



Village for Sale!

Access and Contention in Woodland Properties: Implications for Rural Futures in Northern Spain

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List of Acronyms

CAP	Common Agricultural Policy
EU	European Union
FAPAS	Fund for the Protection of Wildlife (Fondo para la Protección de los Animales Salvajes)
FOP	Brown Bear Foundation (Fundación Oso Pardo)
GoS	Government of Spain
ICONA	Institute for the Conservation of Nature (Instituto para la Conservación de la Naturaleza)
IGI	Integrated Management Instrument (Instrumento de Gestión Integrado)
MAGRAMA	Ministry of Agriculture, Nutrition and Environment (Ministerio de Agricultura, Alimentación y Medio Ambiente)
PNFNDI	Sources of the Narcea, Degaña and Ibias National Park (Parque Natural de las Fuentes del Narcea, Degaña e Ibias)
PMdS	Proindiviso Woodland Project (Proyecto Montes de Socios)
PoA	Principality of Asturias
PRUG	Uses and Management Steering Plan (Plan Rector de Uso y Gestión)

Abstract

This paper explores depopulation and deagrarianization in Northern Spain. The methodological approaches included multi-sited ethnographic research in woodland properties under different types of property regimes, followed by an analysis of the fieldwork using a framework derived from Access theory and Powers of Exclusion. The research focuses on social relations of property and contesting claims on woodland properties, and associated labour and conservation themes. Approaches from agrarian transformation are used to frame competing explanations. Property theory is used to deconstruct discourses on private property. Accumulation by dispossession and internal territorialisation are used to problematize the role of the state. The theories and fieldwork combine to argue the following points: that formalised private property rights are no guarantee against dispossession; that all regimes, private or common, experience rural depopulation due to break-downs of the inheritance mechanism; that state participation in properties through subsidies structurally and relationally drives deagrarianization.

Relevance to Development Studies

This paper presents cases of communities in Spain that have types of common property, conservation contestations, and rural flight. These issues are common to many parts of the global South. As sites that are also experiencing depopulation and deagrarianization, they are also a focus of rural sustainable development programmes. The paper's findings are useful in a comparative sense not only to other OECD countries but to other societies that experience similar processes.

Keywords

Woodlands, Property, Rural Depopulation, Deagrarianization, Spain, Asturias

1. INTRODUCTION

“There’s no need to expropriate land. Restricting access to it achieves the same thing... Why can’t they let us live as we want to?”

(Tonio 2014, personal interview¹)

“Nowadays development is based on private property, therefore common properties can’t be used for development purposes... If you want development, it has to be run like a business”

(Alberto González 2014, personal interview²)

“Subsistence agriculture no longer exists. Proletarianisation has ended that... Neither society nor the European Union will accept a destructive, extractive economic use of the woodlands. The rural world will submit to the wild world”

(Roberto Hartasánchez 2014, personal interview³)

1.1 Understanding motives behind Asturian Depopulation and Deagrarianization

Spanish rural society has transformed in the last century. Subsistence agriculture transitioned to wage labour, increased mobility, and the trappings of modern life within single lifetimes. Nowadays transformation is marked by rural depopulation and deagrarianization, represented by the increasing number of ‘dead villages’ that dot the Spanish countryside. Opportunities abound: for close to 3 million Euros the plucky investor can purchase an abandoned Asturian village of 10 houses and 475 ha with views to the Bay of Biscay (Aldeas Abandonadas Inmobiliaria n.d.). Focusing on three interlinking aspects: property, labour and conservation, allows for an investigation of the mechanisms behind depopulation and deagrarianization. The social and political debate surrounding both cut across Spain and Europe (Kováts and Kovács 2012; Granberg *et al.* 2001: xxiv): changing labour conditions; competitiveness of traditional agriculture; the industrialisation of food production; changing composition of rural inhabitants; the European Union’s (EU) role through development policies; the changing role of agriculture and forestry as sources of income in villages; (non)access to land... these are all issues that dominate conversations on whether a village will live or die.

¹ Parish Mayor, interview: Moal, 22 July 2014

² Head of the Plot Concentration Department, interview: Oviedo, 18 July 2014

³ FAPAS Director, telephone interview: 21 August 2014

How rural inhabitants are (not) present in these debates is representative of the position they hold in society. This reification of rural inhabitants tugs at two seemingly irreconcilable positions: preserving rural pasts, or advancing into rural modernity. But it ignores the changing character of post-modern rural environments and inhabitants (Oliva and Camarero 2001: 233-234). Exploring the processes affecting Asturian rural society opens debates not only on traditional vs. modern but also on what new (non)capitalist relations are taking hold, discourses on property, the place of rural labour, narratives of ‘empty’ land put aside for nature, within an OECD context. It allows to see new strategies that advocates and resisters take to these processes.

Empirical material gathered for exploring structural and relational dimensions of property, labour and conservation in this research are based on multi-sited ethnographic research conducted in western Asturias, and on secondary data. Structurally it will present woodland property regimes in Spain, outlining varieties of legally recognized property types. Those visited in fieldwork during July/August 2014 include commonly-managed private ‘proindiviso’, as well as community-managed and municipality-owned ‘common’, woodlands. Relationally, it will present multi-sited ethnographic research conducted in three communities in western Asturias: These are la Zoriera, Moal, Monasterio de Hermo. The fourth ‘common’ woodland, Barcia, was explored through an interview with the President of the Rural Parish managing it. The sites are labelled in Map 1 below:

Map 1: sites visited in western Asturias



Source: Google Earth 7.0 (2013)

Using both Access Theory (Ribot and Peluso 2003) and Powers of Exclusion (Hall *et al.* 2011), this paper will map power dynamics within ‘access regimes’ in two of these communities to explore the dynamics underlying property relations, labour and conservation in rural Asturias, thereby contributing to understandings of depopulation and deagrarianization.

1.2 Property, Labour and Conservation

Rural depopulation proceeds at different paces, affecting some regions but not others (EU 2014: 35-38). Some regions have gained rural inhabitants before the economic crisis of 2007 (Oliva and Camarero 2001, Corcuera 2013). But in

other regions the worry is more palpable. In the northern Spanish region of the Principality of Asturias (henceforth PoA), 5 villages a year become abandoned, slowly adding to the 672 already tallied, representing 10% of accounted villages (READER 2011). What is of interest in today's migration though is the political economy of rural Asturian society that fosters at different paces, in the face of contradicting views in the communities where it happens most acutely: On the one hand older generations that have lived rural transitions agree that "things are far better than when I was a child"⁴. On the other hand, younger generations mention the lack of non-agrarian jobs, and of the impossibility of purchasing land and homes in rural areas, as primary reasons for not staying⁵. Despite present abundance, people continue to vote with their feet and hands.

Deagrarianization is interlinked with rural depopulation. The entry of capitalism in Asturian rural areas changed traditional farming: sheep and goats are no longer seen, agriculture has become increasingly mechanized, sanitary checks intensified, and productivity has increased (Arango Fernández 1998). The very idea of traditional agriculture is intimately linked to peasantries; their 'demise' through modernity is quickened and resisted, whether through quiet migrations, the creation of 'new' traditions (Granberg *et al.* xxix-xxx) or through forest fires (Seijo 2005). This is captured by an elder, in reference to an 1800s mill, stating "the ancestors built things to last"⁶ while grudgingly accepting mechanised forest plantations in a communally managed woodland points at evolving, fluid rural existences where the traditional and the modern interact in enhancing and contesting ways. Deagrarianization nonetheless structurally changes livelihood options and how land is used.

These contradictions reach into the heart of capitalism⁷. Bernstein (2010) describes the capitalist mode of production as the investment of productive capital into the means of production and of labour to generate profit through the sale of commodities, part of which is reinvested for further profit, leading to systematic crises and solutions of overaccumulation. This logic, termed expanded reproduction of capital, requires commodification of land, labour and money, mediated by market relations (Ibid: 25-26). Capitalism spread through European colonialism (Ibid: 43) and currently through neoliberal globalization (Ibid: 79). Both Bernstein (2010) and Polanyi (1965) emphasize the class dimension of this market-mediated relation: one class of society own the means of production to be able to sell commodities, pay wages, receive rents and collect interest from a class of non-owners, increasing hierarchical power differences between them.

Historical and contemporary commodification spurring class differentiation is not peaceful. When first documented in the English agricultural revolution, it required the violent, non-market mediated enclosing of erstwhile common-access land and the separation of workers from their means of social reproduction, 'compelled' to work for a wage, achieved through the application of state power, whether through legislation or violence (Bernstein 2010, Congost 2007). This 'primitive accumulation' (Bernstein 2010: 27) necessitates a transformation of

⁴ Aladino and Maria, interview: Moal, 23 and 25 July 2014

⁵ Isabel and David, interview: Moal, 25 and 31 July 2014

⁶ Pepe, interview: la Zoriera, 17 July 2014

⁷ For a concise introduction to the mechanisms of the capitalist mode of production see Bernstein 2010 – chapter 1: 18-22

peasant classes through paths of agrarian transition to capitalism that create the working classes of proletarians (Lenin 1982; Byres 2009). Though capitalism has spread, undergone systemic crises, and constantly restructures itself (Bernstein 2010), new processes and embodiments as seen in depopulation and deagrarianization are new manifestations of capitalism's profit logic.

For some, there is nothing problematic about this situation, it unleashes capitalism's transformative potential. This is best exemplified by the stagist developmentalists. Warrenite Marxists see depopulation as proletarianization of the peasantry, coupled with the development of productive forces (Warren 1973). Rostownians argue it is the 'take-off' of advanced sectors of the economy, the development of market forces in manufactures and the mechanisation of agriculture, consumerism, democratic government, and a rational choice for a better future (Rostow 1960). Though seemingly stale, the stagist discourse still drives neoliberal globalization today through its mantra of trade liberalization, freedom of movement of capital and deregulation, purporting to bring about poverty reduction (Harvey 1990; Kiely 2009). If final stages have been reached in Western Europe, considering the current context of enduring economic crisis and unemployment, why is land not available for people wishing to farm? Can agriculture not absorb the unemployed? Why do subsidies not stop the outflow of rural denizens?

Placing depopulation and deagrarianization as the overarching processes to be investigated, this paper will focus on three factors that drive them. Two, property and labour, are old debates that feed into each other. The other, conservation, is a newer process that informs the other two. Theoretical interpretations of these, Marxist, Neo-Classical and Radical Agrarian Populist, have differing explanations and assumptions. Discrepancies of permanent, natural, and cyclical social differentiation is a bone of contention that has dogged debates between the approaches for decades, but depopulation and deagrarianization, emblematically shown through abandoned villages, support and challenge tenets of these approaches when examined through the three factors.

Property as land is the base of traditional and capitalist rural livelihoods, and of conceptions of the state, property, territory, and sovereignty (Hall 2013). Congost (2007) explores how in Spain the construction of private property was through the illegalization and persecution of those that attempted to keep with 'outmoded' and 'unproductive' forms of property rights. This in itself is conflict over claims to, and how land would, be used. The persistence of different types of woodland property make claims, use and exclusion more complex. Through power dynamics and legitimation processes, different social groups and the state enter as actors that dynamise or limit processes of differentiation, of access or of exclusion in these properties.

Rural Asturias saw labour-intensive activities shift from timber (Marey-Pérez and Rodríguez-Vicente 2008) to mining, with subsequent waning importance of the latter by the 1990s following EU membership and Spanish coal market liberalization, leading to the shedding of jobs, the decrease of associated industries, and decrease of population through out-migration (López Trigal and Benito del Pozo 1998). The mining sector continues to be present in rural Asturias, as a (waning) source of employment, and through transformative socio-economic effects in rural practices. It left behind infrastructure in the form of transportation networks. Increased labour costs had impacts on other important rural sectors, notably the meat and dairy sectors, leading to the abandonment of small-

scale, non-intensive production, far away from markets and processing centres, despite subsidies from the EU and the Spanish government (Barrio de Pedro 2005). A return to subsistence agriculture in these areas is no longer a desired choice for residents⁸, and prospects of selling produce to the market crash into increased technical, sanitary requirements that increase costs and reduce the viability of small-scale producers (Parrondo 2008: 27-30). Youth, having high education, increased mobility, and reduced chances to participate in local, low-wage livelihoods, choose to migrate. Some, however, attempt to make a livelihood off the woodlands by seeking subsidies from the state to ‘improve’ and exploit the woodlands for timber, paper, and rural tourism. Not only does this change the dynamics of state participation in woodland properties, it also brings in capital and further livelihood options via the mediation of specific local actors.

