

RECOGNITION AND SUPPORT OF ICCAs IN SPAIN

Sergio Couto¹ and José Eugenio Gutiérrez²
Sociedad Española de Ornitología (SEO/BirdLife)

Case study for:
**RECOGNISING AND SUPPORTING
TERRITORIES AND AREAS CONSERVED BY INDIGENOUS PEOPLES
AND LOCAL COMMUNITIES**
Global Overview and National Case Studies

Edited by Ashish Kothari, with Colleen Corrigan, Harry Jonas, Aurélie Neumann, and Holly Shrumm.

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¹ Sergio Couto is a Spanish biologist whose work has focused on multidisciplinary, participatory and innovative approaches to the study, management and conservation of vertebrates. Among other institutions, he has worked as a technician and researcher for the Pyrenean Institute of Ecology (CSIC), the European Commission and the Gypaetus Foundation, as well as a consultant on wildlife inventory and management for the private sector and several Environmental Ministry Regional Governments and NPAs. He is member of the Commission on Environmental, Economic and Social Policy of the IUCN. He is currently working at the Sociedad Española de Ornitología (SEO/BirdLife). Contact: sergiocouto@yahoo.es

² José Eugenio Gutiérrez is biologist and currently works at SEO/BirdLife. Since 1991, he has been working on several research projects for the University of Granada, the University of Jaén, the CSIC (Spanish National Research Council) and has been involved as a coordinator and lecturer in many training courses. He also worked as an environmental consultant in the private sector, at the Environmental Ministry of the Andalusian Government and was the technical coordinator for the Gypaetus Foundation until 2010. Convinced that the future of biodiversity conservation lies in the active participation of rural agents, an important part of his professional activity has related to rural areas, designing and promoting innovative approaches to enhance the active participation of rural agents. Contact: je.gutierrez@telefonica.net

Table of contents

List of acronyms	3
Acknowledgments	4
Summary	5
1. Country description and context	8
1.1. Key features of Spain	8
1.2. Brief history of conservation, state- and community-based	9
2. Features of ICCAs	13
2.1. Range, diversity and extent of ICCAs	13
(i) The ICCA concept in Spain	13
(ii) Pastoral ICCAs in Spain	16
(iii) Woodland ICCAs in Spain:	18
(iv) Hunting ICCAs in Spain:	20
(v) Water Management ICCAs in Spain	22
(vi) Marine ICCAs in Spain	23
2.2. Key ecological, cultural, socio-economic and political values of ICCAs	25
(i) Sustainability	26
(ii) Adaptability	28
(iv) Multidisciplinary approach	30
(v) Integration of cultural values	30
(vi) Profit and resource sharing	30
(vii) Participation	31
2.3. Main threats to ICCAs	32
(i) Legal and administrative recognition problems	32
(iii) Demographic problems	35
(iv) Competition with speculative/mass urbanisation projects	35
(v) Alienation	36
(vi) Dependence on subsidies	36
(vii) Lack of social recognition	36
3. Governance and management of ICCAs	37
3.1. How are ICCAs governed and managed?	37
3.2. Key issues faced in governing and managing ICCAs	38
4. Recognition and support to ICCAs	39
4.1. Government and Civil Society recognition and support to ICCAs	39
(i) Pastoral ICCAs' recognition and support	40
(ii) Woodland ICCAs' recognition and support	43
(iii) Hunting ICCAs' recognition and support	47
(iv) Water management ICCAs' recognition and support	48
(v) Marine ICCAs' recognition and support	49
4.2. Key issues for the recognition and support to ICCAs	52
5. The Future	53
5.1. Future activities planned by the communities, the government, and the civil society; especially in relation to issues of recognition and support	53
5.2. Recommendations	54
(i) Gain full legal and administrative status	55
(ii) Recognise and support ICCAs' outstanding values	55
(iii) Promote model cases and pilot projects	56
(iv) Enhance ICCA community governance capacity	56
(v) Promote ICCA adaptability	57

RECOGNITION AND SUPPORT OF ICCAs IN SPAIN

(vi) Link social needs and ICCA services and values	57
(vii) Promote professional advisement and research cooperation	58
References	59
Annex 1: Webpages, quoted in text as subscript numbers	70

Boxes

Box 1: Natural Protected Areas in Spain	13
Box 2: The meaning of ICCA in Spain	14
Box 3: The <i>dehesa</i>	15
Box 4: Transnational ICCAs	18
Box 5: Acequias de careo	22
Box 6: <i>Mancomunidades, Parzonerías, Ledanías, Concejos Abiertos</i> and other common land-related governance institutions	24
Box 7: <i>Esparto</i> grass	33
Box 8: Agrosilvopastoral ICCAs	34
Box 9: The recognition of rural values and support for them in Spain	37
Box 10: The Association of Livestock breeders of the Ordesa and Monte Perdido National Park	40
Box 11: Facerías, recognition and support	42
Box 12: <i>Esparto</i> grass management recognition and support	46
Box 13: <i>Acequias de careo</i> management recognition and support	49
Box 14: Marine Protected Areas	49
Box 15: Corrales de Pesca	51

List of acronyms

Acronyms	English meaning	Spanish meaning
CCAA	‘Autonomous Communities’	Comunidades Autónomas
CR	‘Watering Communities’	Comunidad de Regantes
CSIC	Spanish National Research Council	Centro Superior de Investigaciones Científicas
EC	European Commission	Comisión Europea
EPIN	‘Private Area of Natural Interest’	Espacio Privado de Interese Natural (galician language)
ERDF	European Regional Development Fund	Fondo Europeo de Desarrollo Regional
EU	European Union	Unión Europea
FEDENCA	‘Foundation for the Study and Protection of Nature and Hunting’	Fundación para el Estudio y la Defensa de la Naturaleza y la Caza
HNV	High Nature Value Farming	
IDEGA	‘University Institute for Study and Development of Galicia’	Instituto Universitario de Estudios e Desenvolvemento de Galicia (Galician language)
IPE	Pyrenean Institute of Ecology	Instituto Pirenaico de Ecología
LIFE	<i>L'Instrument Financier pour l'Environnement</i> (in French) - The Financial Instrument for the Environment	
MARM	Spanish Ministry of	Ministerio de Medio

RECOGNITION AND SUPPORT OF ICCAs IN SPAIN

	Environment and Rural and	Ambiente y Medio Rural y
	Marine Affairs	Marino
MC	‘Communal Woodlands’	Montes Comunales
MPA	Marine Protected Area	Área marina protegida
MS	‘Partners’ Woodlands’ or	Montes de Socios or
	‘Corporation Woodlands’	Sociedades Vecinales de
		Montes
MVMC	‘Neighbour Woodlands’	Montes Vecinales en Mano
		Común
NGO	Non-governmental organisation	Organización No
		Gubernamental
NPA	Natural Protected Areas	Espacio Natural Protegido
ORGACMM	Galician Organisation of	Organización Galega de
	MVMC	MVMC
PEFC	Programme for the Endorsement	
	of Forest Certification	
PO	Producers Organisation	
PRUG	‘Master Plan for Use and	Plan Rector de Uso y Gestión
	Management’	
RECOPADES	‘Network of Small-Scale	Red de Comunidades de
	Fishing Communities for	Pescadores Artesanales para el
	Sustainable Development’	Desarrollo Sostenible
RFEC	‘Royal Hunting Spanish	Real Federación Española de
	Federation’	Caza
SC	‘Hunting Associations’	Sociedades de Caza

NOTE: When an English translation is not official it is in quotation marks.

