

An Elixir for Disappearing Rural Communities? Reconstructing the Commons in Herrera de Soria's Forest (Spain).

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Abstract. Herrera is a tiny village in the Spanish plateau that was established in the mid 1700s. Nowadays less than ten houses are permanently inhabited by less than twenty people whose average age lies above the fifties. Herrera has a collectively owned forest with a total area of 1.509,65 hectares of high economic value. The forest, previously belonging to a single landowner, was sold in 1905 at a public auction to a collective of 44 residents of the village. Nowadays, there are 443 potential heirs of the forest. Only 19 of them currently reside in the village of Herrera. For more than a century, the forest has been managed by the residents, according to the statutes established in 1905. Access to the forest resources has traditionally been allotted according to permanent residency in the village, independently from legal property rights. Under the new national forestry law passed in 2003, legal heirs of collectively owned forests can establish management boards to administer the productive uses of those forests. The new legal framework represents an unprecedented opportunity to promote collective action among geographically dispersed heirs. However, by separating residency requirements from property rights the law represents a major break with the customary law that has traditionally regulated these forests. Whereas the new law provides innovative institutional instruments for enhancing the economic uses of those forests, the extent to which it will be able to revert regressive dynamics of rural depopulation and abandonment remains uncertain. My research offers a preliminary exploration of the social organization process that is taking place in Herrera, a pilot project in the implementation of the new law. More specifically, I focus on the stories of three people from the village regarding their visions of the institutionalization process and its impacts of the local community.

The Province of Soria: An Island of Institutional Exclusion

Soria is a province in the Spanish plateau, belonging to the autonomous community of Castile-Leon. Soria is a unique province within the context of the country. The profound socio-economic transformations experienced by Spain throughout the last half a century translated into the drastic depopulation of the region. There are multiple, infinite ways in which to portray a territory. Here I have chosen to introduce Soria through the claims of one of the few social collectives currently active on a provincial scale in Soria. The group *SORIA YA!* was created in 2001 by citizens with personal and/or family ties in the province. As they allege, they founded the organization because they were “*worried about the uncertainty of the present and the future, tired of seeing how successive governments boycott any initiative towards the enhancement of our socioeconomic potential*”.



Figure 1. Geographical context of the province of Soria and the village of Herrera.

According to SORIA YA!¹, these are some of the most relevant demographic and socioeconomic data from the National Institute of Statistics (INE), research reports, and newspapers' quotes to illustrate the exceptionality of the province:

- Soria's population density is 8.8 inhabitants / km², similar to arctic areas of Nordic countries. The average population density in Spain is 82.7 inhabitants / km²; in Europe, this value is 116. According to European parameters, Soria is closer to a desert area, than to its current geographical location within a 150 miles radius from the country's capital, Madrid, and other significant economic areas such as the Basc Country.
- Soria is the province with the fastest population aging rate of the European Union. 26.7 % of Soria's inhabitants are above 65.5.
- Within the last 50 years, Soria has lost 42% of the population. 55.3% of the people born in Soria reside outside the province.
- From a total of 183 municipalities, 129 have less than 200 inhabitants.
- In 174 out of 219 villages population decreased form 2002 to 2003. Those municipalities that did have population increases gained pyrrhic numbers –such as the province's capital, that gained 62 inhabitants in that same period.
- Soria is reported as on of the regions with some of the worst access to infrastructure and communication services within the European Union. For

¹ The civic platform wrote an open letter to the incoming Spanish Prime Minister –center-left Jose Luis Rodríguez Zapatero, in which they describe the scenario in which Soria is currently trapped.

instance, Soria has the highest rate of non-compatible internet phone lines of Spain, and only 11 villages in the entire province have ADSL access.

- Soria city is the only provincial capital of the autonomous region of Castile-Leon that does not host any state or regional governmental institution.

The Village of Herrera de Soria

Herrera de Soria is a tiny village that was established in the mid 1700s when a small group of families from the region settled in the area. Although the village has never had more than five hundred inhabitants, nowadays less than ten houses are permanently inhabited by less than twenty people whose average age lies above the fifties. Only two families are currently carrying out some kind of agricultural activity in Herrera, whereas the rest of the households make their livings basically out of retirement pensions.



Figure 2. View of Herrera from the East side.

The rampant rural poverty that marked the post-civil war period of the 1940s in Spain brought a massive rural exodus towards the industrialized regions of the country. As a consequence, the rural areas of the inner provinces such as Soria became dramatically depopulated, inevitably losing track from the development boom that started to take place in the country in the sixties. Data from the National Institute of Statistics (INE) show that Herrera has lost 93% of its population throughout the last century (Table 1). Only 18 people resided in Herrera in 2001, a municipality with a total area of 26 square kilometers.

The only economic activities Herrera de Soria has known since it was formed more than two centuries ago are directly linked to natural resource management, predominantly dry land tillage, sheep raising and timber. Honey, greens, vegetables and some fruits, chicken and a few goats complete the list of self-consumption goods produced in the village. However, Herrera's forest has a total productive area of 1.509,65 hectares. The forest has high economic value, and has been part of the national management plan since the 1970s.

Year	1900	1910	1920	1930	1940	1950	1960	1970	1981	1991	2001
Inhabitants	253	245	227	195	204	257	248	128	49	41	18

Table 1. Population figures in Herrera de Soria for a 100 years period.

Despite being in the surroundings of a natural park that receives thousands of visitors each year, no tourist services are found in the community. Even though the village is only a couple of miles away from an important gastronomic and cultural route, the only commercial activity found in Herrera is a basic store that offers beverages and snacks for the residents during the three days of the local holiday in late August.

Herrera's Collectively Owned Forest

Herrera's forest has a total area of 1.509,65 hectares. The forest belonged to a private owner under the feudal regime, was announced for public auction on the Official Bulletin of Sales of the Province of Soria on February 21, 1905. A couple of months later, on April 18, the forest was officially sold collectively and indivisibly to forty four neighbors with equal shares on it for approximately \$1000 (135.011 pesetas) of that time. Nowadays, the forest is a collectively owned private property that belongs to 443 co-owners, of which only 19 currently reside in the village of Herrera. The forest has high economic value, and has had a national management plan since 1975.

In 1991 a local neighbors' association was formed with the aim to represent the property rights of the collective in the regulation of the economic management of the forest within the new legal context. However, a neighbor's association is not the adequate legal figure to perceive subsidies from the regional government of Castile-Leon. In order to comply with the legislation and therefore being entitled to perceive subsidies, the Association of the Legal Heirs of the Buyers of Herrera's Forest" was constituted in 2002.

However, from a total of 443 identified heirs, only 262 are formally participating in the association. And among those who are part of the organization, only 11 have officially documented their property rights. In addition, only 3 of those legally recognized owners and current residents in the village perceive some economic return from the revenue the forest generates, given that according to the statutes of the forest (dating from 1905), only residents are entitled to perceive economic compensation. In July 2005 the association of heirs started the official process to constitute the management board, mandated by the regulations of the

regional government of Castile-Leon. The official announcement of the process of formation of the management board was made officially public on August 2005.