This brings in conservation. It serves as a contemporary binding agent between the interactions of land and labour, and brings in new processes. Most protected areas in Asturias are in the mountainous south, and there are protracted conflicts over woodland properties and agro-pastoral activities that are contained within them (Rodríguez 2014). It brings in new actors, new interests, new world-views and new labour opportunities. The discursive power that conservation has in mobilising urban society, in redefining nature and rural, is an element that cannot be understated, and how conservation is used to legitimate claims has deep impacts wherever it is deployed. The interaction of conservation and State power, delineating boundaries and mapping with new categories is a process of conservation intimately linked with redefining property and labour (Vandergeest and Peluso 1995).

The intersection of these factors in Asturias are mobilised to be able to address the following question: *In a context of depopulating and deagrarianising rural socio-economic structures and relations, how are social relations of property recast when claims and counterclaims are contested in woodland access regimes?*

1.3 Outline and Structure of the Argument

Having outlined the factors to be investigated, Chapter 2 will continue building the theoretical framework by elaborating on theories of agrarian change, problematizing land as property and building tools of analysis: access theory and powers of exclusion will be used to build ‘access regimes’, exploring relational power dynamics. Accumulation by dispossession and internal territorialisation will be used to explore structural dynamics. Chapter 3 will present and build a typology of the four different ‘ideal’ types of legally recognised properties as seen in woodlands in Spain: Private, Public, Common and Neighbour. Secondly, it will include ethnographic and secondary data gathered in fieldwork and from state institutions and reports. Chapter 4 will map access regimes and analyse exclusion mechanisms. It will follow by incorporating spatio-temporal fixes and territoriality to account for broader labour and conservation dimensions of access and exclusion, thereby assessing resistance and resilience to the regime. It will finalise by returning to inform debates on property and agrarian change. Concluding remarks will be presented in Chapter 5, along with potential avenues of further investigation.

⁸ Aladino, interview, Moal, 23 July 2014

The arguments in this analysis will touch on each theme. In terms of land and property regimes, private property rights are upheld when not contested, but when they are the greater power can override these. Conflict between ‘the living and the dead’, upheld by private property law, ensures that land from absent rural emigrants in private and *Proindiviso* woodlands cannot be accessed by neighbours or the state. Furthermore, the challenge this poses to *proindiviso* woodlands is countered through formalization, which registers the property while at the same time allowing for applications for subsidies and public works in the woodlands. In terms of labour, these two processes may further exclude potential activity for local inhabitants since this labour is done by PoA public companies. It also presents opportunities for mediators to secure contact between local inhabitants and the state to secure state aid. In terms of conservation, eco-tourism becomes a new frontier of capital accumulation for some activities while at the same time properties in protected areas have activities severely restricted. Some conservation actors aid in territorialisation by policing for the state while similarly changing tactics of conflict with local inhabitants and the state away from tenure to terms of use. Where communities are not contained or close to conservation areas, access regimes become more resilient. These processes inform depopulation and deagrarianization debates only superficially, neither ‘proving’ nor negating one or another approach. Nonetheless this paper argues that in the Asturian context, access regimes that benefit residents provide more options for staying in the village, while access regimes to the detriment of these push residents out.

1.4 Scope and Limitations

This study hones in on an empirical case study that inductively illustrates and informs broader debates on agrarian change and rural futures in a rural global North setting. Through a micro-analysis of one geographical area it attempts to capture old and new political and socio-economic contentions of property, labour, and conservation in woodland properties. While other regions in and outside of Spain are equally valid sites of investigation, Asturias contains high levels of rural depopulation, a mix of property types, and conservation areas that were accessible in the brief time that field-work could be conducted.

It is beyond the scope of this study to examine equally important themes encountered in the field and literature. On a micro-scale, gender, and broader generational dimensions were encountered. On a macro-scale, the political and economic role of the EU’s single market, with concomitant policy recommendations, and the fit of agro-pastoral and forestry product value chains in Spain are referred to. The focus will remain on political contestations at work in property, labour and conservation.

2. THEORETICAL FRAMEWORK

2.1 Lenses of Agrarian Change: Property and claims

Opening up academic debates on agrarian social differentiation brings with it the caveat that these debates rage on, with contentions between Lenin and Chayanov (Bernstein 2009), or Popkin and the Moral Economists, (Popkin 1979) being famous examples. These approaches serve to inform this paper on mechanisms of social change, and how each approach envisions property and claims to it.

The Lockean tradition, claiming that property created is unalienable, is the building block of a liberal understanding of property, upholding a view that places private property as the basis for freedom and progress (Andreasson 2006: 5; Ostrom and Hess 2008). The Neo-Classical Economists explain rationality, efficiency, and a guarantee of rights through the strong governance of institutions as underpinning market-mediated property relations; contestation occurs through rule-breaking, weak governance or unclear rights (Popkin, 1979; Lipton 1980; de Soto 2000). This view is contested; its assumptions on property being inalienable and exchangeable also involve presuppositions on how property should be used, and that rights to it should be protected; it ignores the violent past of the creation of private property; contestations are solved by tweaking governance and markets, a ‘technical rendering’ of a political process (Congost 2007, Li 2007). Claims to land are market-mediated. This ignores how property is obtained *outside* of the market, and similarly why the state, whose role is to protect property, suspends these.

Marxist explanations on property and claims on it are driven by class dynamics. Social relations of property are based on ownership, above all in the commodification and control of land and labour (Bernstein 2010: 22-23). In agrarian transitions to capitalism, and through primitive accumulation, land is alienated via enclosures of the commons, commodified as private property, to be exchanged in land markets (Ibid: 28-29). Enclosure of village commons and annulation of rights to these dispossessed peasant producers from their means of social reproduction and forced to engage in commoditised subsistence wage labour (Byers 2009). Private property becomes owned, the right to it enshrined by the state (Congost 2007), and claims to property are either mediated through the market or through dispossession (Harvey 2004).

In contrast to the linear historical trajectory of the last two approaches, Radical Agrarian Populists place land as property as a malleable concept, claims on it changing depending on the peasant household’s demographic cycle (Bernstein 2009; Ploeg 2013). This reflects how Chayanov explained the peasant mode of production, whose logic is to create as much added value (not profit) from land, and which can coexist and compete alongside capitalist modes (Ploeg 2013). Furthermore, ordering principles of peasant modes are balances of labour-consumption and utility-drudgery, along with the man-nature balance that places a non-economic value on land itself (Ploeg 2013: 48-51).

The last two approaches bring power and different principles of organizing and using land as property that the Neo-Classical Economists do not. Differ-

ences between the two remain. Chayanov remains conceptually weak on property, but assigning different, non-economic values on land provides for different logics of how property is or is not claimed. Marxists interpret property and rights in a manner that allows for greater explanation of the exclusionary and differentiating dynamics of capitalism, especially in problematizing rights and their claims.

2.2 Constructing Land as Property

This exploration will use a class-based approach since it problematizes the ownership and concomitant rights of property, and agrarian transitions to capitalism are a struggle of control over land for introducing and resisting capitalist modes of production. Though reference to Elinor Ostrom's lifetime work on the commons is useful insofar as typologising different types of property regimes (1990; Ostrom and Hess 2008), rational choice theory presupposes a profit logic, when owners and users in the commons may not have that logic in mind. It downplays power differences in the players within and outside of these common property systems, including the state (Forsyth and Johnson 2014).

Property as land is a claim on a resource, be it soil or natural resources (Ribot and Peluso 2003). The Oxford English Dictionary (OED) defines it as "To make one's own property; to appropriate; to take hold or possession of" (OED Online 2014). The first definition harks back to Locke's theorisation of property: mixing one's labour with what is in nature creates an inalienable right to what is produced, as long as there is enough left over in nature for others' use (Andreasson 2006: 5). The other two meanings denote exclusive ownership of something (land, ideas, and objects). Congost, referencing Bloch, calls the Lockean assumptions of freedom and progress through property 'the great construction of property', where she denounces *property as metaphor of a particular vision of History* when the focus should be on *property as historical reality* (2007:11).

One example of construction of property comes from Bloch quoting a text from the Agricultural Commission of the Provincial Assembly of Berry, France, in 1786, which discusses the *strength of peasant properties* in explaining the persistence of communal easements, which are *enemies of property* (Bloch, 1930, 2002, p. 322, cited in Congost 2007:14, emphasis in original). A contemporary example is Hardin's famous essay 'The Tragedy of the Commons' (1968) exemplifying the construction's discourse. Hardin contends that a pasture, "open to all", leads to demise: "Freedom in a commons brings ruin to all" (1968:1244). His essay generated a storm of publications; Ostrom, countering Hardin, makes the distinction between common-property regimes and common-pool resources, where resources such as woodlands are exclusionary within a property regime but open outside of an institutional governing framework (Ostrom 1990; Ostrom and Hess 2008).

The discourse behind commodifying commons is not about establishing absolute, inalienable rights for all, but rather for some. Congost returns to Marc Bloch who distinguishes between the French and English experiences of 'new' property and creating a 'new' agriculture. While in England peasants had been losing land-associated (usufruct) rights since the Middle Ages through land concentration and processes of enclosure, in France these rights strengthened. Why did judicial institutions in France protect some peasant rights and attack others?

Would abolishing obligatory communal grazing rights⁹ initiate the ‘great construction of property’, one that is “individual and exclusive”?¹⁰ (1930, 2002, p. 322 as cited in Congost 2007:14). Congost calls the English model “the triumph of ‘individual’, ‘closed’ property, as well as of the superiority of large holdings”¹¹ (2007: 22). The French model is understood as “the triumph of a perfect type of property, free of feudal burdens, and the persistence ... of peasant property and holdings”¹² (ibid: 22). Byres (2009) points at class struggle in each country shaping attempts from both classes to have the legal bases of their rights (whether usufruct, access, or ownership) be recognised or retained, the others’ abolished; the outcome of this struggle had the state play a pivotal role in recognising or delaying the recognition of private property rights, and in subsequent policing of these rights.

Congost critiques the construction discourse of private property. This assumption has three effects. Firstly, it ignores property rights that disappeared. Secondly, it imposes the hegemonic definition of property as the sole definition. Thirdly, the modern, liberal state’s role in protecting said rights becomes an unquestioned and core tenet of the function of the State (2007:15). She argues two points: firstly, the protection of some rights means the insecurity of others; when these are enshrined in law by the state it is in response to the interests of determined social groups, which reflect existing complex property realities on the ground. Secondly, rights are reflections and products of social relations; thus societies’ interests and strategies revolve on claiming resources, and through control of these in the form of property. As social relations change, so do interests and strategies around resources: property is malleable, as are rights (Ibid: 21-22)¹³.

Wood states highlights *group* rights to the commons being extinguished through enclosures (1998:19). Congost highlights the extinction of *individual* rights, such as rights to pasture being legally revoked in Ampurdan. These same rights were legally upheld in Roussillon, to the detriment of individual owners of vineyards in the 18th century (2007: 250). Polanyi synthesizes the implication on rights of the transition from the feudal to the capitalist mode of production: “Whether possession [of land] was transferrable or not, and if so, to whom and under what restrictions; what the rights of property entailed; to what uses some types of land might be put – all these questions were removed from the organization of buying and selling, and subjected to an entirely different set of institutional regulations.” (1965: 69-70). Congost (2007: 251) synthesizes the implications of the argument on property as having the right to individual, perfect, property *only* if it is put under a certain logic of production

⁹ Author’s translation. Original text in Spanish: ‘Derrota de Mieses’; in French: ‘Vaine Pâturage’. This practice, found throughout Europe, involved owners of tilled lands and fields to have to open these properties to community herds after harvests, until the next sowing season, at which point individual rights on the land were re-established.

