do Medio Rural: *Anuario de Estatística Agraria 2005* [Annual Report of Agricultural Statistic, 2005]. Dirección Xeral de Investigación.
- Portuguese Junta de Colonização Interna (1939). Reconhecimento dos Badios do Continente. [Recognition of the continental baldios]. Lisboa.
- Gomes, Paulo (2009). Posse, Gestão e Uso de Recursos em Regime de Propriedade Comum – Os Baldios do Norte de Portugal [Possession, management, resource utilisation in common property regime – The baldios of the North of Portugal]. Lisboa. ISA.
- Ostrom, Elinor (1999). Self-Governance and Forest Resources. Ocasional Paper n.º 20, CIFOR. Bogor.
- [www.mvmcdecarballo.es](http://www.mvmcdecarballo.es)
- [http://www.drapn.min-agricultura.pt/drapn/Apresentacao\\_Baldios\\_IFAP\\_24\\_03\\_2015\\_VPAguiar.pdf](http://www.drapn.min-agricultura.pt/drapn/Apresentacao_Baldios_IFAP_24_03_2015_VPAguiar.pdf)
- <http://www.baladi.pt/>
- [ruralsociologywageningen.nl/2009/06/11/land-abandonment-in-galicia/](http://ruralsociologywageningen.nl/2009/06/11/land-abandonment-in-galicia/)
- <http://www.aldeasabandonadas.com/venta-de-aldeas/41-venta-de-aldeas-lugo.html>
- João Frazão, 2014. Os baldios e os 40 anos e Abril [Baldios after 40 years of Abril]. Magazine “O militante” nº 328. Feb, 2014.
- Currás, Brais X. (2014). Transformaciones sociales y territoriales en el Baixo Miño entre la Edad del Hierro y la integración en el Imperio Romano. Santiago de Compostela: Universidade, Departamento de História I.
- Evans Pim, Mancomunidade: uma Terra livre sem estado [Common Hand Community: A Free Land without State]. Tempos Chegados. [Hoped Times], Editorial Galaxia, 2014.



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**THANKS FOR YOUR  
ATTENTION**

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