

The Commons in Navarra: Urbasa-Andía-Limitaciones

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1. Introduction. Property Rights in Navarra.

Navarra is a region situated in the north of Spain. It has an extension of 1,042,100 hectares (10,421 Km²). The population of Navarra has increased considerably in the last century: in 1900, Navarra has 307,669 inhabitants while in 2000 the population was over half a million (543,757 inhabitants)⁵¹.

We can find different types of property rights over land in Navarra. Generally speaking, when people talk about such property rights, they usually make a distinction between private land and common land. But this distinction can go a little bit further. There exist different types of right holders in Navarra that are related with the different authorities of the local administration: the State, the region of Navarra, the municipalities and the citizens. So, we can distinguish between four different categories of property right over land (Cuadrado (1980)):

- Lands from the State (*Montes de Estado*).
- Lands from Navarra (*Montes de la Provincia*).
- Lands from the municipalities (*Montes de los Pueblos*).
- Lands from the citizens (*Montes de los Particulares*).

The lands from the state that originally belong to the kingdom of Navarra belong to the Community of Navarra since 1987 (R.D. 334/1997)⁵².

Usually, when we talk about the commons in Navarra we refer to the lands that belong to the State, the lands that belong to the local government of Navarra and the land that belong to the municipalities. The study of these lands is important as they represent nearly half of the surface of this Spanish region, as we can see in table 1.

Table 1: Common Land in Navarra.

	Hectares	%
Total Area	1,042,100	100
Common Land	490,000	47.02

Source: Floristán Samanes (1995)

The importance of the commons varies across Navarra. In the North the commons are 50.8% while in the south and in the middle of Navarra, the extension of the commons is 35.5% and 34.9% respectively. We can find different essays (Iriarte Goñi (1997, 1998)) that try to explain why the commons have survived in Navarra although the pressure for privatisation was quite strong in the middle of the 19th century⁵³.

⁵¹ See Figure 1 to see where Navarra is situated.

⁵² Information about this transmission of property rights, that affect more than 26,000 hectares, can be found on Salcedo Izu (1989) and Eraso (1989)

⁵³ Ley 1-V-1855 sobre desamortización de bienes pertenecientes a corporaciones civiles y al Estado.

These common lands can be used as grazing areas, as forest areas or for agricultural purposes. Different resources can be obtained from these lands: pasture, wood, firewood, leaves, fern, snow...

There are different ways of appropriating these resources. Nowadays, there exists a law and a subsequent regulation that compile all these different methods⁵⁴. For example, in the case of common land that is good for agricultural purposes we find priority uses, direct adjudication, adjudication by auctions and direct use by the local authorities. Something similar happens with the use of pastures and firewood. Nevertheless, there exist a high flexibility in order to accept the diverse customs, by-laws or decrees developed by each village over time.

As the common land in Navarra is so extended and diverse, in the following, I will put my attention in one of these common lands: Urbasa and Andía, which have been till recently, state commons. I will analyse who are the actors entitled to appropriate, what are the goods the actors appropriate, how do the actors go about appropriating and what are the actors allowed to do with the good appropriated. I will also analyse the effect that the exploitation of Urbasa and Andía has had on the landscape of these territories.

2. Urbasa and Andía.

The mountain range Urbasa-Andía is located in the western part of Navarra, in a mid-position between the humid north-western area and the mid-western Navarra. The mountain acts as a natural borderline and also as a veritable weather divide between two biogeographic European areas: the Euro Asiatic-Atlantic and the Mediterranean. To verify this you only have to travel over the surroundings northern and southern fringes. In the southern border, the scenery at the Guesalaz and Yerri valleys is a reflection of Mediterranean Navarra. By the same token, the predominant landscape in the Améscoas is one of cereal crops. In the northern area the outlook changes: in the Arakil corridor there is a landscape made up of meadows, while the heights appear covered with beech woods and oak groves⁵⁵.

The mountain range has an average altitude of 1,000 meters and covers a total area of 20,799 hectares whose breakdown is as follows: *Andía Range*, 4,700 hectares, *Urbasa Range*, 11,399 hectares and *Mount Limitaciones*, 4,700 hectares⁵⁶.

