



Common grazing land in Bulgaria - overview of current status and management challenges

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Abstract

Common grazing in Bulgaria is a historical tradition. It gives the right to the people (farmers) of a settlement to graze their animals on the common grazing land. The legislation considers as common grazing lands only the municipal and/or state land for public use usually named as “meri and pastures”. Municipal and state lands for private use are mainly arable land normally contracted for individual management only.

In 2008, the total area of “meri and pastures” (excluding forest pastures) in Bulgaria covers 1.105.911 ha. State and municipal “meri and pastures” cover 439 452 ha (NSI, 2009). This is almost 40% of the total pasture land in Bulgaria (excluding meadows) and 62% of the total land owned by municipalities or the state.

The first legislative act regulating the use of common lands in Bulgaria is from 1904. It was followed by rules for its implementation as well as several modifications and a couple of additional acts regulating the measurement ‘meri’ and the use of high mountain and forest pastures. Several of the provisions in these early acts are being used also in the contemporary legislation.

Prior to Bulgaria’s accession to the EU, there were no area-based payments for farming and thus, the common use of land was regulated either following the historical regulations or, in many cases, informally. The introduction of the CAP support measures and direct payments in 2007 required a legal right for land use. The decision of the general assembly of the settlement did not have this power until then.

The paper reviews the steps undertaken to address the eligibility of common land for CAP support. Recognizing that it is a rather new framework and experience is still developing, a number of still open issues that need to be addressed are discussed.

Keywords: common grazing, CAP eligibility, Bulgaria

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1. General description and main definitions

Common grazing in Bulgaria is a historical tradition. It gives the right to the people (farmers) of a settlement to graze their animals on the common grazing land. Common land is the land owned by a municipality or the state.

The Bulgarian legislation recognizes land use for private or public purposes. Therefore, there are four main categories for public land: 1) municipal land for public use, or 2) municipal land for private use, and 3) state land for public use, or 4) state land for private use.

The Act on municipal ownership defines public municipal ownership (art.3) as: (1) properties and assets defined by law, (2) properties needed to support the functions of local governance and local administration, and (3) other property needed to meet permanently the public needs of local importance, defined by the municipal council. Private municipal ownership is all other municipal properties and assets.

The legislation considers as common grazing lands the municipal and/or state land for public use only (article 25,1 of AOUAL) usually named as “meri and pastures”. Municipal and state lands for private use are mainly arable land normally contracted for individual management only.

The definition of “common land use” is given in para.2(d) of the additional provisions of the Act on ownership and use of agricultural land (AOUAL). It is defined as a “traditional practice of the inhabitants of the settlement with small livestock grazing farms on public “meri” and pastures, including by forming one or more “collective” (common) herds for grazing”.

The term “mera” (plural – meri) is specific for Bulgaria. It is currently defined by the legislation (Ordinance No.5/10.03.2010) as permanent pastures near settlements that are used for grazing of livestock or are mowed for protection of the surrounding environment and weed control. Since there is no suitable translation of the term “meri”, we use it as it is throughout the text.

2. Common grazing land size and ownership

In 2008, the total area of “meri” and pastures (excluding forest pastures) in Bulgaria covers 1.105.911 ha. State and municipal “meri” and pastures cover 439 452 ha (NSI, 2009). This is almost 40% of the total pasture land in Bulgaria (excluding meadows) and 62% of the total land owned by municipalities or the state.