The current legal conjuncture makes Herrera's social mobilization for the forest rights a particularly interesting case study. Under the current law, official proof of property is required in order to have the right not only to manage the forest but to benefit economically from it. Obtaining legal proof of property is a relatively complex, time consuming process, and certainly a challenge for a community like Herrera. First, because the forest statutes –established in the 1905, dissociated property rights (based on property rights law) from economic rights (based on permanent residency in the village). Second, because rural exodus has been pervasive in Herrera, keeping most of the population in distant areas; a significant portion resides in Latin America, while just a few members still reside in the community.



Figure 3. View of Herrera's forest behind the cultivated lands

Within the current legal scenario, collective mobilization of the local actors is required in order to set up a management board that represents the interests of the community and guarantees access to the forest for the future generations. However, there are two very different types of potential actors in that social mobilization process. On one hand, people who do not live permanently in the village, but that were born there and still have contact with the community and know the history of the forest and wish to transfer the property rights to the future generations. On the other hand there are the present residents, who are currently using the forests for productive uses to make their living. They feel entitled to have an important role in the management of the forest since ultimately the persistence of the village depends on their physical presence in Herrera. Whereas non-resident families tend to have many descendants, current resident families happen to be integrated by single men without children.

Collective Forests in Soria

Collectively owned private forests (also known as partners' forests) are a significant form of collective property in Soria. These forests are collectively owned by several people under an unbreakable legal form of common property that prevents its division into smaller areas throughout generations –hence the term *en común y proindiviso* in Spanish. Broadly, collective woodlands are organized under associations of partners (or co-owners), who are legally the owners of a portion of the total area of the forest. However, there is a great variety of legal forms in which partners' forests are organized, according to the type of association defined in the statutes. Hence, collective forests vary greatly across Soria in terms of land tenure forms, owners' right system, and management schemes.

According to the Association of Private Forests' Owners of Soria (ASFOSO, 2005), there are more than 82,000 hectares of forest land owned by 378 civil society associations, as well as more than 67,000 hectares owned by collectives that, although they are not formally constituted as associations, share the forest under indivisible property rights or *proindiviso* (Figura 4). That is, around 150,000 hectares of Soria's forest lands are collective property, representing roughly one third of the total private forest land in the province. In addition, there is a significant area of forest land highly fragmented into small individually owned plots, what represents enormous challenges for the economic management of the timber resources. In sum, ASFOSO estimates that around 300,000 hectares of forest land in Soria (two thirds of the total private forest land) could be in a situation of legal 'jam' –that is, economic management of those areas would be legally impossible because of outdated property rights.

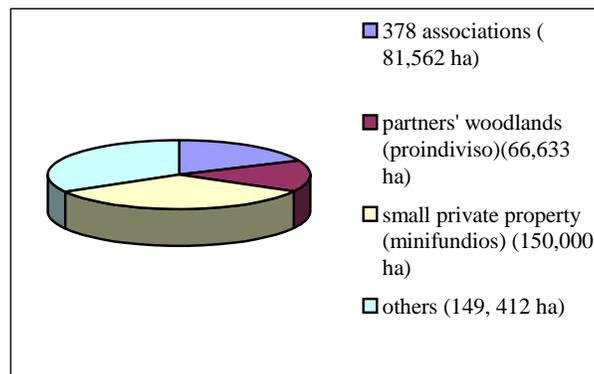


Figure 4. Distribution of privately owned forests in the province of Soria (Source: Forestry Association of Soria, ASFOSO).

These forests result of the transition from feudal forms of socio-economic organization (in which villages and agro-forestry areas were under control of the aristocracy and the Church) to new private property forms resulting from the intervention of the State in the XIX century. Vast woodlands areas traditionally used by a given village were expropriated from their original owners and sold to private hands. Through the expropriation (*desamortización*) laws of 1855 and 1856, the state declared many feudal forests suitable for expropriation, which were sold in public auctions.

In many cases neighbors would constitute local associations with the aim to obtain the necessary amount of money to purchase the woodlands in order to avoid losing control of the forestry resources the villages were dependent upon as a collective. An individual would act as a representative of the collective in the public auction, transferring the property rights to the collective afterwards. Herrera's forest is an example of that process.² In these cases, the forest is collectively and inseparably owned by the descendants of the original buyers. However, residents of the village are entitled to some uses of the forest by virtue of the statutes of the collective established when the sale was formalized. Although the forest is privately owned by the collective, in order to benefit from its goods and services people have to reside in the village. Therefore, those members of the collective of owners that for whatever reasons do not reside in the village are not entitled to benefit from the forest. That is, access rights and property rights are disconnected.

The Institutional Response: Detaching the Land from the Local?

The existence of collective forests is often interpreted from the institutions as the vestige of a traditional socio-economic structure that has survived as a result of the backwardness, isolation, and economic underdevelopment of rural areas. By identifying traditional forms of forest management with obsolete forms of social and economic organization, the debate around the regularization of outdated property documents becomes a debate about legitimating modern forms of land use and natural resource management. Thus collectively owned forests are seen as a basic element for the "progress" of marginal rural areas such as it is the case of many villages of Soria.

² Not all collective forests are the result of that process. In some cases, feudal forests had been previously appropriated by the municipal government in the first half of the XIX century. With the expropriation process of 1855-56, those forests were also transformed into private property forms, usually acquired by neighbors on an individual basis, hence resulting in the ongoing fragmentation of the woodlands throughout generations. In other cases, neighbors' collectives would buy the forest directly from a private owner who had previously bought the forest or was entitled to it by inheritance. In other cases, neighbors would create collectives in order to manage public access areas (*baldíos*) that did not undergo the expropriation process

Collective forms of property can in fact be an important element towards the consolidation sustainable forms of natural resource management, since they represent spaces for land concentration, social mobilization, and local participation. However, it is uncertain the extent to which detaching the economic use of the forest from permanent residency requirements in the villages can constitute an effective strategy for the construction of social capital at the local level.

The regularization of collectively owned forests is considered crucial for the sustainable management of resources that guarantees both the improvement of quality of life for the rural populations as well as the continuity of the forests for future generations. It is broadly acknowledged that any public policy that aims to attain those objectives requires the deep involvement of the local social actors in the pursuing of a “new reality” for collective forests (Montiel, 2003). The institutional approach to forest management in Soria is framed within the logic of filling the ‘new’ demands of a modern society for which the traditional uses of the forests are linked to disappearing local populations. In other words, if people have left the land for the cities, the forest must somehow become detached from the local community to be managed by legal heirs but from outside the local.

The regularization of the legal property rights of collective forests is a condition *sine qua non* for any social initiative that aims to revitalize rural areas economically and demographically through the economic use of the goods and services provided by the ecosystem. But the fact that rural communities are aging rapidly poses additional questions to sustainable management efforts that go beyond mere legalization of collective property rights. How the collective management of the forest by associations of heirs can attract younger people to rural areas like Herrera remains uncertain. If the economic exploitation of timber offers a possibility for creating local jobs, it is unclear the extent to which people would be seduced by those opportunities in a country in which other regions and other economic sectors are clearly leading the ‘development’ process. With an extremely limited infrastructure for transportation and communication, the formation of social capital in areas like Herrera represents an enormous challenge.

Institutionalization in Context: ASFOSO and the FOREMED project.