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Summary

Although many and vast areas of Spain fit the definition, the term ‘ICCA’ is virtually unknown to both the general public and the administration. However, the management of common lands and/or resources by local communities is a habitual, extremely diverse and quite often ancient phenomenon in Spain and in most cases this type of local management has preserved highly valuable and well-conserved ecosystems, some of which directly depend on this traditional management for their survival. For this reason, most commonly managed areas in Spain can be considered potential ICCAs, although any given potential ICCA must have some sort of specific assessment – including community participation processes – to be considered as such. Taking all this into account, the study of the ICCA phenomenon in Spain requires focusing on the common property, management and exploitation processes held and implemented by local communities, something that has been well researched by specialised academic groups in Spain, generally speaking. On the other hand, when referring to the concept of an ICCA, we recommend using the term *Área de Conservación Comunal* (Common Conserved Area) in Spain, as the word “indigenous” is a confusing and controversial one in the Spanish context.

Because of the extremely diverse kinds of potential ICCAs in Spain, it is not possible to establish a minimum set of common characteristics without using descriptions that are at times too general and can have too many exceptions. To avoid this problem, we have grouped the most important kinds of potential ICCAs according to the natural resources they manage and depend, or use to depend, on.

Pastoral ICCAs are one of the most important groups of ICCAs in Spain. Most grazing lands in Spain are common, especially in the highlands, and their governance institutions are extremely old. The environmental benefits of traditional grazing management in Spain are among the best studied and most recognised of all the Spanish ICCAs. Although pastoral ICCAs are increasingly supported by the administration and society in general due to the cultural, environmental and socioeconomic values associated with their extensive stockbreeding, the sector is undergoing a long, profound crisis related to lower incomes, the lack of young people to replace the older generation, rural depopulation, the lack of participation in decision-taking processes handled by the administration and changes in land use.

Woodland ICCAs are facing similar threats with the difference that there are three main kinds of very different woodland ICCAs in Spain, each with a different denomination and historical legal, social and administrative framework. Tentative surface data are only available for the two smaller woodland ICCAs in Spain, which cover more than 2 M ha. Although common property is acknowledged in the Spanish Constitution, some kinds of woodland ICCAs are working hard to update and clarify their legal status today. Woodland ICCAs are among the oldest ICCAs in Spain, although, generally speaking, they are among the most threatened at

this time, with a high rate of disappearance (it is believed that there were between 4.7 and 17 M ha, depending on the author). Furthermore, they have suffered more than other ICCAs due to privatisation and alienation processes, including the various Disentitlement Laws enacted over time.

Hunting ICCAs, on the other hand, are one of the most widely recognised ICCAs in Spain, with a clear, specific legal and administrative framework. Their recognition has increased, especially over the last few decades, and Hunting Societies (the Hunting ICCA governance body) currently manage a total of 6.4 M ha in Spain. Today, the extreme social, economic and environmental importance of Hunting ICCAs in rural areas is slowly being recognised, although research into the environmental and socioeconomic impact of the activity is still remarkably lacking. The introduction of management models in Hunting Societies and the spread of demonstration initiatives for common hunting management could provide exceptionally valuable tools for biodiversity conservation in Spain, especially taking into account the social and geographical potential and self-government capacity of these areas.

Water management ICCAs are very important across Spain. As is the case with most ICCAs in Spain, they date far back in history and are based on local governance bodies that are more or less recently fully acknowledged in administrative and legal terms. However, this traditional form of management is experiencing rural abandonment problems in the less productive agricultural areas like mountain and subdesertic areas and is disappearing in areas undergoing great transformations, for example territories where large-scale urbanisation processes are taking place.

Marine ICCAs in Spain are managed by around 230 *Cofradías*, ancient local governance bodies that manage the common exploitation of all coastal professional fisheries in Spain. 83% of fishing employment in Spain is based on the common management of the *Cofradía* system, which includes 95% of all Spanish vessels. Although there is full legal and administrative recognition of *Cofradías* in Spain because of their socioeconomic importance, the *Cofradías'* traditional and small-scale fisheries are facing a social and economic crisis at European level and are still absent or totally under-represented when European Community, national and regional fishery policy decisions are being taken.

In many ICCAs, threats related to traditional uses and rural areas converge: land use changes, rural depopulation, agricultural intensification, lack of effective sustainability criteria and no acknowledgement of environmental externalities. This is exacerbated by some of the ICCAs' internal problems related to the deterioration of their governance capacity and participation processes, the difficulties in preserving their cultural identity and the lack of scientific criteria and technical tools to develop compatible biodiversity conservation exploitation models.

To handle these threats and maximise the ICCAs' potential as an effective tool for biodiversity conservation, there is an urgent need to promote social and administrative support for the recovery of the ICCAs' cultural heritage, as well as to defend and promote the full inclusion of self-governing ICCA models in the current legal system, a process recently started by some NGOs and administrations, although local communities must be more demanding and accelerate this process in order to prevent irreversible cultural loss.

The results of this study reveal the importance of ICCAs in Spain and that their potential for biodiversity conservation is both obvious and enormous, as local communities commonly manage many of the resources of the Spanish coastline (which extends around 8,000 km) and