Although rainfall is abundant in this area, Urbasa-Andía's soil is not good for agricultural purposes but it is excellent as a forested and cattle raising zone. Beech woods constitute the natural vegetation cover of this mountain range, giving way to oak groves in the South. There is also a high diversity of animals, amphibians, reptiles, birds and mammals.

2.1. Property rights in Urbasa and Andía.

Urbasa and Andía have been till recently considered as state mountains. In Navarra, the kings used to entitle the inhabitants of the nearest villages the rights to use the state mountains but Urbasa and Andía constitute a special case as all the inhabitants of Navarra have rights to use and enjoy the products of these lands (Floristán 1979).

Navarra's inhabitants are allowed to use, freely and with no charge, all the different products that can be extracted from this area: grass, water, pasture, wood, firewood, coal, fern, leaves,

⁵⁴ Ley Foral de Comunales de 28 de mayo de 1986; Reglamento de Comunales de 28 de julio de 1988.

⁵⁵ A description of the area and some nice pictures can be found in Itúrbide (1998).

⁵⁶ The whole area together with the Urederra River was designated as a Natural Park in 1997 (Ley Foral 3/1997 de 27 de febrero).

manure and snow. It is said that Urbasa and Andía are entitled with “servidumbres”. Among these, the most important are:

- Cutting wood and firewood, both for building purposes and heating.
- Taking the cattle to graze and water.
- Building huts and folds for shepherds and sheep.
- Fern and leaves harvesting.
- Collecting of manure and snow stored in caves.

The last ones, known as minor uses, are all times practices whose importance have declined over the last years. Nowadays the principal activities in this area are the forest and the grazing ones. Besides this, the area has of late been used for leisure activities.

These rights are based on ancient customary law, and it doesn't exist legislation defining these rights. There was only one restriction, based also in customary behaviour: Navarra's inhabitants can use and enjoy the products of this area provided that the land is used to meet their needs rather than to make a profit. For example, they cannot sell the products they obtain. I will like to emphasize that:

1. People from Navarra can use and enjoy all the wood and firewood that they need (for heating, for building, for reparations, for making agricultural tools,...) but they can never sell and buy them.
2. People from Navarra can take any type of herds to graze and water in Urbasa and Andía, with no time-limit and with no charge, provided that the herds are of their own.
3. These rights are over the whole area of Urbasa and Andía.

Navarra's inhabitants have always defended their rights over Urbasa and Andía. And we find evidence in all the complaints that different villages and citizens and even the authorities of the region, put on the tribunals (court) in order to defend these rights.

2.2. Defending the rights.

2.2.1. Defending land integrity: Mount Limitaciones.

Urbasa and Andía is such an extended area that, over the years, different people and institutions have tried to appropriate part of this land. And Navarra's inhabitants have defended their rights. (Floristán 1979).

Urbasa has a natural continuation on the *Encía Range* that belongs to the Basque Country. The border between these two ranges is not clear and people from the Basque Country try to encroach upon the land⁵⁷. In 1561 the local court asks the king for monitoring the area to avoid these actions.