¹⁰ Author’s translation. Original text in Spanish: ‘individual y exclusiva’.

¹¹ Author’s translation. Original text in Spanish: ‘el triunfo de la propiedad <<individual>>, <<cerrada>>, así como la superioridad económica de las grandes explotaciones’.

¹² Author’s translation. Original text in Spanish: ‘el triunfo de una propiedad perfecta, libre de cargas feudales, y la pervivencia... de la explotación y propiedad campesina’.

¹³ For further information on this point see Congost 2007, Chapter 2: ‘Leyes, Derechos y Revolución Liberal: El Test de los Propietarios Prácticos’ pp. 70-93

Hegemonic property definitions are therefore about how property is used. *Private* property is based on the legal extension of a sole type of property rights which lay the foundation for economic progress. Wood invokes the historical term ‘improvement’ as a term becoming synonymous with profit-making from the 16th century onwards (Wood 1998:18). Contemporarily, Ostrom and Hess (2007:4) criticize mainstream economists arguing that private property allows “a direct relationship between investments and the level of benefit achieved over the long term” to be seen, while a common property regime would foster free-riding attitudes. Andreasson argues that liberal thinkers insist on the “‘emancipatory’ potential of private property and capitalism, and the supposedly ‘optimal outcomes’ to be gained from basing the organisation of society on such foundations” (2006: 5-6). Private property as a discourse therefore facilitates commodification of land and its appropriation, legitimate or otherwise. The rub lies in *how* it is used. Capitalist accumulation is the end-game, and private property is not the only type that can be used for this.

Definitions

Following this argument, a working definition of property sees it as a social construction, a factor within social relations. Property will be understood as a claimed, demarcated piece of land and/or natural resource that, when formalized, deepens state-property relations. Legal property rights, whether communal or individual are mediated by the state’s legal framework for them and in its ability to *enforce* and *ignore* these. When differentiating between *private* and *common* properties, this paper will add the conditions of alienability and commodity. Private property is alienated, commodified, and exchangeable. Commons are unalienated, uncommodified, and as such unexchangeable. By defining property in its condition rather than its ownership, it allows the argument to transcend the private/common dichotomy and include access, exclusion and territorialisation claims as used or resisted by different social groups and the state.

Another problematic definition, used extensively throughout the literature, is ‘communal’. A working definition will be taken from Pérez-Soba Diez del Corral (2013): “the disappearance of communal assets (*whose use and benefit corresponds to the neighbours in common*) would entail a social catastrophe”¹⁴ (2013: 55, emphasis added). Communal therefore refers to group rights or property that can be accessed by a certain group.

2.3 The State and Property

Claims on property by the state can be legal or extra-legal. As the entity with a monopoly of violence and legislative authority, plays a role in abetting this process (Ibid: 73-74). Following Congost’s argument that one of the state’s function is to protect private property rights, which go hand in hand with establishing profit logics, O’Connor argues that the state has to balance its legitimacy with fostering capital accumulation (2009: 6). As such it responds to new types of claims that are fit in the balance. Accumulation by Dispossession is one mechanism by which frontiers of capital accumulation are created, and it goes hand in

¹⁴ Author’s translation. Original in Spanish: “la desaparición de los bienes comunales (cuyo uso y disfrute corresponde al común de los vecinos) supondría una catástrofe social”

hand with solving capitalism's crises of overaccumulation. Overaccumulation occurs when surpluses of labour and capital exist in an economy. To avoid devaluation, surpluses are absorbed by temporal investment in infrastructure or social expenditure, by spatial displacements in expansion into new markets, production, resources, and labour elsewhere, or a combination of either (Ibid: 64). The double nature of spatio-temporal fixing highlights the mobility of capital to find the highest returns possible, particularly in neoliberal globalization where capital is highly mobile (Bernstein 2010: 80). Harvey also highlights the disciplining effect fixes have on labour, where previous workers become unemployed and in competition with others and creating new claims (1990: 185-186). New frontiers for profit emerge in the creation of new markets and sectors that generate new dynamics of social relations, best exemplified in conservation and ecotourism.

Another type of claim by the state fulfils its role in ensuring capital accumulation, namely exercising its authority through mapping. Vandergeest and Peluso conceptualise territoriality as "proscribing or prescribing specific activities within spatial boundaries" (1995: 388), which aids not only in tax collection and establishing cadastre and property registries, but also in 'functional territorialisation', mapping forests along scientific criteria (soil types and vegetation as examples) which was then used as the basis of laws that prescribe or prohibit activities (1995: 408). This can be state designation of critically protected environmental areas, mapping coal seams, mapping habitats of endangered species and establishing 'marginally productive land' for different types of agro-pastoral activities that have socio-economic and politically mediated consequences for a whole range of actors that affect access and exclusion. Corson argues that a state's internal territorialisation is a negotiated process with powerful non-state actors, be it conservation groups, domestic or international capital, this negotiation is as much about access to resources as it is about negotiating claims to authority (2011: 708). By territorialisation, the state expands its knowledge, lays claim to resources, and helps new actors enter that may bring new claims into the picture.

2.4 Methodologies: Access Regimes and Ethnography

Theory of Access and Powers of Exclusion

This paper will use Ribot and Peluso's (2003) 'Theory of Access'. Defined as "the ability to benefit from things—including material objects, persons, institutions, and symbols" (Ribot and Peluso 2003: 153), access is derived through powers constituted through access relationships. It facilitates analysis of who, and through what processes, actually benefits from resources. Powers are described as strands in webs, shifting over time since individuals and institutions are positioned differently in time and space (Ibid: 154). Where property is an enforceable claim to a right that is socially recognized, access, as an ability, is a power, a power to "affect the practices and ideas of others" and as "inherent in certain kinds of relationships and can emerge from or flow through the intended and unintended consequences or effects of social relationships" (Ibid: 155-156). Rights-based social claims can be acknowledged by law, custom or convention. Sikor and Lund state: "The process of seeking authorization for property claims also works to authorize the authorizers and, at the same time, institutions underpinning various claims of access – hence catering for particular constituencies – undermine rival claims to the same resources" (2009: 1-2). Focusing on property

ignores the influence of other social relations, therefore “access analysis requires attention to property as well as to illicit actions, relations of production, entitlement relations, and the histories of all of these” (Ribot and Peluso 2003: 157)

Access is analysed as three social actions: *control*, *maintenance*, and *gaining access*. Control is the ability to mediate others’ access to a resource, while maintenance is using resources or powers to keep access open. Both are relations between actors revolving around a resource, where meanings and values of the resource are contested between actors controlling and actors maintaining, similar to the relation between capital and labour: division of benefits is negotiated, but other powers in the web of access fragments the single benefit-beneficiary relationship (Ibid: 158-159). The mechanisms that determine these three processes are rights based, illicit, structural and relational. The latter two include and/or reinforce rights-based and illicit access mechanisms. Structural and relational mechanisms of access are technology, capital, markets, labour, knowledge, authority, identities, and social relations (Ibid: 164-172), all interacting with property relations and each other, as strands or bundles of power, within the web that configures access to natural resources.

In contrast to access, powers of exclusion are “the ways in which people are *prevented* from benefitting from things (more specifically, land)” (Hall *et al.* 2011: 7, emphasis in original). Processes of exclusion are “the ways in which already-existing access to land is maintained by the exclusion of other potential users; the ways in which people who have access lose it; the ways in which people who lack access are prevented from getting it” (Ibid: 7-8) the focus is on contention and conflict, mediated by 4 powers: regulation, force, the market, and legitimation (Ibid: 4). Exclusion is positioned with the assumption that all land access and use requires exclusion of others, and has a double edge: “exclusion is the normal rather than the exceptional state of affairs, and that the very widespread aspirations for access to land implicitly include the wish for a degree of exclusionary power” (Ibid: 6). Processes of exclusion will focus on regulating land access, expansion and intensification of forest conservation, post-agrarian land use conversion, and mobilizing collectivities to defend or assert land access at the expense of others (Ibid: 4-5). These processes highlight exclusion’s double edge in respects to how land is actually used; those in control can exclude other social groups realizing their objectives in land or natural resources, but this raises the political stakes between groups, alongside the state’s role in instigating or mediating these contentions (Ibid: 8-9).

Combining both theories, this paper will use ‘access regimes’, understood as systems that allow and/or exclude social groups and institutions, whether as owners or non-owners, to control, maintain, and derive benefits from particular land resources.

Ethnography¹⁵

The use of ethnography as a methodology in this paper is key not only in finding out about contestations in woodland properties but also in understanding social relationships that produce these contestations. Information provided

¹⁵ Fragments from this section are taken from an unpublished work: Bourguignon, R.N. (2014) ‘Experiencing the ‘Montes’: An Ethnographic approach to Shifting Property Relations in Northern Spain’

through interviews and observation reveal different situations, such as those that pit inhabitants of one village with another in disputing woodland borders as in the case of la Zoriera hamlet¹⁶, or in listening to youth explain the reasons for out-migration from the village of Moal¹⁷. It provided a range of contrasting impressions when interviewing actors with the PoA Government, and with actors working with the Proindiviso Woodland Project (henceforth PMdS), many of which are known by inhabitants of the villages visited. Therefore in establishing what social groups are on the ground and determining degrees of power between these, recourse to statistics, newspaper articles or academic papers is not enough. An ethnographic methodology opens the researcher to varieties of conceptions and lived experiences, and these inform, build and contest each other constantly. Marcus states “Ethnography is predicated upon attention to the everyday, an intimate knowledge of face-to-face communities and groups” (1995: 99). In covering the range of topics in this paper: agrarian transitions, property, labour and conservation, every conversation touches on and jumps back and forth between these.

Ethnography, as an “intensive participant-observation study which yields a synthetic cultural account” (Stacey, 1988: 22) elaborates on the day-to-day but the ‘synthetic cultural account’ may glean into broader views of social relationships, cutting across time and space. Nonetheless interactions with ‘subjects’ go in two directions. Stacey states: “Ethnographic method also appears to provide much greater respect for and power to one’s research “subjects” who... can and should become full collaborators in feminist research” (ibid.: 22), implying that when people talked to dwell on the subject being investigated they react to it. Objectivity can no longer be an aim of research, and it can spark new interactions and relationships between the researcher and the ‘researched’.

Three issues were encountered in the methodology. Firstly, the methodology is multi-sited, which “claims that any ethnography of a cultural formation in the world system is also an ethnography of the system, and therefore cannot be understood only in terms of the conventional single-site mise-en-scene of ethnographic research, *assuming indeed it is the cultural formation, produced in several different locales*, rather than the conditions of a particular set of subjects that is the object of study.” (Marcus 1995: 99, emphasis added). Marcus’s Cultural formations resonates with Stacey’s synthetic cultural accounts, through situating the woodlands and the communities they are part of in broader struggles of global capitalism. Local contestations of access regimes are echoes of broader global processes and are not just situated in the physical environs: they are present in academic papers discussed in Montreal (Couto and Gutiérrez 2012), in MAGRAMA and PoA Government corridors, on television, the radio and in the internet (Panorama Regional, Asturias 2011).

Secondly, how to interpret the intentions and actions of the state through interviewing representatives? Ferguson and Gupta (2002) argue that in the state’s verticality and encompassment, visibility of its actions are projected at the micro-level. They argue that states can be understood not just as bureaucracies but also

¹⁶ Group interview with la Zoriera Proindiviso woodland management board: la Zoriera, 17 July 2014

¹⁷ Personal interviews with Isabel, David and Juan Carlos, interviews: Moal, 31 July and 1 August 2014

as constructed entities that are made “socially effective through particular imaginative and symbolic devices.” (2002: 981). In speaking to representatives of the state it is key to listen to these imaginative and symbolic devices. Verticality is hierarchically authoritative, civil society vs. state authority, where states ‘reach down’ to impact society (Ibid: 983). How this is imagined in Asturian communities is fragmented, spatial, temporal, and political. Different state levels and their agencies have their own jurisdictions and mission statements, appearing before communities at different times and circumstances to achieve these ends. A visit from the Ministry of Finance’s tax inspector is different from a reunion with the PoA Government’s health inspector. Representatives are ‘there’ and not ‘here’, some visit more periodically than others, and their appointment may be political rather than technical, changing the relationship with community members.