RECOGNITION AND SUPPORT OF ICCAs IN SPAIN

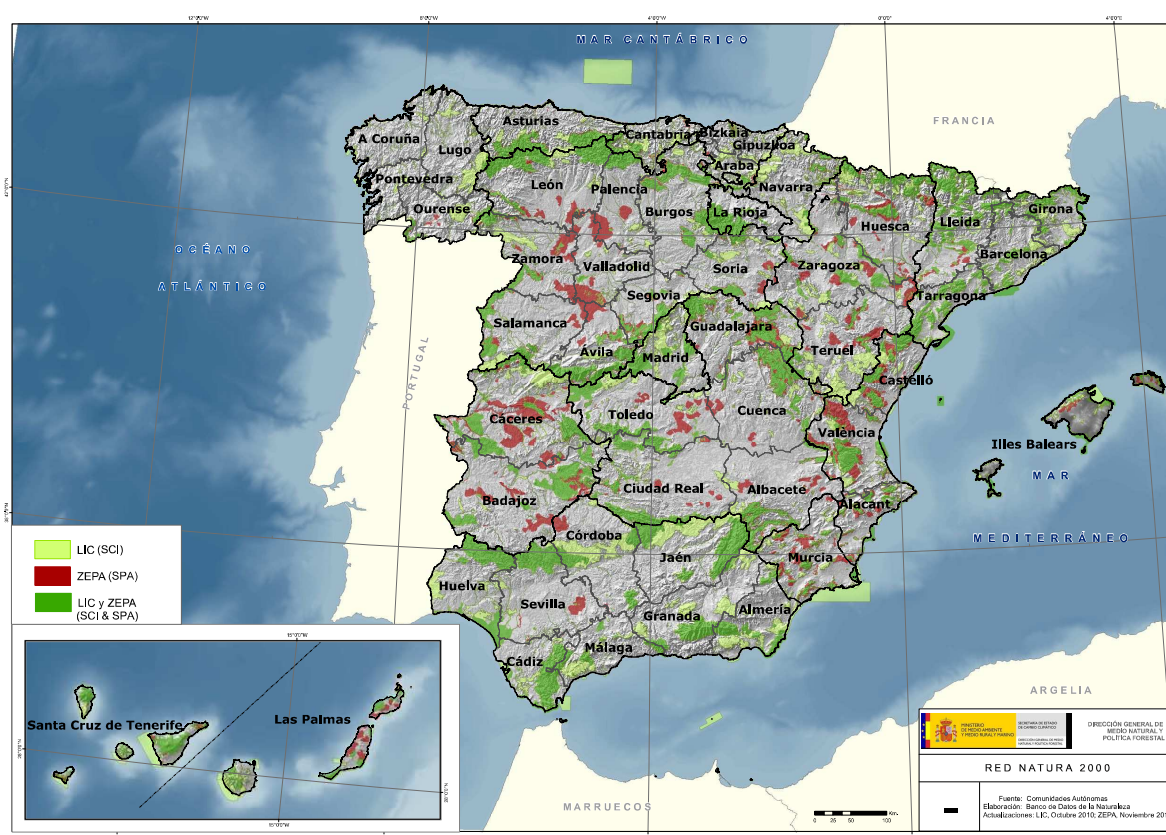
more than 10 M ha of the forests and mountain areas and many other natural and rural areas. This potential for biodiversity conservation is further augmented when the fact that the areas mentioned are highly valuable in terms of biodiversity is taken into account, both at national and European level, as well as on a global level, since they form part of the Mediterranean basin hotspot.

It is also clear that today in Spain, ICCAs have an increasing potential for biodiversity conservation, especially considering that the current conservation model implemented directly by the administration – which lacks profound and effective participation processes, especially in rural areas – is exhausted because of the absence of new ideas, the many inherent limitations in the administration and, currently and for the foreseeable future, extremely tight budgetary restrictions. For this reason, it is urgently important to support the efforts of these communities in developing quality legal and technical advisement tools to improve traditional natural resource exploitation models with scientific and technical criteria that can both guarantee optimal natural resource exploitation and the promotion and enhancement of biodiversity. Another priority must be to implement awareness-raising campaigns at several levels, addressing ICCA communities, the administration and society in general to promote the existence of ICCAs and their contribution to society. A key part of this effort could be the support and dissemination of pilot and demonstration projects, as well as the implementation of specific national and EU-level programmes to handle current threats to ICCAs.

1. Country description and context

1.1. Key features of Spain

Spain is a European country located in southwest Europe on the Iberian Peninsula, but also including the Balearic Islands in the Mediterranean, the Canary Islands in the Atlantic Ocean and the two Autonomous Cities of Ceuta and Melilla in North Africa on the border with Morocco. Its government is based on a constitutional monarchy and its official language is Spanish, along with Galician, Basque and Catalan in their respective territories. The Spanish administration is decentralised and organised into 17 regions called Autonomous Communities (*Comunidad Autónoma* – CCAA), each with its own government, elections and parliament.



Map of Spain with provinces and Natura 2000 Network designated areas (SCI and SPAs)

(Source: Comunidades Autónomas. By Banco de Datos de la Naturaleza, MARM. Updated: SCI to October 2010 and SPA to November 2010.)

Spain has a total area of 505,986 km², making it the third largest country in Europe, with a population estimated at 47,190,493 in January 2011, the sixth largest by population size in Europe, with a resulting population density of 93.26 per km² (Instituto Nacional de Estadística, 2012³). The average altitude in the country is 650 m a.s.l., making it the second highest country in Europe, and its coastline is 7,921 km long (Instituto Nacional de Estadística, 2012₂). Most of the Spanish surface area is agricultural (49.94%) or covered by

³ Subscript numbers quoted in text refers to Annex 1 – webpage links.

forest and semi-natural areas (47.18%), with 2.00% artificial surface, 0.66% bodies of water and 0.22% wetlands (SIOSE, 2010₃, based on the Corine Land Cover Project 2006).

Spain has a wide variety of climates: Mediterranean (predominant on the Peninsula), semiarid (SE region and Ebro valley), oceanic (Atlantic and Cantabrian coast), alpine (Pyrenees, Sierra Nevada and other high mountains) and subtropical (Canary Islands). The interaction between these heterogeneous bioclimatic characteristics and the variety of topographic features in Spain produces an outstanding variety of ecosystems – 58% of EU habitats listed in the Habitats Directive₄ are found in Spain (Auct. pl. 2009) – which can be grouped into four main biogeographic regions: Macaronesian, Mediterranean, Atlantic and Alpine (European Commission 2009₅). Another remarkable fact related to Spanish biodiversity is its contribution to the Mediterranean Basin as one of the top biodiversity hotspots in the world (Conservation International 2012₆).

This outstanding and diverse natural heritage, along with the footprint of several civilisations on Spanish territory, has always been historically linked to a diverse and rich cultural heritage, with one of its most representative manifestations being the way these diverse communities are related to the natural resources they live off of.

1.2. Brief history of conservation, state- and community-based

Because of its geographic location – the Iberian Peninsula sits at several crucial crossroads, providing connections between Europe and Africa and the Mediterranean and the Atlantic – and its rich natural resources, the territory of Spain has been subject to an important human presence and progressive humanisation of the land since prehistoric times. Spanish territory has been intensely managed for agricultural, hunting and forestry purposes under many different civilisations throughout its history. Phoenicians, Carthaginians, Greeks, Celts, Iberians, Romans, Germanic peoples and Muslims left an increasingly perdurable footprint on the landscape, agricultural and grassland systems (Montserrat & Fillat 1990), along with the irrigation technology (Asociación Cultural Almudayna 1991), social organisation and legal framework (Marcos & Sánchez-Marcos 2011) to exploit these resources.

The main historical attempts to protect these natural resources were aimed at guaranteeing the availability of basic resources for the population like fish, species of game, crops, timber, water, firewood and grazing areas, as well as establishing a certain share of benefits that was not necessarily equitable, as in the case of royal hunting rights. For example, in the Middle Ages hunting rights in many areas became the privilege of the king and nobles, with the exception of the common lands, where hunting rights, including management and regulation, were often held by local communities (García-Morales 1947). Many recent studies have stressed the importance of common lands in Spain in the reproduction and development of rural communities in preindustrial economies and their capacity for adaptation and innovation (Iriarte 1998; Moreno 1998; de la Torre & Lana 2000; Lana 2006; 2008). In this context, and up to the present time, common lands constituted a crucial element of a collective-use system that provided certain mechanisms of social cohesion to local communities where activities like agriculture, hunting, livestock breeding or forestry were completely integrated into a multifunctional system (Beltrán 2010).