Table 1 „Meri” and Pastures in Bulgaria, 2008 (ha)

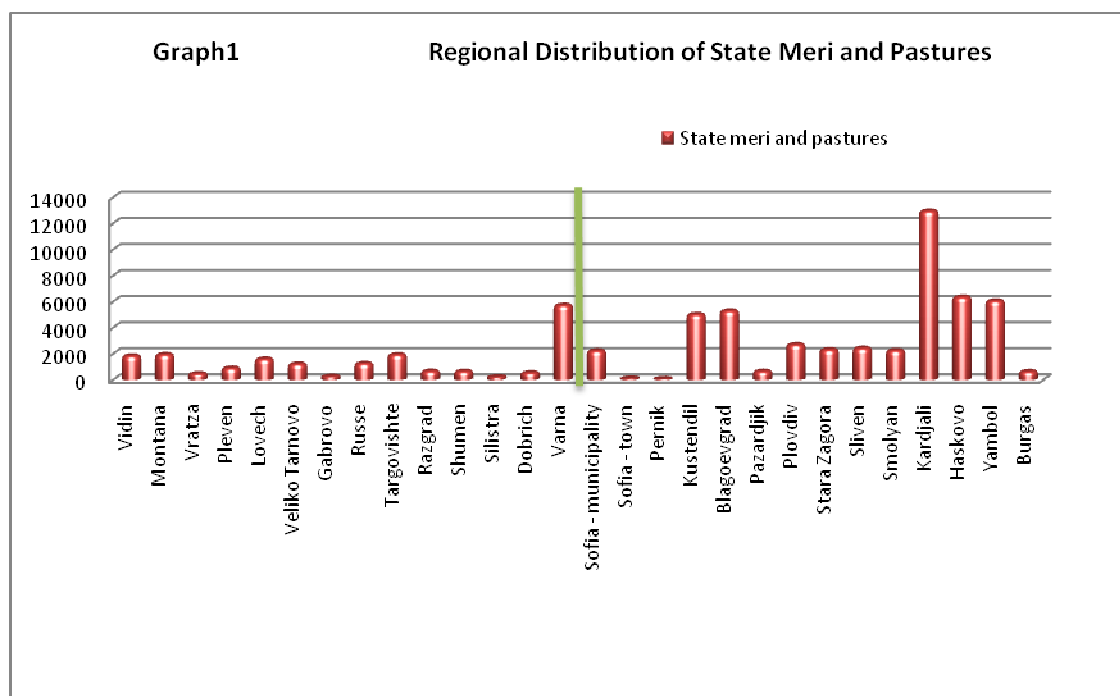
| | State land | | Municipal land | | Total land |
|-----------------------------------|------------|-------------|----------------|-------------|------------|
| | Public use | Private use | Public use | Private use | |
| “Meri” and pastures | 48569 | 78338 | 98241 | 198820 | 423968 |
| Shrubs | 1721 | 1233 | 2489 | 10039 | 15482 |
| Total “meri” and pastures | 50290 | 79571 | 100732 | 208859 | 439452 |
| Share of “meri” in total land (%) | 86 | 35 | 97 | 66 | 62 |
| Total municipal and state land | 58238 | 229488 | 103674 | 318350 | 709750 |

Source: NSI, 2009

3. Regional distribution

At this stage regional data is available only for the state owned „meri” and pastures. The regional distribution varies significantly between the administrative districts. The biggest share is observed in the region of East Rodopi (districts Haskovo and Kurdjali) and Yambol district.

An interesting fact is that the state meri and pastures in Northern Bulgaria are 2,5 times less on average than the state owned „meri” and pastures in Southern Bulgaria (green line divides districts on the graph below). One assumption is that this is due to the more mountainous areas in the south as compared to the north regions. However, this fact can be diluted when municipal „meri” and pastures’ distribution is considered for which there is no data at the moment.



4. Traditional and Regulated Common Use of Lands

Traditional Common Land Use

Common use of grasslands is a historical tradition in Bulgaria. Each village or municipality owns and uses commonly forests, mountain pastures and villages „meri” where livestock grazed in summer months. A specific characteristic is that the total number of livestock depended on the number and size of the village grasslands. Each type of animals had a special zone to which grazing was allowed. For example, the highest mountain pastures were browsed by goats and non-milking sheep. Lower pastures were grazed by horses, cows and calves. Milking sheep were grazing in lower and warmer areas.

The herds’ movements on the pastures followed seasonal pattern as well. In the hot summer months, they were up in the mountains. After harvest and mowing they were allowed to graze around the villages on stubble fields, mowed meadows, etc.