The last point is the researcher’s positionality. Mills, in outlining Foucault’s warning of ‘discovering oneself’, states that “in the very process of what seems like constituting oneself as a subject, as an individual, producing knowledge about oneself only makes one an object of discourse, an object of power/knowledge.” (2003: 73). The author, as researcher, is the “instrument” of research (Stacey 1988: 22), also laden with his/her interpretative power. Sensitivity to being both instrument and individual allows the researcher to be both an agent and site of power/knowledge. Abbott in grappling with this issue, states that “the only way I could cope with this dilemma was to be aware of it but go ahead in spite of it, realising that I could only narrate the story from a foreign point of view. And I determined to make an effort to understand the criticism levelled at this type of research” (2007: 226). The researcher understands his position as foreign; so perceived during fieldwork. Not Spanish, let alone Asturian, coming from an institute of higher learning in the Netherlands... people remarked on memories from the last time someone researched their communities (a Swedish biologist in the 1970s), on whether the research would end up in newspapers or would lead to civil servants in the PoA Government’s department of land concentration losing their jobs. People opened their life stories, quickly leading conversations to topics well beyond the woodland properties investigated. Hence the value of an ethnographic approach: the research broadened the woodland property issue to themes of agrarian change, labour and conservation.

3. LEGAL PROPERTIES & LIVED PROPERTIES: ESTABLISHING ACCESS REGIMES

This chapter will present empirical material, exploring the historical evolution of property in Spain, to then present the legal reality on the ground in Asturias through typologies. It will follow with a presentation of ethnographic field-work findings that will establish the different actors present in one way or another in these properties: what motivates them, what relates them, how actors succeed and resist in their strategies for access to the woodlands.

3.1 Woodland Properties in Spain: Categories and Typologies

The historical development of land as property in Spain over the past two centuries is contested depending on the ideological lens used. The origins of properties that would be *perfected*, and the existence today of various types of woodlands property go back to the middle Ages. Mangas Navas (2013) describes the evolution: most commons were woodlands and pasture lands, and intimately linked to a model of territorial organization based on parishes and seigneurial holdings. Parishes in northern Spain were historically important in the administrative organization of territory and of these commons. Communities and commons were linked to a parish authority rather than to larger municipalities (evidenced today in sub-municipal levels in Asturias being rural parish). By the 19th century municipalities owned commons as communal woodlands. The biggest effort at land redistribution and ‘realizing’ private property in Spain was in the mid-19th century which entailed the confiscation of ecclesiastical and municipal lands via the Mendizábal and Madoz laws of 1835 and 1855 respectively, whose aim was to transfer lands from ‘dead’ to ‘productive’ hands (Mangas Navas 2013; Pérez-Soba Diez del Corral 2013). Peasant reactions to the 1855 law were swift and antagonistic, leading the state to exempt common lands¹⁸ from confiscation when these were registered at the regional capital (Pérez-Soba Diez del Corral 2013: 55).

The survival and endurance of properties that fall between the private/public dichotomy originates from the confiscation period. Mangas Navas states that by the 1900s the Public Utility Woodlands¹⁹ (henceforth PUW) catalogue had included nearly 5 million ha of exempted common lands throughout most of Spain that would be inalienable (2013: 38). Today common woodlands are considered PUW and are legally inalienable, imprescriptible and exempt from seizure (PoA 2007: 9). Common woodlands are nominally owned by municipalities

¹⁸ Translation taken from Couto and Gutiérrez 2012. Original text in Spanish: ‘Montes Comunales’

¹⁹ Author’s translation. Original text in Spanish: ‘Montes de Utilidad Pública’

and are therefore legally considered public property, but benefits accrue to communities that represent and exploit the woodlands through a neighbour management board (Couto and Gutiérrez 2012: 19).

Another type that would be recognised legally in 1968 are neighbour woodlands²⁰, assigned to village, hamlet and/or parish neighbour associations (Mangas Navas 2013: 39; Montiel 2003: 288). Access to these depends on living in the community, stated in law as having an open home with a smoking chimney, and, like common woodlands, are considered inalienable, imprescriptible, exempt from seizure, and indivisible (GoS 1980) and are legally considered private property (Montiel 2003: 288).

A reaction to the confiscation period was the establishment of proindiviso woodlands which had groups of villagers buy previously confiscated lands to ensure legal access to the same. Though these lands are private, their management is collective through a share system, based on the private inheritance of shares within families, implying that shareholders do not have equal shares (Mangas Navas 2013: 39). This type was also legally modified in the face of rural depopulation so that management boards only require 11 co-owners rather than half the shareholders to be able to change norms and rules, opening possibilities of proindiviso woodlands to have contracts with administrative bodies (GoS 2003). This type of woodland, compared to the previous two is alienable and shareholders can sell their shares to outside members. Characteristics of these 3 types of properties are broken down in Table 1:

²⁰ Translation taken from Couto and Gutiérrez 2012. Original text in Spanish: ‘Montes Vecinales en Mano Común’

Table 1: Classification of types of collectively managed woodlands in Spain

Property regime	Legally recognised types of property	Ownership and type of use	Origin	Example-type
Common woodlands	Common woodlands (typical)	Ownership: local entity (administrative entity) + neighbours Rights of use: all the neighbours	Royal or feudal lord grants during the High Middle Ages or in the 17th century, through Law Codes, Town Charters and By-laws on Forest Use	Montes de Los Yébenes (prov. of Toledo)
Corporation woodlands	Commonly held neighbour owned woodlands (non-typical)	Ownership: neighbours (social nucleus); common property Rights of use: all the neighbours	Royal and feudal lord grants during the High Middle Ages	Neighbour woodlands in Galicia
	Private woodlands of neighbour societies and owner companies	Ownership: neighbour company Rights of use: members	Agreement of transaction involving holder of the feudal ownership (Dissolution of the Old Regime, 19th century) Sale-purchase at public auction (Disentailment, 19th century and beginning of the 20th century)	Monte de Bétera (prov. of Valencia) Monte Pinar of the Neighbour Association of the Herera de Soria (prov. of Soria)

Source: Montiel 2007: 6

Woodlands falling under the private/public dichotomy also have their peculiarities. The PUW catalogue includes public woodlands owned by the state, the Autonomous Communities (Spanish Regions) and municipalities. ‘Heritage’ woodlands²¹, like common woodlands, are owned by the municipality, where benefits accrue to the municipality rather than to neighbour associations (PoA 2007: 7). A major shift in management of public woodlands occurred in 1978 when state woodlands were declared the responsibility of the autonomous communities, who in 1983 assumed responsibility over the PUW catalogue and management, the only caveat being respecting basic national forestry laws (Pérez-Soba Diez del Corral 2013: 67). This also removed the formerly powerful Institute for the Conservation of Nature (Henceforth ICONA) to a bureaucratic role, when in the past it had been for forcible reforestation and afforestation projects (Ibid: 66-67; Seijo 2005: 391).

The final set of woodlands in the dichotomy are those that are private and individually owned (whether by a physical or legal person) and thus legally part of the land market as a commodity. If they are found to be within a PUW they are to be immediately delineated and removed from the PUW catalogue (so as not to be considered inalienable, imprescriptible and exempt from seizure)²² (GoS 2003).

Owners of woodlands, whether legally public or private, have legal responsibilities vis-à-vis the constitutionally recognised social function of woodlands as land: the management of these will have to be in accordance to regional forestry management plans; if the woodlands are deemed ‘protective woodlands’ (i.e. at

²¹ Author’s translation. Original text in Spanish: ‘Montes de Propios’

²² Mangas Navas, head of state forestry and assets, MAGRAMA, interview: Madrid, 10 July 2014

riverheads, in high erosion-risk areas, etc...) or in conservation spaces by the regional government, they are subject to providing a uses and management steering plan (henceforth PRUG). For private woodlands, any limitations on economic activity this entails *can* be compensated (GoS 2003).

Collecting data on the extension of the different types of woodlands in Asturias is problematic due to confusion over terms and classifications, as well as a lack of data in the property registry and cadastre records. Data from MAGRAMA and other sources will be collated to make an approximate guess of the extension by legal definition in Table 2. The extension of common woodlands is unknown and is within the ‘municipality’ category. The extension of proindiviso woodlands is an approximation and should not be treated as official. The table will show that, tentatively, 52.5% of woodlands do not fall under the private/public dichotomy. Furthermore, 42.9% are inalienable, imprescriptible and exempt from seizure.

Table 1: Extension of woodland types in Asturias

Property Type			Extension (in ha)	Extension (as %)
Public	Municipality	PUW	308,595	40.8
		Non-PUW	22,466	3.0
	State/Region	MUP	10,536	1.0
		Non-PUW	1,461	0.2
Private	Proindiviso		80,000	10.6
	Neighbour		8,471	1.1
	Private/Individual		324,597	42.9
TOTAL			756,126	100

Source: Author's own compilation; Gobierno de España (n.d.); Panorama Regional, Asturias (2011)

Table 3 sets a typology of property tenure classification of woodland ownership against benefits accrued through access, where private will be seen as ownership and access/benefit pertaining to one individual or entity. It is useful insofar as being able to classify woodlands that are lived, used, and contended with, out of the various types outlined above, and cover 95.4% of the woodlands encountered:

Table 2: Typology of private and common woodland properties

		Benefits	
		Common	Private
Property Tenure	Private	<i>TYPE B</i> <ul style="list-style-type: none">• Proindiviso	<i>TYPE A</i> <ul style="list-style-type: none">• Private/Individual
	Common	<i>TYPE C</i> <ul style="list-style-type: none">• Communal• Neighbour	

Source: Author's own compilation

Nonetheless some of these properties can shift in the form of their legal tenure. Many of the woodland properties are inalienable but overlapping jurisdictions of the state change claims on these, such as in the designation of a woodland as part of a national park, or in the limitations set out in a PRUG. Also, the creation of new categories can occur, and these respond to socioeconomic and political processes that force the legal system to acknowledge new realities. As such, these types should be considered as markers rather than as ideal types. The following section will outline fieldwork in investigating types B and C.

3.2 Ethnographic Data: Voices from Villages and State Offices

Research took place in July and August 2014. Interviews with actors in the MAGRAMA and at the PoA Regional Government were obtained. In the former, this included the head of assets and forestry estates. In the latter it included the head of the woodlands department in the and members of the plot concentration²³ department. In rural areas, two proindiviso woodlands and one common woodland were investigated. Interviews with members of the management board running a proindiviso woodland in the hamlet of la Zoriera were held. Over two weeks were spent in the village of Moal, which also has a proindiviso woodland within the Natural Park of Fuentes del Narcea, Degaña e Ibias (henceforth PNFNDI). Another proindiviso woodland in the same Natural Park was visited, the Monasterio de Hermo woodland, where interviews with a co-owner and his son, a rural emigrant, were held. This section will outline findings from both property types as well as the position of conservation groups and state representatives.

Proindiviso Woodlands

La Zoriera Proindiviso woodland²⁴

Francisco²⁵, a PMdS representative, introduces this hamlet of 5 homes, constituting 11 co-owners of the proindiviso present in the village. Other co-owners

²³ Author's translation. Original text in Spanish: 'Concentración Parcelaria'

²⁴ Group interview with la Zoriera Proindiviso woodland management board: la Zoriera, 17 July 2014

²⁵ PMDS Asturias representative, la Zoriera, 17 July 2013

migrated away from the hamlet and rarely go back, reflected in empty homes and private holdings that cannot be used by the present inhabitants. Other villages close by are 'dead' villages whose property is untouchable. Ages in the hamlet range from the youngest at 21 to the eldest in her 80s, though co-owners are middle-aged or elderly. Economic activities include one co-owner's family engaging exclusively in traditional (non-mechanized) dairy ranching while others mix ranching with agriculture, bee-keeping and, for some members, jobs outside of the hamlet.