Although this utilitarian communal regulation of some ecosystem services was far from the current concept of conservation (some species were considered harmful and were actively persecuted while some ecosystems like wetlands and forests were often drained, cut or

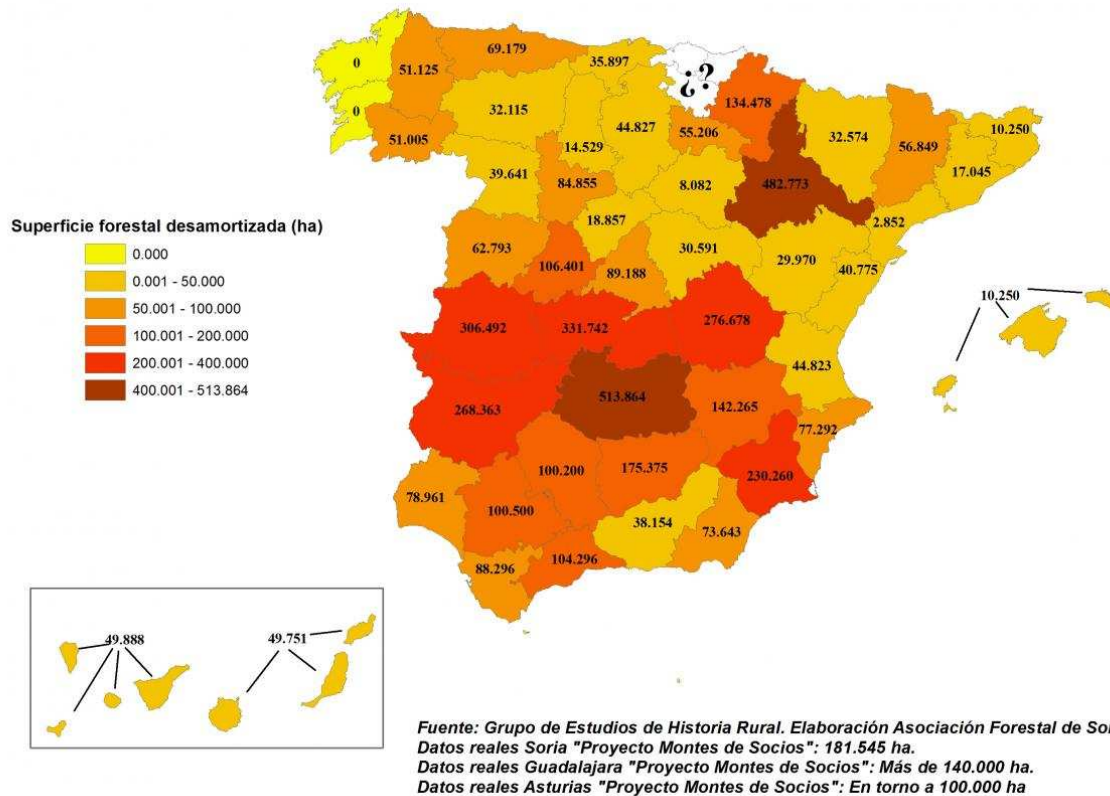
ploughed), it was intended to guarantee the long-term rational exploitation of resources on which the welfare of the community was dependant. The management of these resources, nominally land management, is an extremely important and recurrent topic in Spanish history, strongly linked with social justice and biodiversity. For example, in important parts of Spain, conflicts over land management between the commons and the feudal lords reached the dimension of civil wars, greatly influencing the transition between the Middle Ages to the Modern Age, for instance in the Irmandiño Wars in Galicia between 1467-69 (Barros 1990) or the War of the Communities of Castile between 1520 and 1521 (Pérez 1999).

From the Middle Ages to the end of the 18th century, the *Ancien Régime* defined social and political organisation in Europe. The power of kings was unrestricted and the state was administered exclusively by a strongly privileged clergy and aristocracy. The *Ancien Régime* ended in France with the French Revolution and in Spain with the Spanish Constitution of 1812, the latter of which established the principles of universal male suffrage, national sovereignty, freedom of the press, free enterprise and support for land reform, among others. With the end of the *Ancien Régime*, the liberal movement abolished many privileges, including the common lands (which they considered privileges) and strongly supported private property and market mechanisms. Some characteristics of the capitalist liberal economy (e.g. crop intensification, private initiative and capital flow) were irreconcilable with those of community-managed lands based on extensive crop rotation, the importance of self-sustaining agriculture and subordination to productive and social community rules (Amaya 1999). The impact of these political and social changes on local communities was critical and has been the subject of many studies (Malefakis 1972; Bernal 1979; Cobo *et al.* 1992; Sánchez-Marroyo 1993).

Along with these social changes, demographic pressure increased in Spain and market mechanisms began to strongly affect the governance of local communities. As a consequence, the commons began to be dismantled by means of privatising the land and/or the resources it provided (Beltrán 2010). This process, which is still occurring at this time and can be traced back to the Middle Ages (GEHR 1994), took on an unparalleled dimension after the *Ancien Régime* but, nonetheless, was a clear and unrivalled success in the different Spanish regions (Beltrán 2010).

Important milestones in this privatising process were the consecutive land confiscations or disentanglements (*desamortizaciones*) that culminated in the Madoz Law, the General Law of Disentitlement of 1 May 1855, where the government tried to sell the goods owned by the state, the clergy, the town councils and other public organisations at public auction to increase the depleted public funds. Many local resources held as common rights by the local communities were lost with the privatisation of – according to (GEHR 1994) – more than 4.7 M ha, while another author estimates 17 M ha (Mora 2011).

RECOGNITION AND SUPPORT OF ICCAs IN SPAIN



Map of Spain disentitled woodland surface (ha)

(Source: Grupo de Estudios de Historia Rural. By the Asociación Forestal de Soria.)

Real data for Soria *Proyecto Montes de Socios*: 181,545 ha.

Real data for Guadalajara *Proyecto Montes de Socios*: more than 140,000 ha.

Real data for Asturias *Proyecto Montes de Socios*: around 100,000 ha.