FOREMED is a project funded by the European Union that focuses on Mediterranean forest lands. ASFOSO, the association of forest land owners of Soria that integrates both small landowners and collectively owned forests, has developed a subproject under FOREMED with the aim to promote collective forestry management in forest lands that show “property

problems” –either because they are highly fragmented or because collective owners are missing legal property documents. The project has built upon a series of pilot experiences in different villages, which the aim to constitute an example for future actions within the region. Herrera de Soria is one the villages in the pilot case studies.

Basically, the project followed two lines: first, it designed collective property and/or management models for those villages in which the current legal situation did not allowed owners to adequately manage their forests; second, it worked towards the consolidation of associations that were already constituted but were facing difficulties in the implementation of their activities. Overall, the project aimed to mobilize a few individual actors involved in common property forest lands so productive uses of the forest resources could be developed by the collective. This focus on the productive uses of the forest is the essential for ASFOSO, for which the regularization of obsolete property rights is the first step towards the economic use of the natural resources of the common forests.

Due to the rural exodus that depopulated the inner provinces in Spain during the 1950s and the 1960s, the forests of those regions, which had been under local management for the use of timber, were abruptly abandoned. In the Mediterranean region, where summers are hot and dry, the risk of fires is specially high for those forests in which bushes and dry organic matter accumulates as a result of the lack of management. This argument is broadly use to defend the economic and social use of forests in the region. ASFOSO itself seeks *“collective management models for Mediterranean forests under regulated and sustainable uses adapted to the regional context and current demand trends, so that they allow for the recovery of the economic value of those forests as an endogenous resource for rural development.*

Beyond ASFOSO’s focus on the productive uses of the forest, some of its actions are especially interesting from a social mobilization perspective. The project aims to create a permanent network of pilot sites on a local and regional scale in Soria province, in which associative experiences have already taken place, such us in Herrera. This is especially relevant for a territory in which regional cohesion is extremely low, not only in terms of the public administration, but in terms of civil society organizations. ASFOSO also offers technical assistance to owners regarding collective management strategies that make the productive use of the forests *“technically viable, economically profitable, and ecologically sustainable”*. Ultimately, ASFOSO aims to create state-private sector synergies to enhance the productive use of Soria’s collective private forest property.

The FOREMED project has three main programmatic objectives. First, the economic use of the forest as a catalytic, endogenous resource for rural development, which is

considered currently under exploited. Second, the social recovery of the forests' cultural heritage as an integrative element of rural territories. And third, the implementation of ecological management to decrease potential fire damage due to the accumulation of bushes resulting from lack of intervention. These strategies have to be understood within the broader socio-economic and demographic conjuncture in which these forests are immersed. According to FOREMED, there are five important factors that make the situation of collectively owned forests particularly problematic:

- First, the demographics of Soria province, marked by emigration, rural exodus, and population aging.
- Second, lack of personal interest among the legal heirs of those forests because of the low economic return they provide.
- Third, lack of understanding of the legal and institutional idiosyncrasies of collective forest property within the Spanish context, which has been experiencing deep transformations within the last few years.
- Fourth, an absence of updated legal, documented proof of property rights among the legal heirs of those forests.
- And fifth, loss of the traditional uses of the forest such as sheep grazing, fuel wood provision, or source of construction materials.

According to FOREMED, all those factors drastically limit the actual economic potential of those forests, especially in terms of the creation of employment opportunities for the local economy. In a province with low economic activity, timber production is seen as one of the few sectors that could bring economic growth.

The Legal Framework: the Forestry law³

Prior to the forestry law passed in 2003, the situation of collectively owned forests could be described as one of a 'legal jam', given the management difficulties they were subjected to. The heirs of those initial buyers of expropriated forests not only have grown exponentially in number (Herrera went from 44 buyers in 1905 to 443 heirs one century later) but are also

³ There is also a considerable area of forest land that is in fact deeply fragmented into small plots individually (or collectively) owned. These forests face significant challenges in terms of their economic use. The current legal framework sees collective management as the ideal option for those cases. Three different types of collectives are included in the law: proprietary boards (in which individual property rights are made collective and indivisible), management boards (in which individual property rights are preserved but economic management is done conjunctly), and not for profit organizations (in which non-economic uses of the forest are sought by the community).

extraordinarily dispersed geographically (in Herrera, more than 40% of the legal heirs currently live in Argentina). The previous law, approved in the 1950s, was based on the private property law; therefore it was not able to offer workable options for collectively owned forest such as the one in Herrera.

The 2003 law embraces the rhetoric of the United Nations declaration of 1997 according to which “*the regularization, conservation, and sustainable development of all kinds of forests is fundamental for attaining economic and social development, as well as the protection of the environment and the systems that sustain life on earth*”. The Spanish law aims to “*update conservation, improvement, and productive uses of forest resources in accordance with the current socio-economic reality of the country*”. The previous law was passed in 1957, when Spain was still under a military dictatorship and regional governments had been suppressed. The democratic constitution of 1978 mandated the creation of a basic legal framework at the State level that was compatible with the reestablishment of regional governments, which are ultimately responsible for the regulation of forestry resources.

The 2003 Forestry law explicitly mentions the “*new environmental paradigm shaped by the international tendencies of an intensively globalized world*” as one of the key elements to be taken into account when designing public policies to regulate forestry resources. As the official document reads “*the (current) political and institutional framework (as well as) the economic and social context have very little to do with the trends of the 1950 of the past century*”. An integrative flavor impregnates the whole document, which portrays the new law as an “*efficient instrument to guarantee the conservation of Spanish forests, while enhancing their restoration, improvement, and rational use within the indispensable logic of collective solidarity*”. Sustainable forest management is thus the “*first and fundamental principle*” in which the law is inspired. The law establishes as a general principle that it is the role of the owners to be responsible for the technical and material management of the forests, under the legal framework of regional governments. Therefore, the owners are ultimately responsible for the sustainable use of the forests’ resources. In order to implement sustainable practices, the law aims to enhance the managerial regulation of the forests through technical and economic plans.

The tenth addendum to the law explicitly addresses collectively owned forests. The incorporation of this addendum is in fact a response to consultations that legislators carried out with ASFOSO and other associations within the FOREMED project. The addendum establishes the creation of ‘management boards’ for those forests collectively owned by more

than ten people.⁴ The role of the management board is to administrate the “interests of all the co-owners”. In order to constitute a management board for a given collective forest, individual actors have to mobilize at the local level. Once legal heirs have formed a group of at least 10 people, the regional government has to announce the formation of the board to all co-owners publicly and with the maximum outreach possible. The composition of the board will be approved by the totality of co-owners that respond to the public call by being physically present in a public assembly.

The approved management board is entitled to manage the forest and all its products, including energetic and mineral resources. In addition, the management board can establish contracts with the public administration as long as “*the rights of all co-owners are properly taken into account.*” The revenues resulting from the areas that are not legally ascribed to particular heirs have to be reinvested in the “improvement of the forest”. In case that legally accredited property cannot be identified, at least 15 % of the total benefit obtained by the co-owners has to be invested in the forest’s improvement.