The proindiviso management board was set up in 2003 though only active since 2011, when Francisco became involved. Current activities and plans for the woodland include small Pine and Eucalyptus plantations (below the size that legally requires an environmental impact report), forest routes for logging access, and pastures at the top of the woodland. This reflected how PoA Regional Government subsidies would be used, which needed an action plan. The plantations would take advantage of the paper mill downriver as a buyer of plantation wood.



Image 1: la Zoriera hamlet with proindiviso woodland on the left

Source: Author's own image

Three issues were encountered, the first being plot concentration. Francisco, along with the vice-president of the management board encouraged one of the elder co-owners to 'swap' holdings, with no loss to any members, so as to have his fields closer to his home, rather than in a chequerboard structure as it is now, so less time would be wasted visiting fields, and allow other members to modernise their own fields. The elder was content in keeping his fields as they were, stating he was only interested in passing them on to his daughters as inheritance, despite these properties not being properly registered at the registry. The use of maps was perceived as a power difference, evidenced in the elder co-

owner's difficulty at reading cadastre and property registry maps of the woodland and hamlet. His insistence on security of the homes in times of heavy snows was coupled with his reluctance to logging plans. Secondly, cadastre records and property registries did not coincide. The hamlet constantly fends off land claims from neighbouring villages over the woodland. This is because the EU's Common Agricultural Policy (CAP) subventions are decided by the number of hectares owners had in property. Finally, a constant topic was on the thicket of regulations and forms needed to be able to apply for subsidies. The co-owners did not invest any of their own money in the woodland. Any clearing of brush, road improvement, drainage, or plantation was paid for by the PoA Government, whether through the 'agrarian betterment service'²⁶ or other branches of the Agricultural or Environmental council. There was a need for an 'expert' with time and dedication to help co-owners navigate the bureaucracy.

Despite the differences in opinion, it seemed the co-owners were all agreed on the plan. When asking about the future of the hamlet, it was said that the youngest member was deciding whether to keep on his parents' tradition of ranching or of leaving for the towns. One phrase stood out: "It is so expensive for us to live here"²⁷; this resonated deeply with the choice the youth had to make. In comparison to Moal, that the youth feels he can make a choice is striking.

Moal Proindiviso Woodland

The Moal woodlands go back centuries (López Álvarez 2014: 22). It has an intimate history with the neighbouring Muniellos woodlands, up until the 1970s a timber extraction operation and today a Biosphere reserve. The Moal woodlands are within the PNFNDI. The area was also one of the main anthracite coal mining areas in northern Spain.

²⁶ Author's translation. Original in Spanish: 'Servicio de Mejora Agraria'

²⁷ Maribel, Group interview with la Zoriera Proindiviso woodland management board: la Zoriera, 17 July 2014

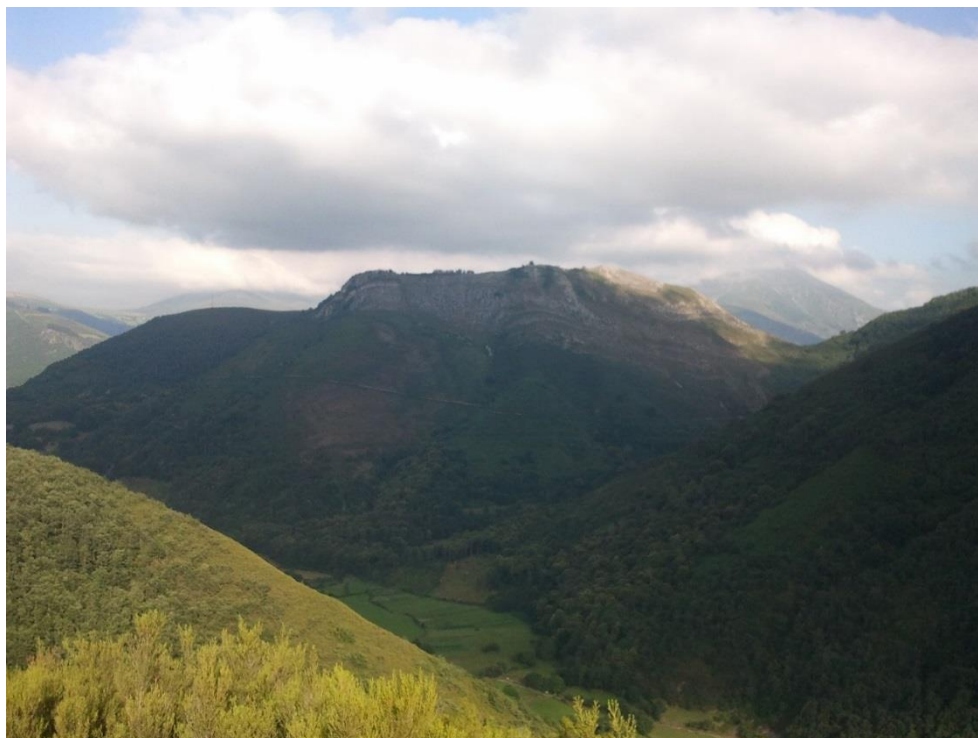


Image 2: North side of Moal proindiviso woodland

Source: Author's own image

There are about 80 inhabitants in Moal. Not all are co-owners of the woodland, though non-owners have right of access but not of extraction, to the woodland. Like la Zoriera, a management board was set up in 2008 to take advantage of the lowered legal requirements to formalise and modify woodland use, minimising the problem of absenteeism of emigrant co-owners. Of the 40 known co-owners, each have different number of shares, reflecting socio-economic status in the village. The only economic activity occurring in these woodlands done by the co-owners is grazing in remaining pastures, and collection of fire wood when authorized by the Environmental. Timber extraction is not allowed whatsoever. Other activities include eco-tourism, and a mountain race organised by the sports association of the village, bringing runners to the village every year. Agro-pastoral activities outside the woodlands are grazing in privately owned pastures and agriculture in the valley floor. Hiking trails have been opened in a contract between the management board and the Environmental Council. The management board ceded the right to exclude the public from entry along, in exchange for brush clearing in 2009. The right of entry has supposedly ceased, though the Environmental council states that the general public enjoys this right²⁸. Political representatives at the local and municipal level²⁹ also point out agro-pastoralist sectorial issues: despite being the largest municipality in size in Asturias, there has not been a slaughterhouse for three decades, which increases the cost of sending their product to market.

²⁸ Tonio, interview: Moal, 22 July 2014

²⁹ Tonio and Jose Luis Fontaniella, interview: Cangas del Narcea, 8 August 2014

This would paint a lean picture for Moal if not for mining pensioners. The mining period started in the 1970s and ended in the 2000s when the mines closed or reduced staff, from 4,000 to 500 in Cangas del Narcea municipality. These men received early retirement, with monthly pensions ranging from €1,500 to €2,000³⁰. These men, now in their 50s and 60s, spend their time farming, taking what few cows there are to graze, and visiting each other. Their wives set up a woman's association in 2002, coinciding with mine closures. There are three rural hostels, where homes converted space previously used to house cattle into rooms³¹. The story of their children is a common one in the area: University in the regional capital and rural emigration, or jobs in Cangas del Narcea³². Emigrants state they would like to stay in the village except that there is a lack of jobs. Those that stayed work in Cangas del Narcea, despite living in Moal. These, in comparison to their emigrant peers, have jobs in secondary sector industries such as carpentry or third sector industries such as food distribution. None are employed in primary sector jobs. They also mention the lack of available property to be able to have homes³³. Families make do with the mining pensions. Nonetheless the women are more enterprising, setting up the hostels and looking into commercializing honey, jams and chestnut spreads. When interviewing the elderly, they were unanimous in saying that things are much better today than they ever were. Nonetheless everyone fears that the village will most likely become a summer village within 30 years.

When asking about current abandonment and non-use of the woodland, people point to the little need for the woodland as an economic resource since pensions allows the village not to depend on it. Similarly the number of heads of cattle and other ruminants has changed. There used to be 400 heads of cattle in the 1980s, today there are 35³⁴. Only one family still engages exclusively in ranching. Furthermore, the impact of mining and the entry of modern ranching in other areas brought out changes in how rural time has changed in how it is experienced: people want to take vacations and have a '9 to 5' job that traditional ranching does not allow³⁵.

Even if they wanted to open pastures they are forbidden from doing so for being in the PNFNDI. Plans for development of the woodland are stopped for this reason too: conservation groups denounce these plans so the PoA has to follow established limitations outlined in the PRUG. Three attempts at starting pine plantations and developing forest routes were stopped when denounced by conservation groups. One co-owner³⁶ suggests pooling both private plots and the woodlands pastures into a cooperative that allows for more open ranching as a means to providing jobs in the village. Nonetheless, he, as others, agree that nowadays only five families can expect to live off ranching of this type; further emigration from Moal is expected.

Monasterio de Hermo Proindiviso Woodland³⁷

³⁰ Aladino, interview: Moal, 23 July 2014

³¹ Etelvina, interview: Moal, 25 July 2014

³² Juan Carlos, Interview: Moal, 31 July 2014

³³ Isabel, David, Juan Carlos, Barry, interviews: Moal, 25 and 31 July 2014

³⁴ Aladino, interview: Moal, 23 July 2014

³⁵ Maximino, interview: Cangas del Narcea, 29 July 2014

³⁶ Fino, interview. Moal, 8 August 2014

³⁷ Ricardo and Baltasar, interview: Monasterio de Hermo, 3 August 2014

This is a case where the mother of the co-owner interviewed had fought the Spanish state from 1958 to 2004, so as to have her deed as co-owner of the proindiviso woodland recognised. This started when the State's forestry department (pre-ICONA) appropriated the woodland for pine reforestation, declaring that the co-owners' deeds invalid, entering the woodland in the PUW catalogue as state property. After 46 years her deed and those of the other co-owners were recognised as legally valid, due to the judge ruling in favour of protecting private property. As a result, the proindiviso today is not used for any extractive purposes (due to PRUG limitations) and is policed by co-owners to ensure that non-owners do not enter the property. Currently the co-owner is attempting to be allowed to exercise his property right to allow tourists to enter the woodland, something that is restricted according to the PRUG.

Contrasts between the proindivisos

Common problems between the la Zoriera and Moal woodlands are in the cadastre/property registry issue, cropping up repeatedly and was a cause of headaches for everyone involved: owners, co-owners, government officials. Inheritance and abandoned property is a constant theme, where villagers stated that "descendants will appear the moment you do anything with the field or house". This is apparent throughout the communities visited, with land unexploited and unobtainable. There are different cases of how each proindiviso is used, or not used. Restrictions that are applied by the PRUG in two of them lead to two different situations. Moal has ceded the right to bar entry into its woodlands. Monasterio de Hermo on the other hand, having had 'bad experiences' with the state, does not have brush cleared by the PoA, but by doing so minimises any interaction with it.

Common Woodlands³⁸

The Barcia woodland is a partly common, partly heritage woodland. The formal owner is Valdés municipality. Benefits received from the woodland accrue to the neighbour association of Barcia, benefits from the heritage woodland accrue to the municipality. Activities within this woodland include pine plantations and small-scale ranching. Being a coastal area, it is close to markets and highways connecting to the rest of Asturias.

The neighbour association of the common woodland is linked to the Barcia rural parish, which is claimed to be an effective manager of the woodlands. Being a smaller unit than the municipality, political representatives are close to their constituents, who "ensure that they are part of the management of the woodlands". It plans resource management with longer time frames in mind than a municipality would. The woodland and its pine plantations are seen as assets to be used when needed, rather than harvested continuously.