The common woodlands – the term ‘woodlands’ includes any land with vegetation not intended for agriculture: grasslands, forests, wetlands, etc. – that were subject to exception in the privatising process were those catalogued as having ‘Public Usefulness’ (*Utilidad Pública*), with the prior legal requirement of being registered as a municipal property, causing many communal woodlands to thus become municipal goods as a way of avoiding privatisation. Although the local communities maintained their common exploitation in the process, they lost their land ownership (García de Erretería 1986; Pérez-Soba & Solá 2003). Another solution used by neighbours to avoid losing the common right to the land was to collectively join capital and buy the disentitled land at public auction as a private owner to, subsequently, formalise the common ownership of the land by establishing a ‘Corporation Woodland’, also called ‘Partners’ Woodland’ (*Monte de Socios*, also known as *Sociedades Vecinales de Montes*, MS in this text). The complexity and diversity of the communal management of land in Spain was compiled and studied in 1898 by Joaquín Costa in his book *Agrarian Collectivism in Spain – Colectivismo Agrario en España*, (Costa 1915) –, a masterpiece for which the author researched the history and late 19th-century situation of common properties and systems in Spain including threats against them, governing institutions and rules (Gómez-Benito & Ortí 1996).

The subsequent and aforementioned ‘Catalogue of Forestry Lands of Public Usefulness’ (*Catálogo de Montes de Utilidad Pública*) from 1901 is currently in force in 6.5 M ha in Spain and is considered to have been a very powerful legal tool for environmental

conservation (Pérez-Soba & Solá 2003). Another Spanish law clearly oriented towards conservationists' goals that was also formulated at the beginning of the 20th century was the Law on National Parks in 1916 (Ramos 2006), which reflected the increasing concern about some ecosystem services.

At that time, land property and its governance remained one of the major socio-political issues in a country that was mainly agricultural – in 1936 in the Badajoz province alone, 30-60,000 peasants occupied 3,000 estates belonging to large landowners (Palomo 2011) – and most of the land was concentrated in the hands of fewer than 10,000 owners, while vast numbers of landless, impoverished workers laboured on these private farms. This social tension contributed to the outbreak of the Spanish Civil War (1936-39), which devastated the country and led to Francisco Franco's dictatorship (1939-1975). After the war, the country's policies were geared towards repairing the devastating consequences of the Civil War on the economic fabric: fishermen's guilds, *Cofradías*, were promoted (Frangoudes *et al.* 2008), many wetlands were affected by policies of wetland drainage implemented to gain agricultural lands (Antela, La Janda and La Nava Lakes, among many others), while the afforestation of huge areas of the country, the construction of large reservoirs and the promotion of 'National Hunting Estates' (*Cotos Nacionales de Caza*) meant the forced depopulation of some areas and important land use changes on the rural Spanish landscape including the State Forestry Department's usurpation of the management of many communal woodlands, such as the Galician MVMC (Grupo de Estudios da Propiedade Comunal 2006). At the same time, legal and institutional achievements in terms of nature conservation and natural science promotion suffered a strong setback and only after the 1960s, as Spain began to open up to the international community, did the country become more influenced by international environmental policies and agreements (Ramos 2006).

After Franco's death in 1975, and helped by the political winds of change brought by the return to democracy, the population in Spain became aware of the historical opportunity to become involved in environmental issues like protecting the impoverished Spanish natural heritage and overseeing the poorly controlled speed of industrialisation and urbanisation. The question of the Spanish environment was raised as an important topic in the social and political arena.

In 1986, Spain became a member of the European Union, something that brought new legal, political and economic possibilities to the country in terms of better planning of natural resources. During the following decades, some outstanding EU programs on biodiversity and rural development like LIFE, Interreg/ERDF, etc., along with the designation of the Natura 2000 Network and directives like the Habitat and Birds Directives, helped to slow down Spanish biodiversity loss and help Spain to achieve important successes in nature protection and rural development. Although it is a deeply humanised country, rural areas make up 90% of Spain and many species and habitats directly depend on the related rural activities. For this reason, society and conservationists are becoming increasingly aware that to preserve biodiversity in Spain the communities and interests of rural areas must be included in conservation programs, especially to achieve enduring conservation goals. With this approach, Law 45/2007 on "Sustainable Development in the Rural Environment"⁷ was passed in 2007, including among its goals the achievement of a high level of environmental quality in rural areas by protecting and recovering the rural natural heritage. Although the EU target to halt biodiversity loss in the EU by 2010 was clearly not met, many of the charismatic endangered vertebrates in Spain are slowly recovering their populations at this time. Among other biodiversity conservation gaps in Spain is the effective protection of habitats and

ecological processes – 45% of Spanish ecosystems and related services are categorised as in general degradation by the Millennium Ecosystem Assessment for Spain (Fundación Biodiversidad 2011) – the conservation of the least known taxa (e.g. invertebrates), the development of a strong intersectorial environmental policy and the size of country's ecological footprint (both in Spain and, especially, in developing countries). A detailed and updated analysis of the current situation of biodiversity and conservation in Spain can be found in the report *Biodiversidad en España* of the *Observatorio de la Sostenibilidad en España, OSE* (Observatorio de la Sostenibilidad en España 2011).

Box 1: Natural Protected Areas in Spain

The highest degree of protection in Natural Protected Areas (NPAs) in Spain is the category National Park comprising 14 National Parks that cover 347,081 ha or 0.7% of the country's surface. With a lesser protection status are Natural Parks (n=157; 3,707,958 ha) and other figures like Natural Reserves, Natural Monuments, etc. (n=1,513; 2,889,035 ha) (EUROPARC-España 2010). All of these NPAs, including National Parks, are managed by the Autonomous Communities (*Comunidades Autónomas* is the official name for Spanish Regions, also known in Spanish as CCAA) and have a large number of category names and legal frameworks, depending on the regional policies on the issue.

Spain surface (ha)	Protected land surface (ha)	Protected land surface (%)	Marine surface (ha)*	Land Surface NPAs and Natura 2000 Network (ha)	Land Surface NPAs and Natura 2000 Network (%)
50,488,490	6,114,405	12.10 %	154,895	14,134,457	28.00 %

Table 1: Protected land and marine surface areas in Spain

Data source: (EUROPARC-España 2010) and data from the *Ministerio de Medio Ambiente y Medio Rural y Marino* (MARM).

* Not including Fishing Marine Reserves.

2. Features of ICCAs

2.1. Range, diversity and extent of ICCAs

(i) The ICCA concept in Spain

The first point to be clarified regarding ICCAs in Spain is that there are no formally recognised ICCAs. Although there is a multitude of land and marine areas with characteristics that fit the ICCA definition as stated in (Borrini-Feyerabend *et al.* 2004), the term ICCA is still virtually unknown to administrations, local communities, NGOs, land managers and other related agents.

Box 2: The meaning of ICCA in Spain

It is important to stress that identifying any given local communal management as an ICCA requires specific evaluation. For this reason, here we merely describe communal management as developed by local communities that *a priori* seems to fit the ICCA definition, at least regarding the current available information accessed. Moreover, the term *indigenous* is confusing and polemical for most European citizens, e.g. (Borrini-Feyerabend & Reid 2011), so we strongly recommend referring to ICCAs in Spain as ‘Communal Conserved Areas’, a term that we consider more accurate and likely to spread and be accepted.