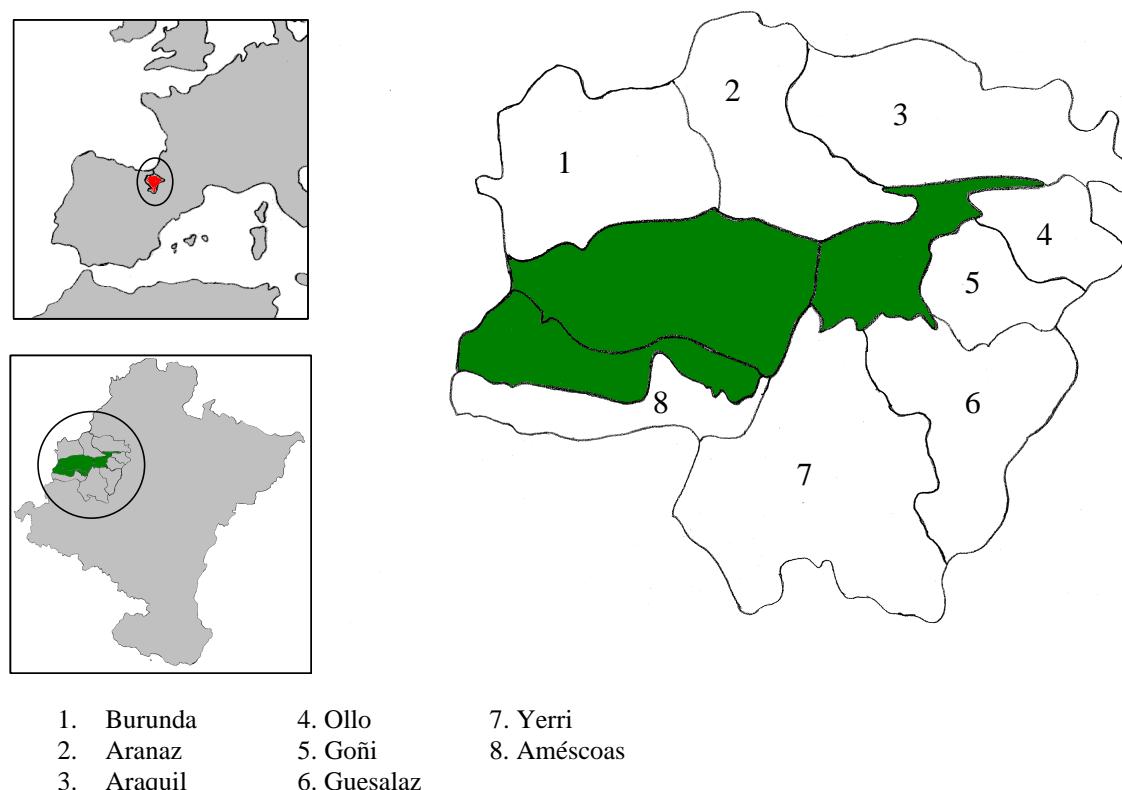
Surrounding villages also attempted to appropriate part of this territory. Historically, the peaces of a common land whose use was reserved to certain nearby villages were called limitations. Certain villages as Améscoas in the south and Echarri-Aranaz, Ergoyena and Burunda in the north try to obtain limitations from Urbasa and Andía. Even a particular makes an attempt to appropriate 296 ha. In 1666, the authority of Navarra appears disappointed with all these limitations, because they were harmful to the livestock of Navarra as less grazing

⁵⁷ As Floristán (1979) points out, probably this happens also the other way round.

land was available. Finally, all the limitations but one, turn back to be again the commons of Navarra.

The only limitation that survives is what we actually call *Mount Limitaciones*, a stretch of land situated in Urbasa's southern side. In Mount Limitaciones, the organisation clearly differs from that of Urbasa and Andía. Améscoas' valleys, in the south border of this Mount, have exclusive rights to use and enjoy the products of this land. The first written reference that confirm this right appear in 1411 and the rights have been maintained till now. This stretch of land is clearly delimited from the surrounding area (Urbasa) by a stone wall. You can see the situation of this mount and the valleys that have access to it in Figure 1.