This coastal area, in contrast to the inland examples, sees some people migrating back to the village. These are inheritors that have a property in Barcia. As such they gave access to the common woodland. Nonetheless it is stated that the new arrivals do not take advantage of it since they engage in agriculture rather than ranching.

³⁸ Ricardo, President of the Barcia Rural Parish, interview: Luarca, 5 August 2014

The place of conservation groups in communities within the natural park is highly controversial. Inhabitants of Moal and Monasterio de Hermo differentiate between them on the grounds of how these groups collaborate with them or not, and to what degree they “live off the [conservation] story”³⁹. Villagers say they have been called ‘terrorists against nature’, or express feelings that they are policed by conservation groups, making sure cattle does not enter the proindiviso woodlands within the natural park. Urbanity and education are hallmarks of these groups, perceived as an ‘us vs. them’ relation. This accompanies knowledge contestations; rural inhabitants claim direct knowledge of ‘nature’ by proximity to it. They know the habitats of endangered species better than conservation groups, contending that for these groups, bears’ lives are more important than peoples’. They find contradictions in fewer numbers of the protected species despite conservationists’ efforts. Likewise the conservation of woodlands have led to a reduction in biodiversity and brought risk to human structures through overgrown trees and higher flooding risks. Due to the conflict with conservation groups and limitations imposed by the natural park that do not feel fair, the Moal proindiviso is regarded by inhabitants as bringing “more problems than solutions”, with one respondent saying that should divide the land and sell it⁴⁰.

Conservation Groups

When interviewing the director of the Fund for the Protection of Wild Animals⁴¹ (Henceforth FAPAS), he described the PRUG as being overly limiting; habitats have to be managed for endangered species. Wood has to be cut and these can be sold to the benefit of villagers. When asked about villagers’ complaints against conservation, he laid out his vision of rural futures, stating that the rural world will submit to the wild world. Rural inhabitants in the municipality missed their chance to lay the foundations to participate in competitive, global agricultural development. The dynamics of elders dying and youth moving away, the very dissolution of the agrarian social fabric, would lead to the region becoming a major benchmark for European environmentalism. Any rural development would be based on having a non-agrarian, negligible ecological footprint, where urban professionals work from rural homes. Woodlands as proindiviso properties ought to be brought and their owners compensated so as to leave habitats intact.

In contrast, another conservation group, the Brown Bear Foundation⁴² (Henceforth FOP) buys into proindiviso woodlands by purchasing shares. Through cooperation and conversation with other co-owners, FOP’s intention is to work with and convince the other co-owners to develop their woodlands in a manner that maintains or increases biodiversity. To this date they are co-owners in 13 proindiviso woodlands and employ 25 park rangers, highlighting the singularity of each woodland, bringing with it attention to each socio-eco-

³⁹ Maximino, interview: Cangas del Narcea: 29 July 2014

⁴⁰ Asunción, interview: Moal, 31 July 2014

⁴¹ Author’s translation. Original text in Spanish: ‘Fondo para la Protección de los Animales Salvajes’; Roberto Hartasánchez, telephone interview: 21 August 2014

⁴² Author’s translation. Original text in Spanish: ‘Fundación Oso Pardo’

conomic situation. The group places importance in balancing community and conservation needs, whereby a proindiviso property system allows for dialogue amongst co-owners to reach decisions in management that bridge interests.

Government and Public Actors

The PoA's Plot Concentration Department's mission is to reorganize small plot holdings and clarify the minifundia regime, allowing larger individual private holdings to be registered, encouraging mechanisation and efficient production⁴³. This can only occur in private properties, which includes proindivisos. The process is claimed to have allowed ranchers to have larger holdings and settles conflicts over ownership since plot concentration legally registers and marks boundaries of property. Structurally it's a problematic process because of poor records, unwilling participation, and plots being dispersed and hard to reach. There are cases of plots doubly registered. Resistance to the process is found in waning forest fires, and in the economic incentive of keeping larger, registered proindiviso holdings to receive more CAP funding. One mediator argued that this department has lost influence since the 2003 woodlands law since registered proindivisos can claim subsidies. Before 2003, dividing the proindiviso was the only method to claim subsidies.

The department acknowledges two contemporary challenges. Firstly, inheritance limits land access for those remaining in rural areas. Secondly, the increasing requirement of legal documents to prove tenure to receive state and EU subsidies challenges inhabitants of far-away communities who have to travel to municipalities or the regional capital of Oviedo to procure these, or depend on experts to do so. Here mediators come in as powerful actors, shuttling documents and signatures between communities and bureaucracies. The mediators' aims are stated as revitalising rural communities, as is the case of Fernando representing the PMdS in Asturias, or a forestry engineer encouraging the setting up of the Moal proindiviso management board.

Environmental Council

The Council is one of the branches of the PoA Government. While not visited, its actions and policies in the management of natural parks has gained it a fair share of hostility from rural inhabitants. The legal creation of the Integrated Management Instrument (henceforth IGI) aims to reach an equilibrium between conservation and human development, especially in primary sector industries in rural areas within Asturian natural parks (PoA 2014). The Environmental Council is represented in the PNFNDI's PRUG committee by seven members

Municipal Representatives⁴⁴

The Mayor of Cangas del Narcea passionately defends the municipality of Cangas del Narcea, which includes both Moal and Monasterio de Hermo. He is a member of the PNFNDI's PRUG committee, composed of 11 members, 3 of which are from the mayors and 8 from the PoA's Environmental Council. The committee is described as managing the park by the Council's decree. His proposal for changes to the steering committee include opening it to a representative of private proprietors that are within the park. He envisions the park as not only protecting the environment but that also providing benefits to the economy

⁴³ Representatives of the Plot Concentration Department, interview: Oviedo: 18 July 2014

⁴⁴ Jose Luis Fontaniella, interview: Cangas del Narcea 2014

and society. Nonetheless conservation groups have ‘threatened’ the Environmental Council with legal battles over pastoralism in the park. Rural development plans have, in his eyes, not been implemented in the municipality. Furthermore, proindivisos as a property type are unwieldy since they do not clearly delimit individual interests, causing, once again, ‘more problems than solutions’.

Agricultural and Forestry Improvement Companies⁴⁵

The PoA channels CAP, state and regional funds through subsidies to public and private companies via the agricultural improvement service and woodland improvement service departments. These companies provide maintenance and improvement services to owners (public and private) who request subsidised services from the PoA. These services range from building, planting or maintaining forest tracks, ditches, plantations or brush clearing, amongst others. These companies are usually based in urban centres or municipal capitals.

⁴⁵ Francisco, interview: la Zoriera, 17 July 2014

4. MAPPING ACCESS REGIMES

Access regimes will be mapped for la Zoriera and Moal proindiviso woodlands. Both of these woodlands were the most studied and provide contrasting regimes. The Monasterio de Hermo and Barcia woodlands are used as contrasting experiences with the first two, but these will not be mapped due to a lack of empirical information and representation in the form of the limited number of actors interviewed. It will analyse these through broader processes and state claims. Thirdly it will link these access regimes back to the broader debates on property and agrarian change.

4.1 Establishing Access Regimes

Mapping Access

Mapping access regimes in la Zoriera and Moal yields very different webs. The benefits also change through the interaction of a range of actors that affect the control of woodlands in establishing and vying to realize their different interests in them. PoA and state benefits will be superficially touched upon here, but will be more broadly analysed through the territorialisation framework since ascribing all ranges of benefits to different state levels is beyond the scope of this paper.

La Zoriera

The different actors in this woodland can be broken down into resident and absent co-owners, the mediator, neighbouring communities, agricultural and forestry improvement companies, the PoA, and the state. The benefits are also varied: the clearest benefit streams that arises out of this woodland is in the form of the sale of timber from new plantations and milk produced from cleared pastures for dairy cattle. For resident co-owners it is also landscape security. The mediator benefits from the woodland not as a material object but as an institution and symbol that justifies his livelihood. Neighbouring communities benefit from the woodland by having more hectares to declare to receive CAP subsidies. Improvement companies benefit from payment and subsidies through work given. The PoA and state benefit from taxes collected from the woodland as a private property.

The mechanisms of controlling these benefits are equally varied. Resident and absent co-owners are legal proprietors of the woodland and as such benefits of the sale of timber accrue to all proprietors. The sale of milk accrues to ranchers. This is upheld by property rights and legally acknowledged by all actors aside from the neighbouring communities. Nonetheless the co-owners control access to the woodland in respect to their neighbours via recourse to authority. Access to this is augmented by a relational mechanism: through the mediator who controls access to this recourse through knowledge of the system, and maintains access to authority through personal relations in the PoA. Present co-owners gain and maintain access to the mediator, whose mechanisms enhance co-owners' control of (and limit) access to the woodlands to their neighbours.

Absent co-owners gain access to the benefit stream through legal right as owners. But their resident counterparts also have interest in physical security in

the woodlands. To enhance their property right benefits to the woodland and achieve physical security they have to access other relations. Structurally they gain access to nearby markets for timber and milk. They gain access to technology, capital and labour which on the one hand they have a legal right to in the form of being eligible for subsidies. On the other hand, relationally, the mediator has a degree of control over access to these in a similar form mentioned above: knowledge of the bureaucratic hoops to jump and of authority in terms of personal relations with civil servants in the PoA.

The mediator, benefits from the woodlands as symbol and institution since his interest is to revitalise proindiviso woodlands in Asturias. He gains access to it by mobilising the previously mentioned mechanisms. Furthermore, he enhances it with relational mechanisms of identity, that of a forestry engineer and rural inhabitant. He maintains access to these woodlands through mobilizing his access resources to achieve the goals of the resident co-owners.

Improvement companies gain access to the woodlands through legal sanction of co-owners and the PoA. They are a mechanism other actors use that embody technology (means of production) and labour in realizing the interest of co-owners. To be hired and realize their interests, these companies (particularly private ones) depend on access to subsidies, which has a dual aspect: control of subsidies lies in the PoA Government, while a claim on these depends on co-owners requesting it. Here the mediator's role comes in once again as a key figure in the social relation between co-owners and the PoA in enhancing subsidised benefits flows in the woodlands. In this respect the mediator likewise controls this access relationship vis-à-vis the companies.

The PoA's role is paramount in this regime. It controls capital in the form of subsidies, which is required for enhancing co-owners property right benefits through improvement companies. It sets limits on the choice and size of forestry plantations through authority. It can be argued that it also benefits from the arrangement through the formal registration of the proindiviso woodland that allows it to claim taxes. Similarly it opens future possibilities of plot concentration outside of the woodland. Different levels of the PoA government have control of access to capital (subsidies) and knowledge (legal processes and limits), and the relationship between these and the mediator are negotiated in a manner that, in the case of la Zoriera, benefits of interests align for most actors and, for the moment, are realized. The only groups who do not derive benefits are neighbouring villages who contest the woodland border, but they are nonetheless part of the regime for making claims to the woodland.

Moal

The Moal proindiviso woodlands access regime involves more actors and, in contrast to la Zoriera, contestations. Actors are listed as co-owners, the mediator, local and emigrant youth, the Cangas del Narcea town council, conservation groups and the PoA Environmental Council in managing the PNFNDI, through its IGI.

Co-owners' interest in their woodlands is to be able to make income off of it, whether through forestry plantations, or more indirectly through symbolic use of it through sports events. The mediator's interest was similar to that of his counterpart's in la Zoriera; to help co-owners make use of the woodlands. Local and emigrant youth both state jobs and homes as the main interest in living in Moal. The town council, as represented by the mayor of Cangas del Narcea,

expressed his interests as more agro-pastoral jobs and the use of private property by their owners. For conservation groups, FOP's interest, as a co-owner, is in maintaining biodiversity alongside woodland livelihoods. FAPAS interest is in protecting endangered species. The Environmental Council's interest is represented in the IGI, which is to balance conservation and rural development of primary sectors.