In Spain, potential ICCAs are commonly managed areas where its local community management has contributed to achieving a good environmental status. In a country as humanised as Spain, there is a thin barrier between contributing to a good environmental status and achieving a good environmental status, especially when 45% of the habitats are considered in general degradation (Fundación Biodiversidad 2011). In this study we have included among potential ICCAs those areas that are clearly helping to maintain priority habitats and species (as stated in the EU Habitats Directive⁴) and with generally demonstrated beneficial management for biodiversity purposes (although these beneficial effects, as will be explained, cannot be granted *a priori* for each potential ICCA).

Moreover, every potential ICCA described here has a governance institution, with its own decision-making system and a clear capacity to enforce decisions but, it should be said, within a more or less clear legal and administrative framework. In any case, many ICCA governance institutions influence legal and administrative regulations (some of them developed 100% by some kind of ICCA) while ICCAs are subject to laws, regulations and administrative authorisations that greatly regulate their activities, especially in the general context of the ever-increasing administrative presence in all aspects of the lives of EU citizens. For this reason, there is no clear line between co-management and effective governance, especially when talking about the kinds of potential ICCAs in general terms. As explained for natural and biodiversity values, the degree of independence of each potential ICCA must be assessed independently, while the brief description of governance and relations with the administration here will merely help to give some idea of the subject.

Taking this into account, it is important to clarify that this text, when referring to ICCAs in Spain, simply refers to areas that somehow meet the aforementioned ICCA definition. Therefore, the use of this generic term as a communication tool does not assume the consent of the local communities to be called ICCAs without their ‘Free, Prior and Informed Consent’ (Borrini-Feyerabend *et al.* 2010).

Another important aspect to stress is that the origin of most ICCAs in Spain lies in the need to manage the common exploitation of specific, local natural resources (wood, grazing, fish, game species, water, etc.), and that this kind of extractive/managing ICCA is by far the most important in terms of surface area, socioeconomic importance, environmental services and the number of members of the local population involved – although in many cases these resources have less importance in terms of the communities’ income at present and the *raison d'être* of those ICCAs is based on other values. For this reason, and taking in account the limits of this study, we do not describe other kinds of ICCAs that, even if they have a promising future, are

incipient and somehow more anecdotal than the extractive ICCAs described here⁴ (see also Box 5).

To best describe the general features of potential Spanish ICCAs, they are categorised here in terms of the kind of natural resource the local community lives off of – fishing, grazing, logging, etc. Taking this into account, the concurrence of several local, sustainable, non-administrative governance systems strongly linked to a well-defined territory (according to the ICCA definition) can, and most usually does, overlap in a given area of natural value (municipality, mountain range, lake, Natural Protected Area, etc.), as each of the governance bodies usually manages one specific branch of the natural resources.

Generally speaking, these overlapping communal local exploitation systems are not independent. They have coevolved to optimise the interdependent system management up to the point of becoming low-input, sustainable and highly efficient semi-natural ecosystems. In Spain, good examples of a semi-natural ecosystem where several governance institutions and kinds of exploitations meet are agrosilvopastoral systems (i.e., where there is a combination of growing crops, trees, hunting, and pasture/animals) of which the *dehesa* is a paradigmatic example.



Sierra Morena, Andújar, Jaén

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Box 3: The *dehesa*

The *dehesa* is an semi-natural open forest made up of several Mediterranean *Quercus* species with pastures or cereal crops – catalogued as priority habitats by the EU Habitats Directive⁴ – that provides habitat for many endangered Mediterranean priority species such as the Iberian Lynx (*Lynx pardinus*), Cinereous Vulture (*Aegypius monachus*), Spanish Imperial Eagle (*Aquila adalberti*), etc. Regular livestock grazing and tree pruning, among many other managing measures, are required to both maintain higher biodiversity levels and maximise goods production. *Dehesas* are an extremely rich ecosystem from both a cultural and environmental point of view (Acosta 2002).

⁴ Some examples of these ICCAs are the co-management of individual private owners (e.g. the Integrated Grazing Management Plans (Pauné & Fillat 2011)), communal agriculture (Baz 1965), urban communal orchards, like Plant Micro-Reserves (Laguna *et al.* 2004; Carbajal *et al.* 2008) and common land purchases by associations (mostly land stewardship associations) to prevent the urbanisation of socially valued natural areas. Special regard is due to those Spanish monastic communities that manage valuable natural areas with sacred values and their work to incorporate this intangible heritage into the planning and management of Protected Areas (Mallarach 2012).

Detailed and complete studies on commonly owned and managed *dehesas* have highlighted their importance for local communities because of their uses, history and governance systems (Hernández-León & Quintero 1996; Amaya 1999), while an updated review of the historical ups and downs and future of this agro-system was recently published by (Palomo 2011). These extremely valuable agrosilvopastoral systems were identified and addressed using the term High Nature Value (HNV) Farming in the 1990s by the European Communities (Paracchini *et al.* 2008).