Figure 1.- Urbasa, Andía and Limitaciones

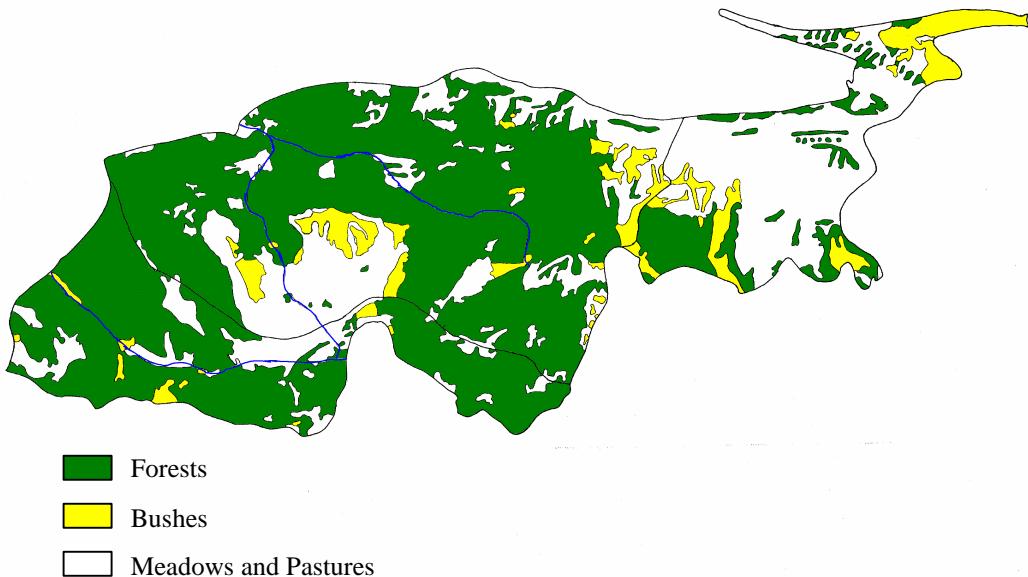


There exist a “Junta” that control the uses of all the resources of Limitaciones. There is also a by-law⁵⁸ that says who is entitled to appropriate and what can be appropriated. All the inhabitants of the Améscoas can cultivate 5 *robadas* of land in Limitaciones as well as enjoy pastures and wood (or money nowadays). There exists a control of the herds grazing there as the owner must ask for permission and must pay a fee for every animal that is going to graze in the pastures of Limitaciones⁵⁹. The “Junta” is also in charge of the reforestation of the mountain and has encouraged the timber exploitation, closing many areas to the herds. The income obtained with the timber exploitation is divided among the Améscoas inhabitants (the “suertes”).

⁵⁸ Ordenanzas para el disfrute y conservación del Monte Limitaciones, 26 de Junio de 1986.

⁵⁹ The fee is 25 pesetas (0.15 euros) for every sheep and 100 pesetas (0.60 euros) for every cow.

Figure 2. Urbasa-Andía-Limitaciones: vegetation cover.



2.2.2. Defending the uses.

The uses of Urbasa and Andía are almost unrestricted representing an opportunity for an anarchic exploitation of the ranges. Civil servants and the state try to limit these rights but they find the strong opposition of all Navarra's inhabitants. Similarly, some villages and valleys from Navarra surpass their rights finding also the opposition of part of the community (Floristán 1979). Let's analyse what happen with the most important ones: grazing activities and forest activities.

We have already seen that *people from Navarra can take any type of herds to graze and water in Urbasa and Andía, with no time limit and with no charge, provided that the herds are of their own*. Civil servants try to limit these rights imposing taxes to those who have their herds grazing in Urbasa and Andía. The Courts sanction the civil servants recognising the right of all Navarra's inhabitants to take their cattle to Urbasa and Andía with no charge. This happened, for example, in 1580 and 1586 (Floristán (1979)). Something similar happened with the “rights of way” that certain villages try to extract from the herds that go across their land in their way to Urbasa and Andía. Further, grazing in Urbasa and Andía is still completely free (Moreno (1995)). Civil servants also try to rent pastures to foreign farmers but the Courts again showed that these actions were against Navarra's rights.

In the 19th century, they try to forbid the presence of goats in Urbasa and Andía but people from Navarra started to complain⁶⁰ so that goats were not forbidden till 1963.

At the beginning of the 20th the authorities also try to oblige farmers to use shepherds in order to facilitate the reforestation of certain areas. New complaints made the authorities change: instead of being an obligation, the use of shepherds is just recommended.

⁶⁰ Remember that any type of cattle can graze in Urbasa and Andía.