All animal owners use freely and without any limitations the municipal pastures in their settlement. When there were free pastures left, they were given to people from outside the settlement. There were also cases of disputes on undivided „meri” between settlements especially in the high mountain areas.

A normal practice for acquiring new pasture lands till the First World War was forest fires. After this period, a special penalty was introduced since the practices became too widely spread and uncontrollable.

Regulated Common Land Use

The first official regulations of the common use of land date back from the beginning of 20th century.

1) The first legislative **act regulating the use of common lands** in Bulgaria is from 1904. It was followed by rules for its implementation as well as several modifications to it were made. It was then followed by another Act on preservation, measurement and use of the „meri” of the villages and towns in Bulgaria.

It is interesting to see that some of the provisions in these acts are being followed in the contemporary legislation (after accession of Bulgaria to the EU). For example the Rules for implementation of the Act on the use of the „meri” stipulate that „meri” of a village or a town were areas that in the ancient times were given for public use to the inhabitants to graze their livestock there (art.1).

In order to use the „meri” the inhabitants had to gather and make a decision (at least 2/3 of the farmers had to attend the meeting). The decision was then sent to the regional governor by the mayor of the village. The final decision was taken by the then Minister of Agriculture.

The levies that farmers paid went to the municipality or the state. Only after all of the inhabitants of village got rights to use the common land, the remaining areas could have been given to farmers of adjacent villages or other livestock breeders.

Land was divided taking into account the number of the animals, the soil quality, the area for hay making (at least 0.4 ha per farmer) and the area that can be used for other crops. This meant that in the past „meri” were regarded not only as pastures or meadows but also as areas that could be ploughed up and cultivated with “other fodder” crops.

2) Another important regulation from this period is the **Act for high mountain and forest pastures** (15/05/1941). According to it, high mountain pastures were the pastures situated above the natural tree line. Forest pastures were grasslands in the forest that were more than 30 ha large and were used mainly for grazing of livestock. These pastures were also used mainly by the local population, but based on grazing plans and payment of certain levies per head.

3) The described historical rights of the local population and regulations existed till 1950s when the process of collectivization began in Bulgaria. The collectivization affected only private land.

When land restitution process started back in 1991, the **Act on the ownership and use of agricultural land** (AOUAL) has been enforced. It regulated mainly private lands taken away with collectivization. The AOUAL introduced a limit on the size of private land but the use of common lands was not considered in this maximum limit.

Current official arrangements for SAPS support

Prior to Bulgaria’s accession to the EU, there were no area-based payments for farming. Thus, the common use of land was either regulated following the historical regulations or, in many cases, informally.

The introduction of the CAP support measures and direct payments in 2007 made it evident that the existing legislative framework needed amendment. The users of the common lands (whether collective (association) or individual) needed to have a legal right to use the grasslands. The decision of the general assembly of the settlement did not have this power until then. A new article 24, para 11, was introduced in the AOUAL stipulating

that the decision of the general assembly or the municipal council was a legal base for the common land users' participation for SAPS support.

In March 2007, the deputy minister of agriculture, responsible for the elaboration of the LPIS and IACS, issued rules (methodology) for distributing the right to use „meri” to livestock breeders. It encouraged the establishment of associations of land users and prioritized them in the common lands distribution. Only after the needs of the associations were fulfilled, individual users were given shares of common land.

These rules were obligatory for the state „meri”. The general assembly had to decide whether they would be applied for the municipal „meri” as well.

Another very important condition defined by these rules is the need for land to be in good agricultural and environmental conditions. In practice, this results in common land being classified in three categories:

- 1) Permanently ineligible for SAPS support – these are areas in permanent pastures covered by trees or shrubs, buildings, facilities, rocks, stones, eroded or bare lands;
- 2) Pastures ineligible for support or parts of them covered by trees or shrubs, buildings, facilities, rocks, stones, eroded or bare lands, compactly situated and covering individually or together more than 100 sq.m.
- 3) Permanent pastures eligible for support when used for livestock grazing or mowing and:
 - Have not more than 50 trees and/or shrubs mosaic situated;
 - Trees and/or shrubs density allows free grazing of animals;
 - Have mosaic situated buildings, facilities, rocks, stones, eroded or bare lands covering not more than 10% of the pasture's total area.