The regional government of Castile-Leon is currently elaborating its forest’s law, in which a specific legal and operational framework for the newly defined management boards will be established. One of the strategic elements will be the creation of an official registry of collective property on a regional scale. There are currently two pilot projects in which these frameworks are being tested before their incorporation into the legal text. Herrera is one of them.

The Conservation Context: Rio Lobos Canyon Natural Park

The last institutional dimension analyzed in this study is a natural park. Herrera’s forest (with a total area of 1,509.65 hectares) constitutes the largest forest within the Rio Lobos Canyon Natural Park. In 1985, the Department of Agriculture of the regional government of Castile-Leon declared the area known as “Rio Lobos Canyon” a natural park. This category of conservation allows, at least in principle, the integration of both nature preservation and productive resource management.

In fact, according to Spanish legislation, natural parks aim to “*maintain and improve the traditional productive uses of the land by enhancing the contact between man and nature, therefore promoting the knowledge of the interesting values of the area*”. Article one of the legal document establishes as objectives of the park to “*to protect its geology, its vegetation,*

⁴. Potential heirs cannot be considered co-owners till they present the necessary legal documents as proof of their property rights.

its fauna, its waters, and its air, as well as the ecosystems by them formed. In addition, (the park aims to) facilitate the public use and enjoyment in a rational way”.

Those areas declared natural parks are required to preserve the traditional uses of the land, unless those uses represent any conflict with specific legal dispositions for protected areas. More explicitly, the use of pesticides and any kind of poisons is forbidden, as well as the introduction of non-autochthonous plant and animal species, the disposal of any kind of residues beyond the designated areas, and the use of fire beyond the designated areas. In addition, any intervention in the territory that implies a significant threat to the natural values protected under the park will have to be previously approved by the Department of Agriculture of the regional government of Castile-Leon.

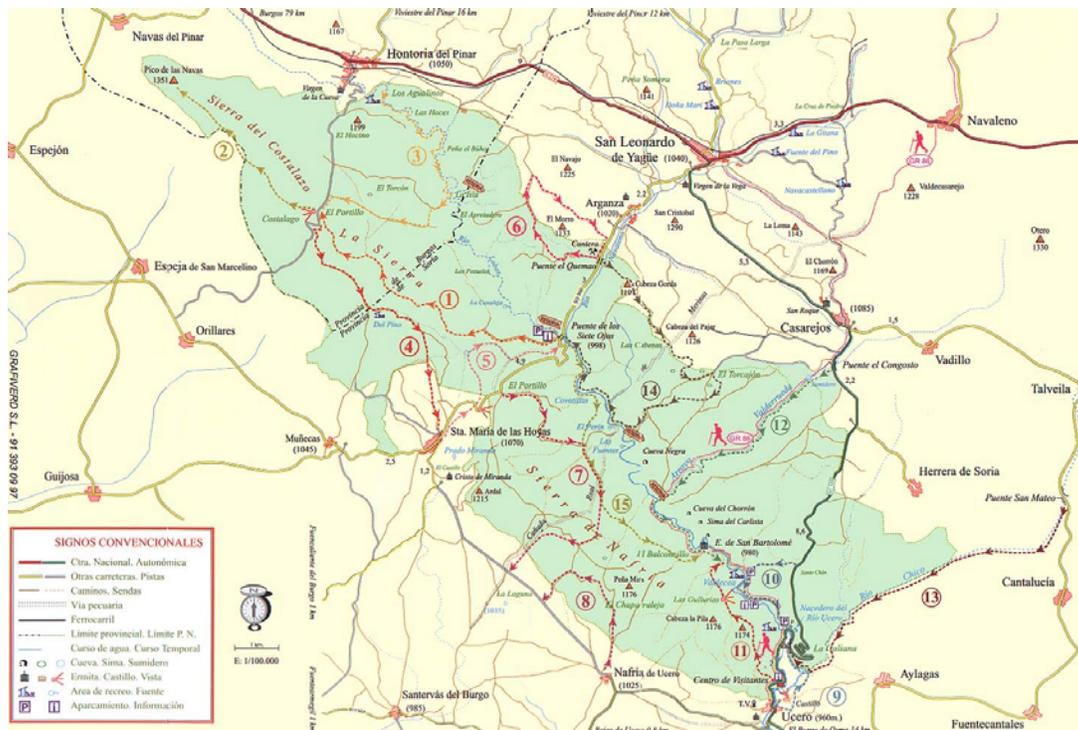


Figure 5. Rio Lobos natural park.

The Stories of Mobilization

While there is very little research about the geographical distribution and legal status of collectively owned forest in Spain, studies about the social mobilization processes that had lead to pilot experiences of property rights updates under the new legal framework are inexistent. The aim of this preliminary work is to explore the different mobilization stories of different local actors in Herrera (a pilot case study in Soria).

Despite the severe depopulation of rural places such as Herrera, there are still local residents who make their living in the villages –basically by raising sheep and cultivating the land. Although in absolute terms their numbers and aggregated value of their economic activity are small, current residents provide a crucial social function: they keep the village permanently inhabited. Cases of abandoned villages in isolated areas such as Herrera (where the nearest permanently inhabited nucleus is kilometers away through a road that starts and ends in the village) have shown how once the last permanent residents leave, the houses are raid by robbers and public services such as water or electricity come to a close.

The aim of this preliminary research is to explore how permanent residents and their families as opposed to people who left the village a long time ago but keep returning every year, get themselves involved in the social mobilization process that led to the formation of the forest management board in Herrera. I argue that permanent residents and sporadic visitors differ in their visions about which ecological, social and economic functions of the forest have to be enhanced under the new legal framework. Whereas local residents recall traditional management agreements based on customary law to keep those uses of the forest that local residents have always had access to (pastures, timber, hunting, etc), summer visitors see the new legal framework as an opportunity to ensure access for the new generations while getting some monetary return from the forest without having to establish their residency in an isolated, underserved village such as Herrera.

I have known the village of Herrera for 30 years, as I have family ties to it. In the summer 2005 I conducted participant observation and interviews related to the participation of local actors in the local mobilization process.⁵ Given the preliminary character of this research, my aim is to offer an introductory account of the participation of three local actors more or less involved with the creation of the successive associations related to the collective management of the forest. I believe that the personal stories of these actors contribute significantly to understand the complex process of mobilization, identity formation, and collective action beyond strictly legal, statistical, or geographical research approaches. Hopefully subsequent research will be able to offer a more complex account of the ways in which social mobilization occurs and evolves in Herrera.

The interviewees are three local actors, two men and one woman, with different involvement in the associative process, and diverse personal backgrounds. They are all connected to the village, but in very different ways. While one of them lives permanently in

⁵ The research was funded by a Tinker Summer Grant of the Center for Latin American Studies at the University of California Berkeley.

Herrera, the other two only visit periodically. While two of them are retired, the other one is still active. In sum, they represent different, even opposed approaches towards the social uses of the forest.

Interviews were highly unstructured and lasted between one to two hours. The aim of the interviews was precisely to grasp the diversity of points of views of the participants. The broad question was “*tell me about the forest’s association*”. The following sections offer literal transcriptions⁶ of the stories as told by the actors, linked throughout brief notes that situate the open-ended questions or comments that interconnect the narratives.