Forest activities find similar problems. As we know, *people from Navarra can use and enjoy all the wood and firewood that they need (for heating, for building, for reparations, for making agricultural tool,...) but they can never sell and buy them.* Again civil servants tried to restrict these rights forbidding Navarra's inhabitants to cut down firewood. But the Courts show that these actions were against Navarra's rights.

Navarra's inhabitants also surpass their rights buying and selling wood and firewood, some of them even earning their living with this activity. Other members of the community give notice of the abuses to the authorities. Floristán (1979) shows a great number of examples of these abuses from the 16th century till the end of the 19th century.

3. Comparing the landscape in Urbasa-Andía-Limitaciones.

Nowadays, and according to the last studies about the resources available in Urbasa, Andía and Limitaciones⁶¹, the landscape is clearly different in these three mountains. Limitaciones is mostly cover by beech woods and oak groves; more than the 78% of these 4,700 hectares are cover by forest. Similarly, Urbasa is cover by forest in a 69% while Andía appears rockier with only a 14% of wood stock. See table 2 for more information.

Table 2. Landscape in Urbasa-Andía-Limitaciones.

	Urbasa	Andía	Limitaciones
Total area	11,399 ha.	4,700 ha	4,700 ha
Forest	7,892 ha. (69.23%)	663 ha. (14.11%)	3,676 ha. (78.21%)

Source: Plan de Ordenación de los Recursos Naturales de Urbasa y Andía (1996),
Plan Rector de Uso y Gestión de Urbasa y Andía (2002).

The wood stock in Urbasa is estimated to be around 74.24 m³/ha. while in Limitaciones is 149.24 m³/ha. There is no wood stock in Andía. The same study shows that the actual possibility of Urbasa is 1.09 m³/ha/year, a small one if we consider that its natural conditions allow for a possibility similar to the one estimated for Limitaciones, 2.1 m³/ha/year.

How can we explain these differences? We can consider intrinsic factors such as natural conditions: characteristic of soil, weather,... as well as extrinsic factors like human ones. Different authors have disregarded the first one, as intrinsic factors are quite similar for the three mountains. So, we will have to look for the differences in the human factors.

Limitaciones is a special case. We have already seen that there exists a "Junta" that managed the use of this land. This "Junta" has enhanced the exploitation of this mountain as a forest area, keeping just a small space for grazing activities.

More difficult is to explain the differences between Urbasa and Andía⁶². I think is a good point to start looking at the people that has actually used these lands. It is well known (Floristán (1979), Moreno (1995)) that although all Navarra's inhabitants are entitled to use and enjoy these resources not all of them have traditionally use these rights. The use is proportional to the proximity to the ranges. The ones living in the surroundings benefit from these natural resources more often. They use these lands as a grazing zone and to collect wood and firewood. Is there any difference between the villages that surround Andía and the

⁶¹ For futher information see Plan de Ordenación de los Recursos Naturales de Urbasa y Andía (Decreto Foral 267/1996, de 1 de julio and Plan Rector de Uso y Gestión de Urbasa y Andía (Decreto Foral 340/2001, de 4 de diciembre).

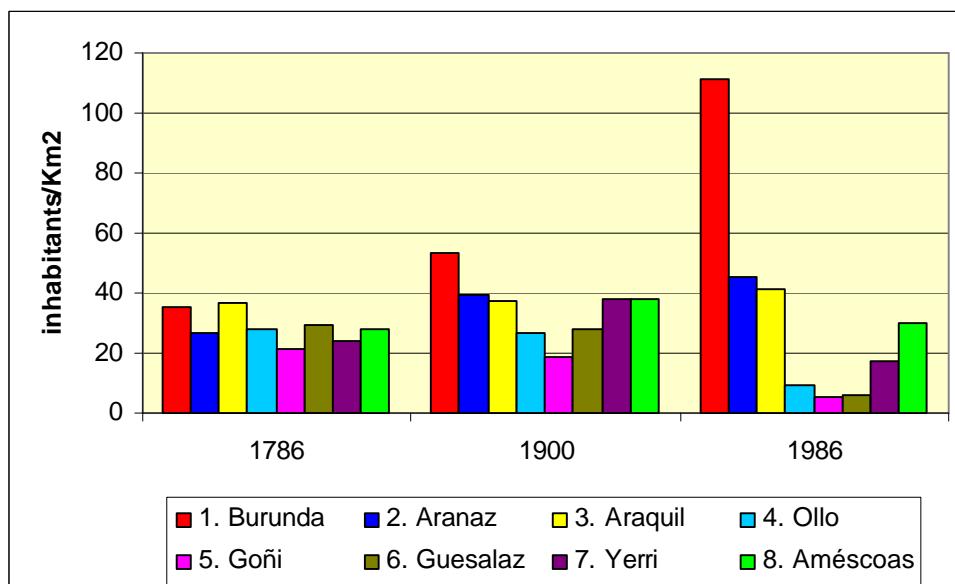
⁶² For an economic model that tries to explain these differences see Osés-Eraso (2000).