For example, Maritsa municipality rules for use of “meri” and pastures lists only eligible for support common lands. We assume that other currently ineligible or permanently ineligible common lands were continued to be used in the traditional or, indeed, informal way.

Each municipal council sets a levy for the use of its „meri”. According to the legislation this levy is used for the „meri” maintenance. This is actually one of the main conceptual contradictions in the current legislative set up. On one hand, the associations of the livestock breeders receive the direct payments for “maintaining the „meri” in good agricultural and environmental conditions” and on the other hand, they pay a levy to the municipality to do so.

Box 1 Rules for distributing “meri” to livestock breeders

- A list of the physical blocks with „meri” should be made by the mayors of settlements with the assistance of the municipal departments of the Ministry of Agriculture. The physical blocks should be in good agricultural and environment condition.
- The mayors prepare lists with the livestock farmers that use or wish to use „meri”
- The farmers give a proof (certificate) from an authorized veterinary doctor with the types, numbers and ages of their registered animals.
- The minimum area per farmer is defined as follows:
 - Min. 0,5 ha per mature (over 24 months) cattle;
 - min. 0,1 ha per calf (2-8 months);
 - min. 0,2 ha per cattle (8 – 24 months);
 - min. 0,05 ha per sheep and goats and
 - min 0,5 ha – per equine.
- A table is then made for the minimum area needed per livestock farmer based on the number of his/her animals.
- It is recommended that farmers form associations and select a representative of the association that will receive the payment and will distribute it according to the rules of the association. Several associations can exist in one settlement.

- If there are some areas left after the needs of the associations are fulfilled, a tender can be launched for their use by individual farmers.
- If „meri” are not enough then the General meeting can set a reduction coefficient in a protocol of the meeting.

Source: MAF, 2007

In 2009, the rights for the management (distribution) of state „meri” were transferred to the municipalities (Art.37(i) – art.37(r), AOUAL/2009). The municipal council has to prepare a request and a plan for the use of state „meri”. The request specifying the land parcels, types and registration numbers of livestock has to be submitted till 31 August each year in the regional departments of the Ministry of Agriculture. The municipal departments of the Ministry of Agriculture are obliged to provide the data for the land and the livestock to the municipal councils.

These planning provisions are similar to the rules for the use of state forest pastures (Forest Act). Two types of plans have to be prepared: one for the long term use of „meri” (art.37(i)) and one comprising the annual grazing plan (art. 37(o)).

The municipal councils are also given the right to define a part of the „meri” (area and location) for public use by small farmers of the settlement. Then, the remaining (free) area can be leased to private farmers for individual use. The individual use of the „meri” is regulated in the following way:

- A call for tender for renting or leasing of „meri” for individual use is launched for the livestock farmers, registered in the settlement (territory belonging to the settlement) or the adjacent settlements;
- If there is still a remaining area, a call for tender for renting or leasing of „meri” for individual use is launched for individuals for fodder production. The individuals have to respect the good agricultural and environment conditions. There is no requirement that they should have livestock.

The tenders are for both municipal and state „meri”. The starting bid both for the state and municipal land is the market price as defined in para 2(g) of the Amended provisions of the AOUAL. When such market price does not exist (which is confirmed by the Regional departments of the Ministry of Agriculture), a price approved by the Minister of Agriculture is applied. The rules for the municipal and the state land are equal.

The contracts for the use of the „meri” could be for 5 years or less if requested so by the farmer. However, they are renewed annually till 30th November.

The maintenance of „meri” in good agricultural and environmental condition is a responsibility of the municipality (if for public use) or the farmer (if for individual use).