Juan’s Story⁷

Juan was born in Herrera 70 years ago. As many other kids of his generation he had to work hard in the fields with the sheep in order to sustain the household. Now he is retired and lives in Soria city with his wife, who is also from the village. He spends the summertime and some other periods throughout the year in Herrera. He was elected president of the second association that formed in Herrera for dealing with the forest issues –the “Association of Legal Heirs of Herrera De Soria’s Forest”, that was formed after the dissolution of the cultural association. Since then he has actively involved in the constitution of the management board, collaborating directly with FOREMED and ASFOSO.

Juan starts his account about the association by offering some historical background information from the numerous documents and materials he has been compiling over the last few years:

“I have spent countless hours with matters related to this association; I have done a lot of archival research. As far as I know Herrera’s forest belonged to the aristocracy. So the village had to pay the taxes to those people. In 1850, with the ‘Desamortización’⁸, the government confiscated feudal property and sold it to private hands. Herrera’s forest, because it was part of feudal property, underwent the same process. It was in 1901 that, according to the archives, the municipal government is required by the state to provide information about the situation with the forest. At that time, there was no debt related to the forest, but the legal taxes were not being paid because of the legal limbo in which the

⁶ The interviews, conducted originally in Spanish, have been translated into English for the purposes of this paper.

⁷ None of the names used to identify the actors are their real names; pseudonyms have been used to preserve the identity of the participants.

⁸ He refers to the 1850s legal reforms of the liberal-bourgeois state that promoted the privatization of feudal forms of property.

property was. Then in 1905, in order to regulate the legal situation of the forest, a public auction is announced in the official bulletin of the state”.

According to Juan’s account, the social mobilization process that is about to culminate this year (2006) with the establishment of a management board for Herrera’s forest should be traced down one century ago:

“It is in 1905 when the residents of the village start mobilizing. They had to get together to get the necessary money to retain control over the forest. According to the law, the forest had to be sold as just one piece of property. Therefore, the neighbors had to collect an important significant amount of money. The forest was finally sold for \$1000⁹ of that time, what was a lot of money for the villagers. Only 44 residents decided to become part of the forest. Apparently most of the people did not have the necessary amount of money themselves, so I think they got credits from private lenders in order to participate –there were no banks at that time. In order for them to repay their loans, they set up an agreement with a timber company, by virtue of which the company could extract timber for 40 years, while the residents kept access for pasture, fuel wood, and timber for the houses”.

The first big challenge of the newly formed common forest was to regulate local access in a situation of potential conflict, given that only 44 families of then village were legally entitled to it. Juan explains how the community established its own mechanism to cope with that circumstance:

“After the forest was sold to the 44 buyers, other families that were not part of the initial sale started paying a small amount of money in order to guarantee their access to the forest for fuel, construction wood, and pasture. But those payments were never translated into property rights. The amount of money paid, approximately one dollar of that time, was to be paid once by every newly married couple in the village, so they would become residents and therefore entitled to access the forest in the same terms as the other residents and collective owners. The amount of money new families would pay remained the same over the years; it was never updated according to inflation or anything”.

From Juan’s account we infer that the agreement between co-owners and non-owners was satisfactory for the community at that time, since no conflictive episodes are recalled. In fact, the only threat for the local access to the forest mentioned by Juan was originated outside the community:

⁹ Original amounts of money mentioned by the actors in the local currency of the time (*pesetas*) have been converted into approximate dollar values according with current exchange rates euro-dollar. Amounts have been rounded to reflect orders of magnitude.

“The timber corporation with which the initial agreement was established went bankrupt a few years after they started operating in Herrera. As a consequence, so the lease was taken by another company. After the 40 years, this second company was supposed to end the lease. However, the company argued that they got a lease for 40 years in total, not for the remainder of the initial 40 year period. The case ended up in court and it was finally won by the village. This way the village recovered the forest for productive uses. The date the trial was won would be remembered in the community for many years to come through a celebration in the village in which everyone would participate”

However, broader social and economic changes were affecting the village by the time the community was able to recover full access to the forest resources:

“At that point, around 1958, Herrera was undergoing massive rural exodus. Young people were leaving the village for the industrialized regions of Spain. Given that new families were hardly being formed in Herrera, together with the fact the one dollar payment was economically obsolete in that time, forced the village to change the rules about access to the forest. The amount was not to be paid anymore. For decades after the end of the lease with the timber company, the forest was self-managed by the local residents remaining in Herrera, according to the rules that were established back in 1905. According to those rules, only permanent residents of Herrera (at least 9 months per year) were entitled to receive economic compensation resulting from the commercialization of timber.

There was never the case that someone from other villages or towns, without having family links, would establish their residency in Herrera. All residents were related to the community by birth. It was the people from the village themselves who would decide where and how much timber was going to be extracted each year. They would cut down the trees themselves and sell the timber together. The municipal government never had anything to do with the forest. It was the residents who would decide which proportion of the money obtained from the timber would go for improvements in the village (water, electricity, public spaces, etc), and how much would go to the individual households”

Juan explains the social mobilization process that took place in Herrera in the beginning of the 1990s as an endogenous response to the threat that the depopulation of the village would imply for the sustained productive use of the forest:

“For a while, the ones who remained in the village received their monetary compensation, independently from the fact if they were heirs of the original 44 buyers or not. But Herrera’s population was aging rapidly because of the rural exodus. In the beginning of the 1990s the situation started to be disturbing, since only a few people remained in the

village –the majority of which were over 60. That is why something had to be done with the legal property rights of the forest. According to state laws, collectively owned forests have to declare their economic activity, it cannot just be done without telling anyone.

In 1993 people from the village set up a “neighbors association” to deal with the forest issues. In 1996 the so-called “Herrera de Soria Cultural Association” was established. During one of the meetings the participants agreed to use the resources of the forest the following way: for every 10 people residing in the village (9 months/year at least), 50% of the revenue the forest generates would go for individual payments, remaining the other 50% for local expenses –such as the annual festival, in which food and music is offered for free not only to the residents but to everyone who wants to stop by. For every resident lost, 5% more would go the municipal fund. The association even created its own statutes, and the decision about how to distribute the forest’s income was presented to the assembly and approved by the members”.

The main challenge of the local associative process was how to institutionalize the goals of the current generations with respect to the use of the forest into a meaningful organization that was representative of those aspirations within the current legal framework:

“The fact that the cultural association was dealing with the forest resulted very polemic. Many people said that a cultural association should not have any say about the forest. They were reluctant about the true aim of the cultural association. For instance, if you were a legal heir of the forest but for whatever reason you did not want to be part of the cultural association, you had no decision making rights. The cultural association even had minors as associates who could vote in the assemblies. According to the national laws, a cultural association cannot have any decision making capacity in the forest, precisely because the aim of a cultural association is not making profit. That is why there was a need to create another association that was a valid interlocutor with the state on the forest’s issue. We created the “Association of Heirs of Herrera’s Forest” in 2002. I was elected president of this association. We approved in the annual assembly of that year to join the Association of Private Timber Producers of Soria (ASFOSO). This was vital to get technical assistance regarding the legal steps to make the association perfectly legal, what finally happened in 2003. We have a total of 260 associates. We have identified more than 400 legal heirs of the forest, of which approximately 180 are in Argentina.