(ii) Pastoral ICCAs in Spain

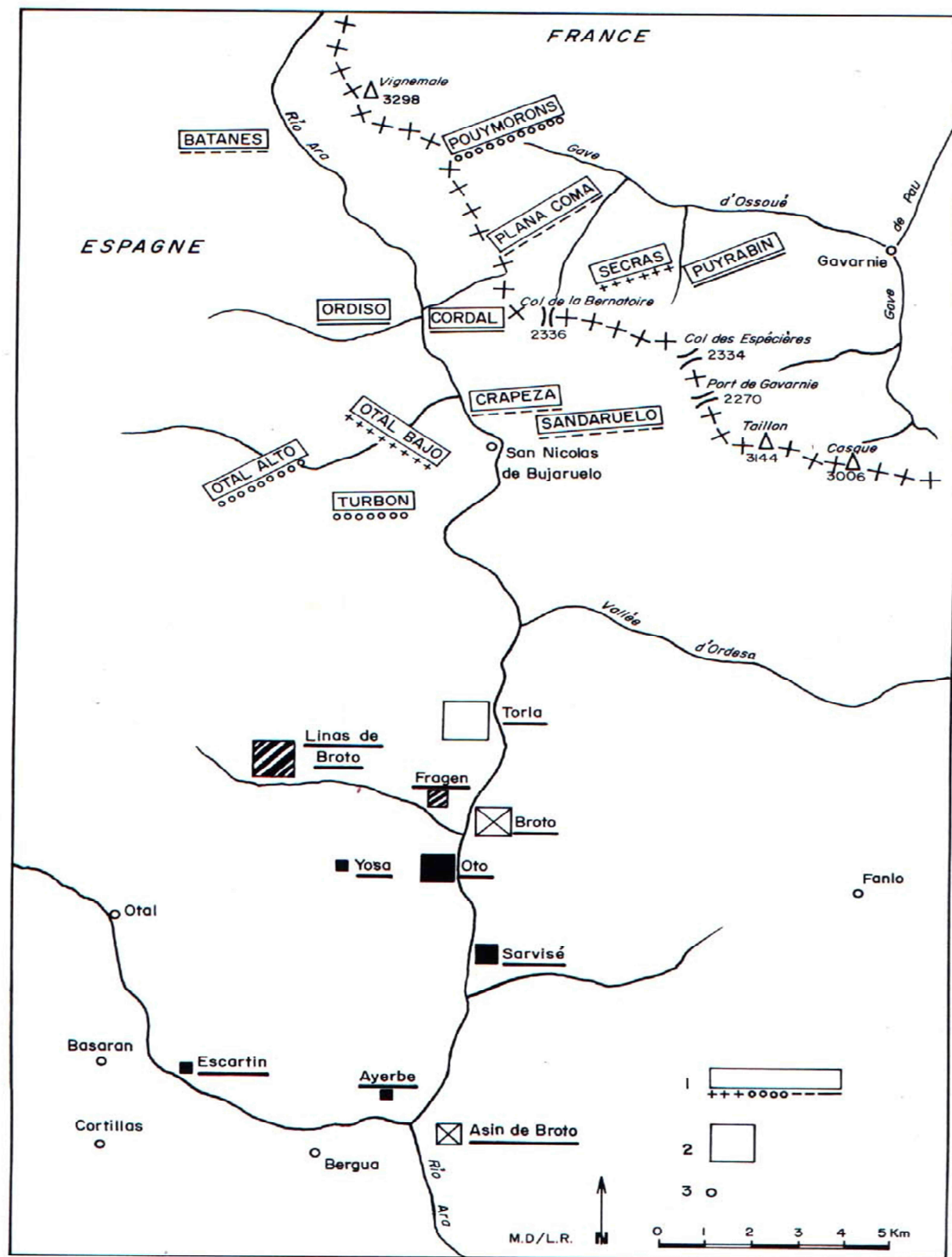
Due to the mountainous and climatic conditions in Spain, in most regions stockbreeding has evolved linked to seasonal movements in order to optimise grazing resources throughout the year and across the territory. Generally speaking, in the spring-summer season, livestock graze in mountain pastures (*agostaderos*) which, at that time of year, are in their best productive and nutritional state, while in winter and autumn the livestock are herded to relatively lowland areas with milder temperatures and with high-value grazing species (*invernaderos*). These winter grazing areas can be grasslands combined with low-density forest (e.g. *dehesas*), bottom valley meadows, cereal farming areas or natural steppe pastures (steppic grasslands). These seasonal movements may be short in distance, *trasterminancia* – less than 100 km – or longer in the case of the transhumance (*trashumancia*), which can cover several hundred kilometres. Current data (MARM 2011) shows that the transhumance phenomenon in Spain involves the yearly movement of 898,900 head of livestock, including cow, sheep and goats in 23,567 livestock movements over a network of traditional livestock trails called ‘drove roads’ (*vías pecuarias* in Spanish), totalling 128,000 km in length and 439,199 ha, around 1% of the total Spanish surface area (Mangas 1992).

In Spain, many grazing land is largely common, especially in the high lands (Contreras 1996), and the origins of community management are extremely old (Neolithic) and complex. In many other cases, the grazing rights of lowland private lands are commonly exploited by transhumant shepherds coming down in winter from the high lands exploited in the summer where grassland property and management are both common, an interesting case of the successful projection of common approaches to private areas (e.g. Sierra Morena). In any case, at this time, there is a wide diversity of owning and management systems and denominations (Montserrat & Fillat 1990), aimed at guaranteeing an equitable and sustainable share of the grazing rights of any given commonly exploited land.

The most representative pastoral ICCAs in Spain are the grazing lands managed by *Asociaciones de Ganaderos* or *Juntas de Ganaderos* (‘Stockbreeding Committees’), historic stockbreeding governance institutions that are the main grazing management body in many Spanish areas⁵. The *Juntas de Ganaderos* decide and organise at local level the timing –when to move the livestock in and out of the grazing lands – and the rotation, and draw the grazing lots that decide the route of the neighbours’ livestock through the common grasslands, as well as settling all other management issues related to this activity: solving disputes, tributes, etc.

⁵ For example, in the case of the *Bárdenas Reales* in Navarre, the *Comunidad de Bárdenas* - a local common governance institution including 22 communities - acquired common grazing rights in 882 (Urmeneta & Ferrer 2009).

⁵ Typical and much studied *Juntas Ganaderas* include those in the Pyrenees – (Montserrat & Villar 2007), the outstanding *Junta Ganadera del Valle de Broto* (Aguirre 2010), *Juntas Ganaderas del valle de Chistau* (Revilla & Manrique 1979) – and the Cantabrian Mountains (Valladares 2006), among many others that are still working and described, for example, in the classic bibliography (Costa 1915).



Example of common pasture management by local communities on the Spanish-French Pyrenees border.

In the Broto valley, villages gather to form grazing management groups called *vicos* - identified in the figure by same squares. Each *vico* owns the grazing rights for some of the four mountain pass pastures - identified by same underlines - for one grazing season. The following year the *vicos* rotate, so four years pass before a *vico* returns to the same mountain pass.

(Source: Aguirre 2010)

However, many of these management organizations disappeared or waned in the 20th century due to the administrative regulation of former traditional uses linked to the depopulation of rural areas, among other socioeconomic problems. Nonetheless, many ICCAs currently managed by *Juntas Ganaderas* are still fully working and managing the grazing lands based on the same traditional governance institutions and customary rules. Many of these communal uses are currently acknowledged by local and regional laws (see Section 4: recognition and support), including those based on international treaties.

Box 4: Transnational ICCAs

Some pastoral ICCA summer mountain grasslands are managed by ‘*Facerías* Agreements’ (*Acuerdos de facerías*). The *facerías*_s are agreements between different bordering local communities to settle grazing conflicts by detailing the rules of the common exploitation of bordering grazing lands. These agreements are common in the Pyrenees between bordering Spanish communities (e.g. Aezkoa and Salazar) as well as between mountain communities located on the French, Andorran and Spanish sides of the current international border: e.g. Cize-Aezkoa, Roncal-Baretous (both established in 1375), Panticosa-Saint-Savin (1314), Broto-Barèges (1390), Bielsa-Barèges (1384), (Fairén 1953; 1956; 1961; 1967), Vic de Sos (1293), Lles de Cerdanya (1280) and the 35 different agreements between the Catalanian Val d’Aran and several French communities from Luishonais and the Sant Beat cantons (Roige *et al.* 1996).

In Spain, pastoral ICCAs often overlap with Natural Protected Areas (including National Parks), for example in mountain grasslands, and their exploitation is thus included in the NPA PRUG, ‘Master Plan for Use and Management’. In the case of National Parks, there is no common policy regarding pastoral ICCAs, and very often, the grazing resources are regulated by several different regional or local administrations even in the same National Park, sometimes by means of specific local by-laws. For example, in the case of the Picos de Europa National Park, pastoral regulation is the responsibility of different departments of the governments of the Cantabria, Castilla y León and Asturias regions, as the National Park is formed by territories of the three regional governments (for more clarification on environmental administrative powers and National Park management, see Section 4.2). In other National Parks, situated in the territory of only one region, grazing regulation is normally the responsibility of the relevant forestry or livestock department of the regional administration, on the basis of technical consultancy, or by local specific by-laws if the land is owned, or exploitation rights are regulated, by the municipalities.