For co-owners their interest was to establish plantations, forest tracks and other investments through the improvement services as in the case of la Zoriera. As legal proprietors they aimed to enhance their access to the woodlands, and similar social relations resulted: initially they gained access through legal rights and relational mechanisms to capital, labour and technology through the improvement services and subsidies from the PoA. This relation was controlled by the mediator through relational mechanisms of knowledge and social relations. Control to this benefit stopped when the Environmental Council's environmental impact report restricted any timber production within the park. Likewise control of symbolic use to the woodlands in the form of sporting events was weakened through a similar environmental impact report that disturbed endangered species habitats, instigated by conservation groups. As such, co-owners are relegated to the previous benefit of fire-wood gathering, and their attempt at enhancing their property right access has been put on hold.

For the mediator, interest in improving the Moal woodland provides material, symbolic and institutional benefits. He gained access to the woodland relationally by being a community member, but also through knowledge and authority mechanisms as in la Zoriera. As in the case of the co-owners, the environmental impact report 'thinned' the social relation between the co-owners, the PoA's subsidies and improvement companies, a relation built and controlled by the mediator. Control of access was not so much lost as deleted.

For local youth the interest in jobs and homes is very much a structural and relational term of access. Legally they have no right to claim access to the woodlands or non-woodland properties until they inherit shares and homes. Inheritance as an access mechanism is therefore demographic and as such linked to health, livelihoods and migration. Desired jobs are unrelated to the woodlands, so benefits from the woodlands would be minimal. In this respect the limitations they see in their parents' access to the woodlands can also be symbolic, perceived as exclusionary, and as such constitute a discursive knowledge mechanism that will have impacts further down the road, especially when the mining pensioners' generation passes and they lay claim to the woodlands as inheritors.

The town council's interest in stimulating agro-pastoral jobs and the use of private property by their owners is highly symbolic and ideological. The outcome of access to the Moal woodlands is political, and access control or lack of it influences the discourse over conservation, rural livelihoods and economic futures of the municipality. Symbolic access to the woodlands is structural and relational. It is structural in terms of authority; a duty of the rural parish mayor is to inform the town council mayor of situations in the rural parish. In this respect the town council control this access mechanism. It is enhanced by the social relations between the two representatives, where interest of the town council in the property issue strengthens access to the woodland as a symbol. This is a negotiated relation, and in no way does it mean that the town council has outright access control to this benefit. Other inhabitants are wary of the political representation. Nonetheless the authority of the municipality in utilising

access to technology in the form of media puts it in a privileged position in the relation. As such the town council manages this access to the woodland by spending power in the form of political legitimacy.

Conservation groups are powerful actors in Moal, though there are differences between them. In this case both FOP and FAPAS will be explored. FOP's interest in balancing biodiversity and livelihoods as a co-owner puts it in a rights-based position of access to benefit from the woodland materially. Though it does not have outright majority of shares in the woodland, it gains access to the woodlands as a property institution thereby giving it a right to be heard in how the woodland is managed. Nonetheless the power of this access is short-lived when the proindiviso's right of management is effectively neutered by the PRUG. In this respect biodiversity is claimed to have gone down and no new livelihoods have been made available. FAPAS' interest in protecting endangered species is essentially realized when human activity in the woodlands is limited. Their benefit is both physical and symbolic. They mobilize authority mechanisms in the form of regional and park legislation to denounce activities that go against park regulations. Thus there is an appeal to regulations that supersede the right of co-owners to manage the woodlands as they desire. In so doing they have higher control over the web of rights-based access mechanism of co-owners to the PoA, and the mediator's control of it, thereby nullifying co-owners' enhanced benefits to their woodland.

Both groups in different ways derive symbolic benefit, which comes in as the image and idea of the woodlands being unspoilt. Their access to this benefit is through relational knowledge mechanisms, whereby they mobilise a discourse of an ideal of nature that resonates with urban social groups, as well as to constituencies that support it. Workshops and literature containing this ideal are sites where the ideal become tangible in the sense of livelihood: whether as scientists, educators or in the eco-tourism sector. For FAPAS, a corollary of the authority mechanism used is that their access to the woodlands as a symbol is enhanced. FOP benefits from this too. This relation is contested with the woodlands as a symbol of extractive potential, which pits conservation groups with the town council. This strand of the web is deep and tense since it represents an ideological tug-of-war between contending views of how the woodlands *should be*. This mechanism is also reflected in legitimation as a power of exclusion that excludes co-owners access to their property.

Like in la Zoriera, the PoA, in this case through the Environmental Council, is a key site and actor of contestation. In this case it has the authority to limit the rights-based mechanism of access of one group at the instigation of another group who establish their benefits without use of property rights. The authority comes from national law (GoS 2013), where Article 12 states that natural parks prohibit or limit uses and activities that endanger park objectives and which overrule legitimate rights and interests. This translates into the park's PRUG and more concretely the IGI, which attempts to balance two competing interests represented in the aforementioned ideological battle, the economic and conservationist. The IGI is restrictive in terms of what can be done within park boundaries while novelties in it are found in the easing of restrictions. Despite the easing, conservation groups took advantage of these to report actions that go against the letter of the law, taking form in the environmental impact report, and wield control of access over others. Thus the legal system, built on a dual basis

of restrictions and encouragements, has restrictions being more easily identifiable and thus used, more so than encouragements can. In this sense the Environmental Council enhances conservation groups' access to symbolic benefits and controls access of material benefits for co-owners.

The case in Moal is highly contested. Even groups that gain access to benefits are not content with the outcome. FAPAS states that limits on clearing brush are too restrictive even when they benefit from using legal instruments that impose limitations. The PRUG becomes the site of contestation between competing claims, where all actors denounce it and force new rules through. This is exemplified in the current reframing process of the PRUG; the previous one was annulled by the supreme court for not taking into account inhabitants' opinions and not listing what properties were contained therein⁴⁶. This access regime is argued to have settled in a manner in which no actor benefits outright from the outcome and thus the terms of access within the web of power will be constantly fought over. It is not a 'lose-lose' scenario because it is unsettled, groups will continue to pull at the different strands in the web of power.

Exclusionary Powers

Due to its focus on benefit channels, access theory as an analytical tool highlights processes of exclusion but is limited in explaining it. The woodlands as a natural resource governed within a proindiviso regime are by their nature physically exclusionary to non-owners. Thus in the case of la Zoriera the co-owners use their state-recognized property rights, as evidenced in the property registry, to exclude neighbouring communities, an example of mobilizing regulatory power (Hall *et al.* 2011: 55) to maintain existing access to land. Broader implications of the claims on this land claim is the concomitant mapping and implicit formalisation of neighbouring lands during the judicial process of determining land borders that may involve and exclude communities further afield than just la Zoriera's.

In Moal exclusion is not so much an issue of titling; the creation of the management board formalized the property and registered co-owners are legally recognized. The exclusion process in the park raises powers of legitimacy and regulation, in how co-owners are denied access to the benefit of the woodland. Legitimation has been touched upon in the relational knowledge mechanism used by FAPAS and FOP to influence access to the Moal woodlands. Likewise regulatory powers of exclusion involve functional territorialisation (Hall *et al.* 2011: 83; Peluso and Vandergeest 1995); habitats have been mapped and limits on usufruct rights imposed in such areas, whereas denial of timber production is imposed through environmental impact reports.

A final but important process of exclusion is mediated by 'absent' owners. In both la Zoriera and Moal, and more generally throughout rural landscapes, people who lack access and are prevented from getting it include not only youth but other inhabitants, who see untended fields and pastures inside and outside the woodlands as inaccessible. This raises the issue of inheritance within a private property regime. It points at, and critiques, narratives of 'end-point' property formalisation that justifies individual land rights as commodities that can be freely exchanged (Hall *et al.* 2011: 35). This system breaks when owners emigrate and when inheritors either are unaware of property that is under their name, or

⁴⁶ Fino, interview: Moal, 8 August 2008

know of it but do not ‘use’ it. Exclusionary powers here are argued to be regulation, legitimisation and the market. They are regulatory, in that the Spanish constitution recognises private property and inheritance as a right, these have a social function as expressed in laws, and that expropriation can only occur when justified by public utility and social interest (GoS 1978). It is visibly enforced through judicial rulings on contested properties throughout rural Asturias, as seen in the Monasterio de Hermo case. Legitimation tools fall on the property discourse: private property is the tool that allows for ‘improvement’ and ‘betterment’ that increases productivity and wealth. This discourse is found in the inhabitants in both la Zoriera and in Moal; despite property rights being superseded and contested in the case of Moal and the park, they are defended outside of that zone: private property as homes in the village are respected, even if they are abandoned. By convention, fields historically allotted to absent owners within *proindiviso* woodlands and privately owned outside of them are not touched by resident owners. People may want to claim these but this is expressed in acquisition through legal channels. To use the constitutional right to expropriate in instances where public utility and social interest are justified is a dangerous and expensive gamble; dangerous since it opens the doors to social debate of the social use of land in the domain of private property; expensive in the compensation to absent but knowing owners. This brings in the market as a power. Many absent owners are stated to not have their properties registered. As such, despite being private, deeds and titles may be missing and these properties cannot enter the market for sale. The plot concentration department constantly runs into these cases, plots can only be concentrated on the willingness of the owner. Thus exclusion by the absent (whether emigrant or deceased) has a huge impact on the whole range of actors in rural Asturias.

4.2 Claims through Restructuring and through Mapping

Broader processes that influence the access regimes in Moal are the effect of spatio-temporal fixes through accumulation by dispossession and internal territorialisation of the state through the PNFNDI. The major extractive sectors had been timber, followed by mining. The entrance and exit of both of these follow flows of capital; the nearby Muniellos biosphere reserve had in the 19th century capital investment from France, Belgium and England that brought with it migrant labour from peripheral areas of Europe (López Álvarez 2014), while mining had and continues to lay infrastructural investments throughout rural areas. Spanish ‘developmentalism’ from the 1950s onwards created jobs, increasing wages, stoking working class consciousness and deagrarianising rural society (Domènech Sampere 2003), epitomised in Cangas del Narcea, which benefitted due to anthracite coal deposits. The exit however was a spatio-temporal fix. Despite remaining coal reserves, Asturias’ coal sector crisis deepened following accession to the EU which led to sectorial restructuring. In the face of reduced profits it was cheaper for the state to import coal than to extract it (International Energy Agency 2009: 77-79). Associated industries and employment wane with coal decline. The response to restructuring were policies aiming at building bases for alternative sectors, but results, like PRUG policies to foster agro-pastoral livelihoods, are found wanting.

The spatial-temporal fix did leave behind infrastructure in the form of roads, and during the coal boom other investments, particularly in education, created a generation of mobile workers with easy access to urban centres. Coal sector restructuring was accompanied by flight of youth who found little employment in rural areas. The flipside of increased wages also led to increases in other industrial and agro-pastoral sectors, complemented by incomes from mining (Collantes 2003: 81-83). The logic of spatial-temporal fixes is also to reduce wages in areas that have followed restructuring. In this case the devaluation of labour was put off through temporal fixes in the form of pensions, early retirement and the out-migration of youth. This also impacted agro-pastoral companies to become more productive through technology rather than through the hiring of labour. The strain in rural-urban migration patterns are increasingly visible though, where even the educated rural émigré would find it difficult to find jobs in the current employment crisis (Li 2011: 294) and swell the ranks of the ‘neither-nor’ and ‘thousanders’⁴⁷. The dynamism of spatial-temporal fixes can still ensure labour opportunities where capital is spatially fixed, but also where labour can move, further entrenching a migration pattern. A final point on fixes is in the forestry sector. With improved infrastructure improvement companies that are not locally based can still be ‘present’ when needed, thereby staking a labour claim on the woodlands. Capital avoids devaluation through active capital and labour but similarly makes local forestry jobs redundant by being cheaper (or free of charge), as well as avoid the drudgery of doing hard work that may not be paid as a co-owner.