Juan refers to the legal idiosyncrasies of the current legal framework to explain the different steps that have been taken in the social mobilization process:

“According to the Spanish Civil Code, any decision about the forest that implies a “significant improvement” has to be approved by the totality of the members. In the case of Herrera, that law makes the forest totally unmanageable. Since there are many other forests in Castile-Leon in similar situations, the new forestry law has created the figure of the “management board”. A forest collectively owned by more than 10 people can constitute a management board with only 10 legal owners who show proof of their property rights. The decisions taken by the management board are approved in assembly, what in practical terms means by simple majority.

My family and I have gone through the legal process of obtaining the necessary documents to proof our ownership. We are 11 people, what means that we are ready to constitute the first management board. We are going to have an assembly this summer to constitute the management board. Once the board is formed, it can include more legal owners at its discretion. We are going to form the board in the morning and that same day in the afternoon we are going to include all those other members who are owners by inheritance law but that for whatever reason they haven't obtained their legal property rights. We already have the coefficients of ownership for every legal owner based on the genealogical tree we built with the information provided by the 246 associates. This way we now know what proportion every owner is entitled to. We are sending letters with information about those coefficients to every associate. If people agree they will sign below.

Since it is the “law” which defines not only who is entitled to receive economic revenues generated by the forest, but also the allocation of those benefits, Juan reconstructs local mobilization as an straightforward process in which potential sources of conflict can be resolved within the legal conjuncture:

“The forest is subjected to a management plan. This plan calculates that a period of 120 years is necessary to replenish the timber resources. The average annual production of the forest is approximately 900 cubic meters, distributed in two productive areas –one of 500 m³ and another one of 400m³. Once the management board is formed, it has to name an administrative board. According to the law, 15% of the revenues of the forest have to be reinvested in improvements within the forest –roads, cleanings, etc. The rest goes to each owner according to the ownership coefficient. In case there is a proportion of the forest that hasn't been officially allocated (such as the case of most of the owners residing in Argentina), that portion of the revenue has to be reinvested in the forest, adding to the minimum 15%. The management board does not change the property of the forest (in order for us to do that we would need to have 100% of the signatures). However, it allows us to manage the forest

collectively and somehow to gain legitimacy before the state. I see this as a crucial step forward.

Since there are no documents about those payments newly formed families had to make in order for them to benefit from the forest, we have to constitute the management team from the 44 initial buyers. There is no other way. Some people in the village say that we should consider those people who paid the “residency” fee as owners as well. But that’s not feasible because there are no documents. I am myself worse off because of that –I would be entitled a higher share of the forest if we would consider those residency payments.”

Beyond the specific measures that the new forestry law offers for developing the productive potential of collective forests, Juan does not perceive other regulations over natural resources (such as natural parks) to diminish the economic potential of the forest:

“I don’t think the natural park limits our management options with respect to the forest. It is true that the park gives money to the municipal governments, not to the collective owners of the forest. Every municipality has a representative in the management board of the park. There is also a representative of the collective owners in that team. In the case of Herrera, its representative alternates every other year with the representative of another nearby municipality. Given that Herrera’s forest represents 25% of the total extension of the park, I think we should have a permanent representative in the park government, but according to the natural space’ law we are not entitled to.

The fact that the forest is a protected area means additional economic resources for the forest in the form of subsidies. Another potential resource is wind energy. Apparently we have very good winds for that and we also have a power line good enough to be used with the turbines. However, because the forest is part of the natural park, we cannot do it. I think we should be compensated economically regarding all those productive uses that we could develop but that we cannot because of our inclusion in the park. And it should also be taken into account that the forest provides other benefits to the environment, to all of us –CO2 fixation, watershed regulation, etc. I think that all those environmental services should be compensated”.

For Juan, it is not clear the extent to which the legalization of the property rights of the forest, together with the conservation of the natural resource base through preservation measures such as the natural park can truly transform the social and economic fabric of the local community:

“What I think is a very relevant resource is hunting. The problem is that a few years ago one person of the village established a hunting area under his name. He has total control over it, not the owners of the land. Tourism could be an interesting option as well, but maybe as private investment of people interested. For instance, many other municipalities in the surroundings of Herrera have set up private rural guest houses. They also offer guided tours, traditional meals, etc. Anyway, I don’t think people from Herrera are ready for doing something like this. The way I envision the village is as a place to spend the weekends and the summer. People from Herrera will keep coming for the holidays. Maybe people from the younger generations who have interest in rural areas will do something here, but that’s not very probable. At least we should keep the actual residents here, so the village does not become abandoned.

Carlos’ Story

Carlos was born in Herrera in the fifties. He has worked in the field since he was little. Carlos is single and lives with his brother (also single) in the family house. His family is one of last ones that still remain active in the village. They raise sheep and cultivate crops. His sisters live in far away, big towns; his youngest brother lives in a town nearby. The extended family visits the village every summer. Carlos has been mayor of Herrera in a few occasions.

Carlos starts his account of the association showing deep grievances with respect to the latest associative process:

“The very first thing, the most important one, is to secure the property rights. If you don’t have the collective property rights then you can find yourself in a situation in the situation that you are doing things, improving the forest and later on someone else comes and takes advantage. The document that has legal value is the sale document from 1905. The right thing to do is to update and legalize the property by family, according to the proportion that each one has from the sale. The problem is that we have been scammed with this new association! Given the actual situation with the property rights of Herrera’s forest there is an urgent need to sit down together (with the rest of the heirs) and update the property. Well, as a matter of fact, this could be done independently; you just have to get the documents for your family. It’s just that they (the association) said that they get the papers for every family. But they lied to us”.

More specifically, Carlos feels that the association does not represent the community, but personal family interests:

“The problem with the association is that what they were doing was in fact taking care of their own family business. We thought they were trying to update the property rights for all of us. In the assembly we decided that in order to get the 10 first families updated (necessary to set up the legal management board according to the new state forestry laws) we will start with the ten families that had the easiest cases. That is, those families for which getting the paperwork done was easier. But we just came to know that the president of the association has updated ten people from his own family. This way they can set up the management board with those 10 people from the same family. Apparently the president of the association doesn’t want to include people from the outside... that’s why I think this is a scam.

He made the association a member of ASFOSO; they have an engineer, who inventoried the forest a couple of years ago. I was the first one to realize that the president we elected was not doing the right thing. I told my sisters, and a few more people. They told me that the president hadn’t really been communicating with them that much. As a matter of fact we could elect someone else as president of the association, but nobody wants to get involved... That’s the problem. As for me, I am no longer friends with that person because of what happened.

According to Carlos, the way the community mobilized back in 1905 was more inclusive, but vulnerable under the current legal framework:

“Back in 1905 not everyone bought the forest. There were 20 families who did not participate in the sale. However, all the families ended up paying. Well, not all of them, only the families who were residing in the village. Those who were abroad, those did not pay. We know this from what our grandparents tell. Some people were hesitant about participating in a public auction, they wouldn’t trust the process; some other people did not have the money. But after the sale some people decided to get in, so they would pay little by little.