ones that surround Urbasa that can help as to explain the differences between these ranges? Let us make a description of different factors such as the population density of the area, the different uses of the soil in these villages or the distribution of private land among owners.

1. Population density.

Are north valleys less populated than the south or the east ones? Nowadays they are clearly more populated areas but in the 18th or 19th century the population density was quite similar over the whole area. See Figure 3 for more information about the population density of the villages that surround Urbasa and Andía from the north to the south.

Figure 3. Surrounding villages: population density



2. Private and common land in this villages.

Have these villages their own common land? The proportion of land that is common property varies from that 75% in the north to around 50% in the south. See table 3.

Table 3. Surrounding villages: common property land.

Villages and valleys	Common Property Land (%)
1. Burunda	75.30
2. Aranaz	75.41
3. Araquil	63.38
4. Ollo	66.90
5. Goñi	67.80
6. Guesalaz	51.53
7. Yerri	46.75
8. Améscoas	66.61

Source: Gran Enciclopedia Navarra

3. Different uses of the soil.

Forest and pastures cover a great percentage of the land of all the villages that surround Urbasa and Andía. Nevertheless, the percentage of cultivated land is more relevant in the southern villages than in the northern ones. See table 4 for a complete description of the different uses of the soil in this area.

Table 4. Surrounding villages: soil use.

Villages and valleys	Cultivated Land (%)	Meadows & Pasture (%)	Forests (%)	Other uses (%)
1. Burunda	7.51	24.88	63.19	4.43
2. Aranaz	13.71	11.17	71.50	3.62
3. Araquil	20.73	15.53	60.16	32.70
4. Ollo	15.70	49.30	32.70	2.30
5. Goñi	20.10	30.30	47.40	2.20
6. Guesalaz	29.74	36.80	31.09	2.37
7. Yerri	46.60	19.61	31.44	2.36
8. Améscoas	18.92	13.61	64.60	2.88

Source: Gran Enciclopedia Navarra

4. Distribution of private land.

The villages that surround Urbasa and Andía have achieved different distributions of the private property lands among owners. The private lands are more equally distributed among owners in the north of Urbasa than in the valleys and villages that surround Andía. These can be observed in table 5 were we have calculated the Gini Index⁶³. This data are also represented in Figure 4 where the corresponding Lorenz curves are depicted. In this figure, the dotted line represents the equal distribution.

Table 5. Surrounding villages: private land distribution.