A corollary effect of spatial-temporal fixes was in the purchase or seizure of land with coal seams or, previously, lumber (Lopez Álvarez 201). Much of this land is adjacent to or directly reconverted to conservation spaces (as in the case of Monasterio de Hermo). Purchase or dispossession of lands occurred in areas where proindivisos are found, rather than neighbour or common woodlands (PoA 2011: 57-59). New frontiers of accumulation occur in the park through the ‘sale’ of nature and of rural life, particularly in the commodification of images of endangered species and rural values (Harvey 2003: 148), and eco-tourism is sold as a panacea to the rural employment crisis. This is reflected in the restrictive policies of the PRUG that entail an access regime that fosters depopulation and non-extractive use that benefits a frontier accumulation that does not require heavy capital investments. Not only are proindiviso woodlands sold as a ‘common property regime’, a relic of the past; private owners are dispossessed of their rights to property. In a twist, it is accumulation by dispossession of *private* property. Increasingly depopulated communities are easier to dispossess or purchase for subsequent capital accumulation, whether through outright expropriation or legal purchase.

Internal territorialisation aids this process. The formalising of land titles is another mode of territorial mapping that increases the number of properties for tax revenues, and potentially for increased properties in the land market. It commodifies land that enables it to be mobilised under capitalist ‘common-sense’ profit logic. Private property also brings conflict over land into the legal domain, thereby imposing state authority over conflict resolution. Both argument are symbolised by the existence of the Plot Concentration Department. Mapping of

⁴⁷ Author’s translation: neither-nor (ninis) refers to youth neither working nor studying; ‘thousanders’ (mileuristas) refers to overqualified youth who only make €1,000/month

this type also abets functional territorialisation, which in the case of Moal limits activities in certain habitats. It allows other groups to claim these functions, whether physically or symbolically, as is the case of FAPAS, but also to researchers and the eco-tourism sector. This mechanism goes together with creating new frontiers of capital accumulation and markets. Claims to authority in Moal's territorialisation by both the PoA and conservation groups are moral claims to safeguarding species and contesting acceptable woodland use that pits co-owners as rapacious extractors. The politics behind how conservation groups convince the Environmental Council to limit activities is not only through the threat of legal battles but arguably a pitch to a common urban and educated social identity. One solution of the Moal woodland contestation can be, as one respondent said, to simply dissolve the proindiviso and assign land through shares⁴⁸. This still requires formalisation of properties within park space and creation of individual PRUGs: expensive legal procedures. The contestation does push co-owners to look for solutions that can be described as a 'divide and purchase' strategy; eliminate claims to land and therefore eliminate contested rights of some actors.

4.3 Broader Issues: Property and Agrarian Change

Though this paper has focused on access regimes in two proindiviso woodlands, broader implications for conceptualising property arise from the analysis. Firstly property is a site and relation of access regimes. Legal frameworks in which rights and claims are embedded define property; private/common dichotomies limit analysis of property. In the Spanish context it is more useful to regard property in its condition as alienable or not. The different typologies created in table 3 become redundant in the face of access and exclusion. Legal protection of 'sacred' property rights are superseded by other rights when a woodland is claimed by different interests, reflecting Congost's argument that *certain* rights in property are defended, not *all* rights. The previously mentioned twist of dispossession of private property rather than common property is explained through the strong legal protection afforded to public woodlands; both neighbour and common woodlands are inalienable, and this condition severely mediates the channels through which actors mobilised contesting claims. These conditions, however, can be changed; the Barcia neighbour association voted to remove a section of its common woodland to become a heritage woodland. The creation of neighbour woodlands as a legal category of property was the result of Galician peasant resistance to ICONA intervention in their commons (Seijo 2005: 392-393). Though difficult to exactly estimate the flows of properties becoming alienable or vice versa because of poor cadastre and property records, they do occur, and shift access regimes and claims with them.

A mechanism that could mediate this property type flow is subsidies. Entry of capital through subsidies ignores the difference between types. The only prerequisite is for official request through the PoA. Once capital enters in the form of improvement services it sets in motion local labour exclusion as discussed above. It creates subsidised commodities for other industries, whether as timber, meat or milk, that lower input costs and therefore enhance accumulation. Subsidies represent increased income and saved labour for owners, co-owners or users. Nonetheless woodlands have to be registered for this end, and the state

⁴⁸ Asunción, interview: Moal, 31 July 2014

implicitly takes over the 'right' to 'improve' land. Capitalist modes of production enter or are accelerated within them. CAP subsidies are the carrot of capitalist improvement, whereas the stick of forcible ICONA reforestation has been eschewed after the experiences of the Galician peasantry. Messages claiming the inviolability and superiority of private property as a vehicle of wealth generation become moot when the investor in land is in fact the state. The state, in its balancing act between capital accumulation and legitimacy, takes on a proactive role in pushing capital accumulation, helped by formalisation of land titles by the mediators and the functional mapping of conservationists. Claim dynamics change immensely with the interests of new actors.

A final point on property is on 'absent' owners. Cases where the 'absent' are more visible than the 'present' leads to powerful exclusionary processes. More so, the debate on the social function of land is highlighted when people want to access land but are restricted by law and convention. This is not to say that illegal access on these fields never occurs. The park ranger may turn a blind eye to a co-owner accessing an abandoned pasture, neighbours know that an inheritor moved to Argentina and won't come back. Inheritance of property is nonetheless a deeply protected concept: tiny hereditary parcel subdivisions is a perfect example of a nefarious effect. But hereditary links break with rural emigration. So does the property discourse; with no one there to work it land is not improved. This is not exclusionary to private property either. The legal requirement for neighbour and common woodlands to be accessed by inhabitants still requires someone to live in the community. Cultural traditions of 'belonging' to the ancestors' house make rural people loath to sell homes, therefore even 'non-exclusionary' property regimes like common or neighbour woodlands fall under the property and inheritance problem for both younger inheritors and newcomers. As outlined beforehand, the absent and the dead are as much 'present' in access regimes as residents. But expropriating their land dents the discourse of the inviolability of private property, and as such a cornerstone of the legitimacy of the liberal state.

How do these access regimes inform theories of agrarian change? From a Chayanovian view, does hiring subsidised labour preclude someone from being a peasant, even if their goal is not motivated by profit but in producing as much added value to pass on to inheritors? Both the utility-drudgery and labour-consumer balances shift to take advantage of means of production made available by the state, especially when there are no young adults to work and countryside-town migration cycles break down. Where subsidies do not enter, more labour has to be done to provide for self-reproduction by those that remain, whether its on-farm or off-farm. Woodland work is more limited when there are few hands to keep it productive, so as a resource base it goes into productive decline. the role of the mediator as a social relation that shares peasant values is powerful; by mobilising resources to keep on traditions, it has a deeply symbolic and social value that is represented in subsidies to ensure continuity of 'traditional rural life'. Nonetheless generational abandonment is intense enough that peasant modes of production face an uphill struggle. Marxists may imply that this is simply rural proletarianization, but a riposte would be that any land without labour (of any kind) is *no* mode of production at all.

Class differentiation in rural Asturias has explanatory power in that class differentiation can occur *within* 'common' properties, represented in the link between those individuals in the village that are positioned to access the mediator

to bring in subsidies to the woodlands. In neighbour and common woodlands this is represented through social relations. In proindivisos this is augmented by heritable share distribution as a reflection of class reproduction. Co-owners can maintain control over woodland use to their ends that denies reproduction to others (such as increased plantations at the expense of grazing), pushing them, if not their children, to leave. Similarly subsidies limit local labour but impose a productive logic that further commodifies what is produced and social relations around these. New markets and livelihoods in conservation areas open opportunities for some of the educated, but most youth migrate to the cities. That woodland properties can shift in their legal alienability status likewise points at the flexibility of accumulation: commodity production continues in these commons and are themselves frontiers: markets catering for eco- and rural tourism.

Neo-classical explanations could be interpreted as comparative advantage in eco-tourism, profitability of exploitations in private property and intensification of agriculture, but migration remains a rational choice, the end of village life perhaps unfortunate and as such conservation a response to emptying areas, 'rendering technical' political processes at work. Nonetheless access regimes have shown that underlying power differences between groups in proindiviso woodlands impede the use of property, but that structural rural changes in Asturias hardly make it a place for capital investment.

5. FROM ACCESS REGIMES TO DEAGRARIANIZATION AND DEPOPULATION: CONCLUSION

5.1 Argument and Concluding Remarks

In a context of depopulating and deagrarianising rural socio-economic structures and relations, how are social relations of property recast when claims and counterclaims are contested in woodland access regimes? To answer this question, this paper has applied an ethnographic relational micro-study that broadens out to assess structural influences on access regimes and tease out claims from different actors on the woodlands. The points are as follows:

Firstly, depopulation is as much relational as structural. Where access regimes settle and claims are in common and to the benefit of residents, options for livelihoods can still continue for those interested in doing so, as in la Zoriera. Where access regimes remain contested, and claims do not coincide, limited options for livelihoods push the young out, as in Moal.

Secondly, the absence of owners and generational inheritance affects all actors within a property, be it common or private. Hereditary succession, as de Soto calls it (2000: 224), breaks down when property is recorded but the owner is untraceable. Legal modifications can be made, as in the 2003 woodlands law that reduced the ability of the PoA to concentrate holdings. Inheritance nonetheless remains a constitutional right, a socially accepted concept, and a structural claim on rural communities. As subsidies require the owner's interest, the state does not jeopardize its legitimacy in acting or redistributing these properties.

Thirdly, deagrarianization is linked to structural changes in labour. Capital penetration in the form of CAP subsidies, is mediated by the state to take on and claim a role in improving woodlands, taking away the possibility for local labour to make a livelihood claim from the woodlands. Subsidies also drive territorialisation and registration of properties, expanding the role of mediators to further detriment of local labour. It plays a structural role in changing habits and views as seen with mining: inhabitants choose labour with different time-frames, 9-to-5 jobs with vacations, rather than full-time agro-pastoralism, changing the nature of the claim on property. The entry of eco-tourism leads to wholesale changes of homes to accommodate new opportunities that are no longer linked to traditional agriculture. As dependence on the woodlands changes, new activities and actors come in, such as conservation groups who claim symbolic aspects of the woodlands.

Fourthly, and related to the previous point, changing conceptions of what constitutes 'rural' and 'traditional', and the commodification of these, changes land use and opens opportunities for claiming woodlands, symbolically if not physically, via protection of species and nature. The power of these claims rests on social legitimacy, and mapping of habitats abets functional territorialisation and policing of woodlands for the state.

Finally, it has been argued that, though different approaches interpret the constellation of structures and relations through their own mechanisms, structural focuses on classic dichotomies of private/common properties and concomitant rights are a red herring: rights are 'sacred' insofar as they are useful in establishing *capitalist* modes of production on property, or create a frontier of accumulation around it, when needed. Furthermore, the private property discourse contradicts itself when private property rights of the living are dispossessed while the property of the absent remains untouched. Social relations of property are settled when claims coincide for a common interest, as in la Zoriera. Congost argued that insecurity of certain rights reflects the complexity of property relations on the ground (2007: 22). Nowhere is this more evident than in Moal; its access regime has not 'settled', no actor is content with their access or exclusion of others and until one group gains the upper-hand, it will remain so.

5.3 Further Investigation

This paper has focused on a micro-study of villages in Asturias. Broadening out the research brings in other dimensions. From a micro-perspective, issues encountered in the field include gender dimensions. Changing rural lives were reflected in women's empowerment, in establishing associations and looking for income-generating activities. Similarly, youth were referenced constantly but further research can follow the emigrants and establish the urban/rural link they have.

The surprise in this research was in the constellation of types of properties in Spain. Time in fieldwork limited being able to thoroughly visit common and neighbour woodlands. Their inalienable status provokes questions as to how the woodland is managed, what activities are allowed and prohibited, and map access regimes to see power dynamics within them.

More broadly, Access regimes have proved to be a useful tool of analysis that can highlight processes of access and exclusion in different areas. Broadening out the use of this tool to other communities can prove effective in analysing claims to common property that rest on privatization discourses where land grabs and enclosures are occurring.

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