The problem is that the document containing the amount of money and the signatures is missing. The original sale document was never changed though. Those people who were not buyers would pay to have access, not to have a share in the property. I think it was never made legal, I mean, put on legal documents, because back in time people would rely on the custom. The person at the municipal government who was taking care of that list of payments seemed trustable, so nobody cared about making it legal. But at some point he had grievances with the village and he destroyed the document as revenge.”

For Carlos, the constitution of management boards per se cannot guarantee that the interests of the local residents are adequately represented:

“Some people don’t understand that it is the owners who have the decision power, not the management board. The management board has to “manage”; the owners decide. In an ideal world we would have meetings in which the management board would present projects; then the owners will decide which projects they want to see implemented. What happens is that most of the people who are in fact owners because of the inheritance laws, don’t care about the forest that much because they live in the cities. That’s why the situation is like that now; we don’t have the property rights because the vast majority of the people live somewhere else, so whatever happens with the forest will not really affect them.

Carlos is deeply concerned about the top-down administration of the park, disconnected from the local reality:

“The entire forest is now part of the natural park. I worry that one day (the park) is going to take away our forest because the property is not legal. The park receives subsidies from the European Union. They declared the area a natural park in an obscure way. These things work on an international, European Union level. The money comes from Brussels, according to the natural parks of the whole European Union. Every municipal government proposes projects for the municipality to the government of the park, such as water services, electricity lines, etc. Projects are presented every year. The government of the Park studies the projects and makes a decision about what exactly is that they are going to fund.

There is a representative of each municipality in the park’s government. Decisions are made not on a majority basis though. Long ago we suggested that funds were allocated according to the total number of hectares that each municipality had in the Park [Herrera has 1,500 ha out of 9,000 ha total] but they did not accept it. Funds are distributed according to the number of inhabitants of each municipality. So you can imagine, the bigger towns, even if they have less extension in the park than we have, end up taking the biggest chunk. That is why I don’t like politicians, you know? Because they want to control other peoples’ businesses”.

In his account of the social mobilization process, Carlos portrays the state, by means of the natural park, as the biggest threat for the local use of the forest:

“With the creation of the natural park in 1985 it became very clear to me that the state wanted to appropriate the forest. If do not have the property rights there is nothing we can do. With the first socialist government [1982] after the dictatorship they wanted to change everything; they totally messed up. For instance, one day I was with the sheep out in the forest and I saw that they had closed a path with chains; they didn’t even let us know. A little while later they declared the area a natural park. They even put “forbidden access” signs on

some dirt roads. We [the sheep ranchers] threw them down. Then the park said “O.K., we’ll do things in the right way then”. We said, “O.K.; otherwise we will set the forest on fire.

In my opinion, the natural park is not more than a hunting reservation for the “bourgeoisie”. The creation of the natural park was really what raised the alarm about the fragile situation of the forest because of its outdated property rights. Because the forest is part of the natural park it is subjected to very strict rules. You cannot, let’s say, leave a can of gas in one of the hide outs we the ranchers have always used; if they get you, you get a huge fine. They have also prohibited us to burn bushes as we used to do. They have even prohibited cutting down some types of trees for the construction of houses or for repairing the old ones, even if the trees are in private property!”.

Carlos thinks that there is a serious conflict of interest between the local people who still reside in the village and the park’s administration:

“By making the productive uses of the land difficult, the park is trying to make things really bad for those of us who still make a living out of agriculture or cattle. They don’t want people here. And once nobody lives here the state can do whatever they wish. We, the locals, have warned them, though; if they go too far we might end up burning the entire forest.. What the park has in mind is a big area for people from the outside, from the cities to come here to stay in expensive hotels while hunting as they please. They had a proposal for building one of those hotels here. But the municipal representatives in the park government united and did not allow that project to progress. If no one is here to say no to those projects, the state could do as it pleases.

According to Carlos, not only the state, but other social actors –the “environmentalists”, are against the interest of the local residents:

The environmentalists are in favor of the park. A few years ago, when I was the mayor of Herrera, the electricity company wanted to extend its line to a nearby town and they asked the municipal government of Herrera for approval of a project to build up the line through the village’s forest land. The municipality studied the project and approved it. Once the electricity company had cut down all the trees for the line the environmentalists claimed that the line was illegal because it was too close to a nest of a couple of eagles –a protected species. Then the state said that a new line had to be done, even if that would mean that more trees had to be cut down! That’s why I think that the environmentalists and the state are holding hands.

Carlos thinks that local governments have some capacity to mitigate those negative dynamics imposed by the state and the environmentalists:

“The municipal government has some power though. When I was the mayor I blocked the construction of one electricity line to bring light to a couple of caves in the park. After what had happened with the other line with the park and the ecologists I wanted to show them that Herrera existed. So I said no to their project. There are usually big monetary commissions in those projects. Not everyone represents the interests of the people who live and make a living in agriculture or sheep.

Although he sees the current legal framework able to offer some possibilities to ensure local people keep access to the forest, Carlos is not confident about the feasibility of the concrete steps that should be implemented:

“By updating the property rights you make sure you will be considered in the decision process. Whoever the legal heirs of the forest are, they are the ones who will have the legitimate power to make decisions. I think all the families from the village are interested in updating the property rights. But the problem is that things cannot get done in 15 days; and that’s the amount of time that people spend in the village, when they come for their summer breaks.

Luisa’s Story

Luisa is 68 years old. She was born in Herrera during the civil war. Since she was little she had to work hard at home, in the field, even as a baby sitter in a nearby village. She couldn’t complete beyond third grade. She left Herrera when she was 14, to work in a city hundreds of miles away. Luisa has always spent the summertime in the village. In the eighties she bought her parent’s house. She currently lives in Madrid, close to her older daughter. She was elected for a secondary position in the heir’s association:

Luisa starts her account about the social mobilization process by recalling the first association that was formed in Herrera, the “cultural association”:

“Everything started with an association that was not for profit. It was a cultural association, basically to organize the annual festival or ‘fiesta’ in August. In the end it turned out to be a fraud, because it did not do what it seemed it was going to do. They started talking about the money of the timber, about the forest. People started feeling uneasy; they were suspicious about the association. It was obvious that they wanted to put their hands in the forest; it really seemed like a scam. This of course brought many tensions.

Luisa participated in the cultural association since the beginning of its constitution in 1991. She recalls one particularly distressing episode for her:

“During one of the meetings, during the summer time [meetings were always during the summer time, when many people who live in the city are in the village] one of the members of the association showed a legal document that had been obtained with the signature of my mother, for she was a direct descendant from an original buyer of those 44 people. I immediately realized that those people were not coming clean. Had my mother been knowledgeable about what that signature meant, she would not have signed; or at least she would have told her daughters.

According to Luisa’s account, this episode had important consequences for that initial association:

Well, this person had even made extra copies of that document, which he pretended to sell to the other people for 10 dollars! Then my husband [who is familiar with those documents because of his job] said: “The real cost of this document is 2 dollars; I can make copies for all those of you who want a copy for 2 dollars”. Then someone said out loud that the association was a fraud. Discussions were aggressive. Like my husband said “they keep you taking care of the organization of the children’s summer games while they are putting their hands on the forest”. In the end, that day the association was dissolved. The president resigned, and someone even applauded his decision. This happened like 4 years ago. Two of the members of that association are dead already.