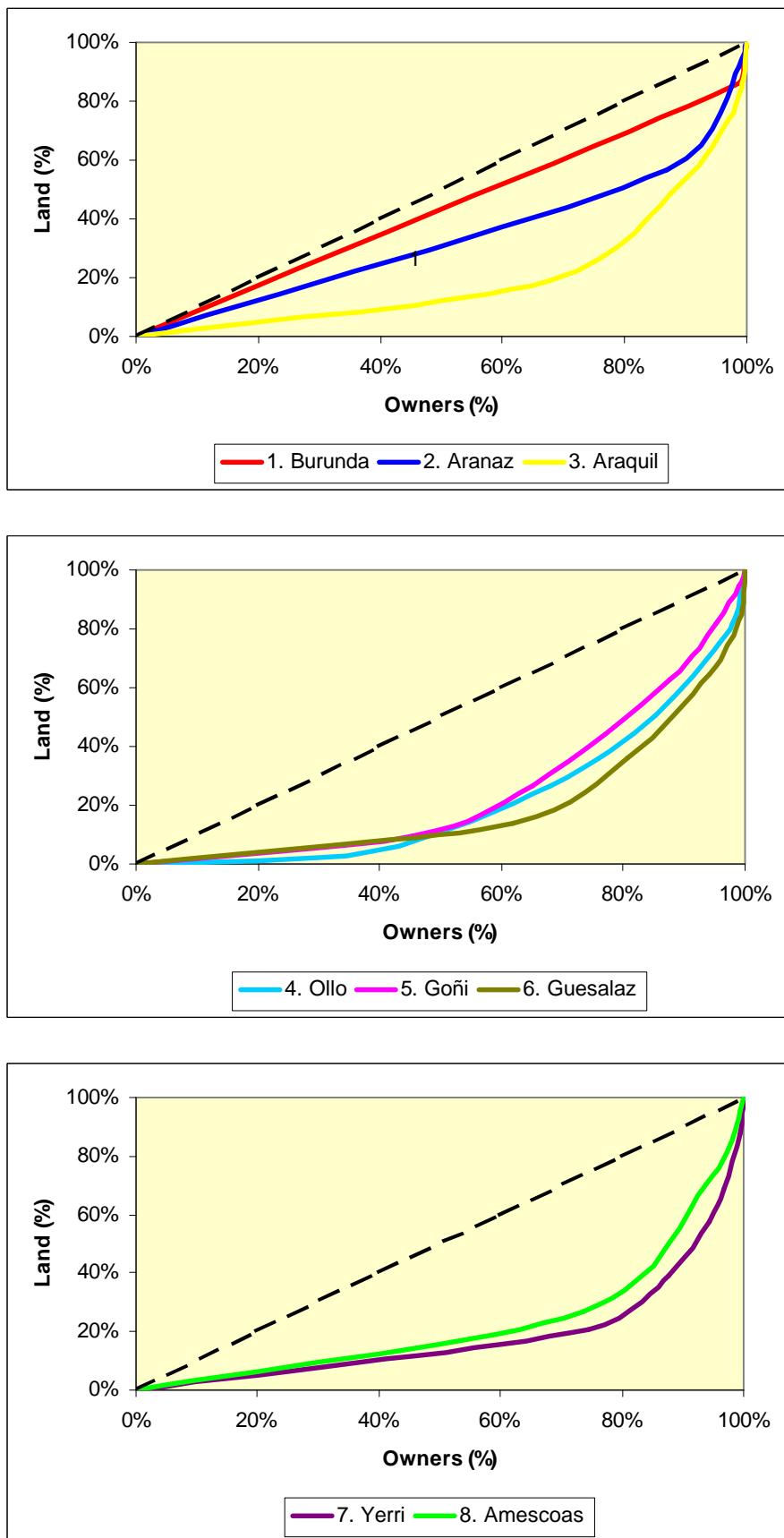
Villages and valleys	Gini Index
1. Burunda	0.07
2. Aranaz	0.20
3. Araquil	0.30
4. Ollo	0.38
5. Goñi	0.30
6. Guesalaz	0.35
7. Yerri	0.39
8. Améscoas	0.23

Source: based on Floristán 1979.

Why this distribution? It could be based in the *inheritance systems* developed in these areas. The villages situated around Urbasa range developed an inheritance system based in equal distribution of family land among all the siblings (García Sanz-Marcotegui (1985)). In the other hand, the villages that surround Andía developed a different system consisting in not breaking family plots (Bielza de Ory (1972)). Consequently, one child, usually the eldest son, inherited the family lands. Under this institution, younger sons have two options either leave the community and look for a job or use communal resources to earn their living.

⁶³ Remember that the Gini Index take values between 0 and 1 being 0 the value for an equal distribution.

Figure 4. Surrounding villages: private land distribution.



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