In conclusion, we can outline the following steps that have to be followed by a municipal council in order to distribute the rights for the use on the „meri” in compliance with SAPS requirements:

- Information for the areas and livestock animals needs to be collected. On this basis, the municipal council prepares a request specifying the „meri” for public use and the way in which the remaining will be used (tenders for individual farmers).
- The request has to be send to the regional department of the Ministry of Agriculture by August 31. Then the Ministry takes a decision and issues an ordinance for the use of „meri” by 30 September each year.
- The municipal council has to then prepare grazing plans. It is not clear if they are for information to farmers and whether their implementation is controlled.
- The rent and lease contracts have to be renewed by 30 November each year.
- The municipality pays annually part of the levies from state „meri” to the Ministry of Agriculture till 31 January;

- The municipality annually (till 1 March) sends to the Minister of Agriculture and food information for the management of the state and municipal „meri“. The information includes data on the contacts for the different parcels, the type of the contracts and their duration, the income received as well as data on the “free” areas and opinion for their future management

Official arrangements for use of forest pastures

Grazing in forests and in forests lands is allowed on the basis of annual grazing plan approved by the director of the regional forest directorate. Official grazing is allowed only with grazing permissions. Whether the forest lands are state, municipal or private ownership the permission is issued by the relevant responsible body. In either case, there is a fee.

The fee for state forest land is defined by the state forest unit and covers the costs for recovery of the damaged forest – wood vegetation on the defined grazing land for the one year period. The fee for the municipal forest land is defined by the Council of Ministers.

Overnight grazing and browsing by goats is forbidden.

The grazing permissions are for individual use only specifying the name of the grazier, the forests owner, the allowed grazing areas, the type and number of animals, the paid fees, the paths to be used and the duration of the permission (art.107 of the Rules for implementation of the Forest Act).

The livestock density in forest lands is defined according to the productivity and conditions of the pasture zones and grass cover respecting the following norms:

- In high stem forests – min. 1,2 ha per cattle and min 0,25 ha per sheep or pig;
- In coppice forests - min. 1,0 ha per cattle and min 0,20 ha per sheep or pig;
- In high mountain and forest pastures - min. 0,2 ha per cattle and min 0,05 ha per sheep or pig;
- In clear-cut forest land with follow up artificial reforestation – 1,2ha per goat.

5. Actual situation and open issues

There is a legislative framework for the use of „meri“ in compliance with SAPS requirements. Overall, it is a rather new one and experience is still developing. This resulted in a number of amendments and modifications in the regulations.

The situation on the ground provides still open issues.

Usually the general meetings of the settlements do not gather the necessary quorum. In such cases, the municipal councils have to decide how to distribute common land. First, they have to define the area for public use and then to launch a tender for the remaining area for individual use. In practice, first are launched the tenders for the individual use. Only then, the remaining area (usually with a very low productivity) is distributed for public use.

Other existing problems comprise:

1) Legislative

There are several discrepancies in the current regulations:

- i) As mentioned in part 4, on one hand, the associations of the livestock breeders receive the direct payments for “maintaining the „meri“ in good agricultural and environmental conditions” and, on the other hand, they pay a levy to the municipality to do so.

- ii) The fact that only land in GAEC is distributed officially for SAPS support leaves large areas of ineligible land outside the system.
 - iii) The rules for the development of the grazing plans are not clear – therefore the municipalities are preparing them “pro forma” and they contain contradictory information.
- 2) Support-related

This is either a “discouragement” to cooperate or an encouragement to create more than one association since the LFA measures provide a digressive payment per hectare. The first 50 ha receive more than double in the mountain LFAs. For the area above 100 ha farmers receive no payment.
 - 3) Administrative

This is related to the way in which the legislative framework is applied. There are certain examples where the whole area of „meri” is given for individual use. The livestock of the settlements is in practice grazing on these „meri” but the support is received by someone else.
 - 4) Social

Farmers do not want to group and take group responsibility for the use of the „meri” – they prefer to apply individually.

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