Luisa was active in both the initial cultural association and the association of heirs. According to her, there are many differences between the two of them:

“After that terrible episode another association was formed. This time it was an association aiming to legalize the forest. There were around 10 people. I became part of this association as well. I don’t know, somehow they drove me into it. I think they wanted me there because I was a descendant of two original buyer families, or maybe because my husband knows about legal issues. This second organization has been more serious, they have talked to advisers, to lawyers. They are organizing a management board, so they take care of the forest. The aim of this association is to look for the legal heirs of those initial 44 buyers, who are spread all over the world. There are more than 400 legal heirs of the forest. They organize the meetings in the summertime, so people who don’t reside in Herrera but who spend the summer holidays there can attend. I have the impression that these people are excited about getting something done. This association is progressing. If we look after the documents we will make it.”

Luisa believes that each heir and not the association itself should take the lead and go after their own legal paperwork, necessary to claim the property rights over the forest:

“Some people have already obtained the legal documents necessary to prove that they are the legal heirs. The president of the association has obtained his documents already. People think that the president has to do everything, you know? People expect that he does the job for them. I have the impression that he might have said that he was going to obtain the documents for all of us, but I always assumed that each of us had to do its own job. Something like this: we do the search on our own and the costs of that search are taken from the money that the forest generates. And once we have the documents we give them to the president. He does have the names of all the people who are potential legal heirs. But people are not really working that much in obtaining their documents. I include myself here. If you want to find the heirs you can find them. Like this family who had some relatives in America and through the internet they have found them”.

According to Luisa, the real challenge of the social mobilization process is how to make a “just” distribution of the property rights over the forest among the potential owners:

“If your ancestors were among the original 44 buyers, then you have a share. Everyone has a different share depending on their families being or not among the original buyers. Those who have a bigger share and those who have a smaller one don’t have the same points of view though. The problem is not that much the complexity inherent to finding the documents to proof that you are a legal heir. If you are determined to get the papers, you’ll get them. That’s what the association is for: to help you out in the process. But, as I said, the potential conflict now is that the descendants of those people who were not among the original buyers but who paid money to access the forest do not have a share according to the law, because they were not on the legal document”.

Luisa says that people from Herrera differ in terms of how to transition from a social organization based on traditional customs to one based on legal rights:

“This conflict takes us back to the time in which things were done according to the customs. For instance, it was a custom that the last man who got married in the village was the mayor’s assistant or ‘alguacil’. He had to keep that ‘job’ till there was another marriage in the village and that newly married man would take his job. Well, this woman from the village said during one of the meetings of the association that when she got married, her husband had to pay a few gallons of wine to this ‘alguacil’ to become a neighbor. According to her, that payment could be interpreted as a payment for a share of the forest. You know? Some people just take it too far!”

Luisa explains the traditional custom of the “residency fee” according to the stories told by her parents and grandparents:

“This confusion comes from the fact that for people to be considered residents of the village once they’d get married they had to pay a certain amount of money, lets say, half a dollar. Single people would live with their parents and they would be considered part of that family unit. It was not till you’d get married that you would have to pay that to become a resident. That amount of money was paid once. If for some reason the person would leave the village, (s)he would be reimbursed. Only official residents were entitled to receive the products of the forest – wood for building the houses, fuel wood for cooking. Some people mistake that amount of money paid in order to become a resident with a legal share in the forest. Bust accepting this would not be fair because what those 44 families paid back in 1905 was much more money; let’s say 100 times more money! Some people say that there was a document, a list with the names of the families that were contributing with payments for the forest, and that the document got robbed. Well, I think that if there is no document there are no rights”.

According to Luisa, the main reason for obtaining legal property rights for the heirs is to protect the forest from the state:

“The main interest in making the forest legal is that the forest would have legal owners, not like today, that the legal owners are all dead. One day the state, for whatever reason, can ask “so, who does this forest belong to?” And then it could do anything, because the forest does not have owners. If we set up the legal rights, then we can defend the forest. If you don’t have documents you can do nothing. Maybe nothing changes just because it becomes legalized, I mean, in terms of the economic use of it. But in case something threatens it, if we have the property rights we can do something. I don’t think that because we make it legal things are going to change, in the sense of what uses the forest is going to have. We just want to legalize it for our descendants, so when we are not here anymore they don’t have even more problems.

Luisa believes that broader social and economic process necessarily have a deep impact on the kind of decisions that should be made about the forest:

“Things have changed now; people don’t live in the community anymore. According to custom, only people who reside 9 months per year in the village are entitled to receive some of the income the money generates. Therefore, the less people remain, the more money is allotted per capita. Maybe that should change, and people who do not reside in the village can benefit too. I still think that the people who stay should receive more. I think timber is not that profitable anymore because they can get it form other places for a cheaper prize. As a matter of fact we (the people from the village) are never told exactly how much money the

forest makes. People involved in the local government have never given explanations to the village. Apparently, most of the money of the forest goes to the municipal government to cover expenditures such as the annual festival. To be honest, I don't agree with that. I mean, the money is needed for more important things. Why a small village like this should offer free food and drink for everyone? Those who want to participate in those things should pay for the food, drinks, etc."

Conclusion

Despite the limited number of subjects involved in the study due to the preliminary character of the research project, some interesting conclusions can be drawn from the data collected both in the field and through archival research. Moreover, I consider these preliminary conclusions of highly informative value for future research to be carried out regarding the new forestry law and collective management in rural areas undergoing rapid demographic transformations such as Herrera.

The new legal and institutional context brought by the forestry law of 2003 represents an exceptional opportunity for enhancing collective action among geographically dispersed co-owners of partner's woodlands. Within a broadly defined agenda for sustainable production, the institutional forms created as a result of the new legal context favor local processes of collective management of forestry resources. However, by separating residency requirements from property rights the law represents a major break with the customary law that has traditionally regulated these forests. Whereas the new law provides innovative institutional instruments for enhancing the economic uses of those forests, the extent to which it will be able to revert regressive dynamics of rural depopulation and abandonment remains uncertain.

The study has shown how resident and non-resident local actors have conflicting positions regarding the role of the state and the new institutional forms resulting from the implementation of the new law. While both residents and non-residents perceive the necessity of collective action for updating the legal property rights of the heirs, they differ significantly in the goals that the newly created management boards should pursue. Local residents see the forest inevitably linked to the traditional productive uses of resident populations. They consider the state's agenda for collective forests clearly opposed to the persistence of those traditional residents in the territory. On the other hand, non-residents see the state as a potential threat for the access of future generations of legal heirs to the forest resources. However, the uses of the forest they think should be pursued by the management board do not

include traditional productive activities but ‘alternative’ uses such as tourism or even mere timber management detached from local residency in the village.

It is still early to evaluate the impact that the new regulatory framework established by the forestry law is having in the productive uses of collectively owned forests. However, current social mobilization processes occurring at the local level as the required prerequisite for the implementation of the new regulations might reveal interesting dynamics of action. I believe that by studying those local processes of collective action one can argue that our limited understanding of the transition from traditional to ‘modern’ forms of social and economic forms of organization can be greatly improved. And through it, the complexity inherent in those transformations can be understood beyond purely economicist or productivist logics.

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