(iii) Woodland ICCAs in Spain:

There is a wide variety and great complexity of forms of common woodlands in Spain (Montiel 2003), but most can be grouped into 3 categories: “Communal Woodlands” (*Montes Comunales*, MC), “Neighbour Woodlands” (*Montes Vecinales en Mano Común*, MVMC) and “Partners’ Woodland Societies” (*Montes de Socios*, MS), although both the Spanish and English names can change according to different regions and authors (see Table 2).

RECOGNITION AND SUPPORT OF ICCAs IN SPAIN

Classification of the types of collective woodland property 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	Agreement of transaction involving holder of the feudal ownership (Dissolution of the Old Regime, 19th century)	Monte de Bétera (prov. of Valencia)
		Rights of use: members	Sale-purchase at public auction (Disentailment, 19th century and beginning of the 20th century)	Monte Pinar of the Neighbour Association of the Herera de Soria (prov. of Soria)

Classification of the types of collective woodland property in Spain.

(Source: Montiel 2007)

‘*Communal Woodlands*’, *MC*: The most common collective woodlands in Spain are the ‘Communal Woodlands’ (*Montes Comunes*, MC) (Pérez-Soba & Solá 2003), for which reliable inventories are significantly lacking (Nieto 1964; Embid 1993; Pérez-Soba & Solá 2003). They are owned by the municipality (or several municipalities), but the beneficiaries of the goods and services provided by the land (and usually also the managers) is not the municipality as an administrative institution, but local neighbours of legal age, by means of specific governance institutions (e.g. *Juntas Vecinales*). This form of ownership is different from the *Montes de Propios* which are lands owned by the municipality, but where it is the municipality institution that owns the exploitation rights, usually to hire or sell for self-financing purposes.

‘*Partners’ Woodland Societies*’, *MS*: Another form of ICCA are the ‘Partners’ Woodland Societies’ or ‘Corporation Woodlands’ (*Sociedades Vecinales de Montes* or *Montes de Socios*, MS) also based on collective silvopastoral exploitation, where some neighbours form a society with a stated number of nominal members that hold the rights to the land individually as co-owners (*uti singuli*) to exploit it collectively. These woodlands can be inherited by descendants, but have a common and unbreakable legal framework. Beyond this, MS have no standardised characteristics and are quite varied, depending on their land tenure origin, owners’ representation and owners’ rights system, and management (Montiel 2007). This form of common property is more common in rural areas of central-northern Spain, where these collective agrarian systems have been around longer. In Spain, 1,500,000 ha are estimated to be under this common form of ownership (*Montes de Socios* project, see Section 5). Detailed research on MS in the Soria province – one of the provinces with a highest presence of this form of common property in Spain – shows that MS surface areas cover 89,679 ha, involving around 120,000 co-owners (Montiel 2007). Other outstanding cases have been researched in Extremadura (Amaya 1996; 1999). At this time, this form of ownership has a significant number of survival and management problems (see Section 2.3) and many woodlands have disappeared when the land has been divided up and the society dissolved, or ownership has been surrendered in favour of the municipality or successfully claimed by the municipality, among others (Embid 1993; Montiel 2003).

‘*Neighbour Woodlands*’, *MVMC*: Another common form of woodland ICCA in Spain, based on collective woodland exploitation, are the ‘Neighbour Woodlands’, MVMC, which are commonly-held neighbour-owned woodlands, that cannot be divided, seized or alienated, do

not pay taxes on a territorial base, and are owned without any quota assignation by the neighbouring members who are part of the local community at the time (Law 55/1980 on MVMCs). The ‘Commons Meeting’ or ‘General Shareholders’ Meeting’ (*Asamblea de Comuneros* or *Asamblea General*) holds full legal personality and sole full ownership and exploitation rights to the land and to redact and pass statutes independently from the municipalities. The MVMCs are a common phenomenon in Galicia (northwest Spain), with 2,835 MVMCs in the region, representing 608,728 ha, 30% of the total forest surface area of Galicia (Fernández *et al.* 2006). Outside Galicia, MVMCs are more scarce in other northern regions (Castilla y León, Asturias and Cantabria) – the province of Zamora in the Castilla y León region has 130 MVMCs with a total of 14,000 ha – and scattered across the rest of Spain, e.g. Monte Gresolet in Lérida (Rovira 1960) or the case of Guéjar-Sierra in Granada (Rodríguez-Moro 1965).

Woodland ICCAs often overlap with Natural Protected Areas in Spain, something that is not very often recognised by the administration when addressing and promoting NPA values. In fact, this exploitation is usually included in the NPA PRUG ‘Master Plan’ and, as in the aforementioned case of pastoral ICCAs, is usually regulated by the relevant forestry or livestock department of the regional administration on the basis of technical consultancy or by specific local by-laws if the land is owned or exploitation rights are regulated by the municipalities.

In any case, many ICCAs have been able to obtain access to specific funding addressed or managed by the NPA system (see Section 4.1.ii, woodland ICCA recognition and support). In a very few cases, the woodland ICCAs themselves have been recently declared Natural Protected Areas, as the case with ‘Private Area of Natural Interest’ (EPIN) in Galicia (see Section 4.1.ii). This very new approach of recognising and promoting the natural values of ICCAs is based on an initial ICCA application, and helps further equally based cooperation between the administration and local communities. Thus it has a very promising future, especially in terms of the long-term sustainability and resilience of NPAs.

(iv) Hunting ICCAs in Spain:

One of the most important forms of ICCAs in Spain, both in terms of land surface and amount of local community participation, are the ‘Hunting Associations’, *Sociedades de Caza* (SC). In 2006 in Spain (data is only available for 15 of the 17 Spanish regions), there were 3,361 hunting areas managed by SCs, amounting to 6.4 M ha, (MARM 2008), while nearly 1 million hunting licenses were distributed in 2007 (Rengifo 2010) to around 700,000 SC hunters who are also members of the Royal Spanish Hunting Federation.

Common hunting shares similar historical problems with common forests or pastures, having virtually disappeared after the disentanglement processes and the enforcement of hunting laws in the 19th and first half of the 20th century. Until then, hunting was a privilege of the wealthy class and the participation of rural communities was scarce, took place on an individual basis, and almost always ignored in hunting legislation (Ortuño 1970; González-Pellejero 1993). However, unlike the kind of ICCA described above, common hunting re-emerged in the second half of the 20th century, having a geographic and social resurgence unparalleled by other community uses.

RECOGNITION AND SUPPORT OF ICCAs IN SPAIN



Hinojos, Huelva

*Iberian hare (*Lepus granatensis*) hunting with Spanish greyhounds, also called Spanish galgo. As early as the second century, Flavius Arrianus, Roman proconsul of Baetica, described hare hunting with galgos in Spain in the *Cynegeticus* in a manner almost identical to that used today.*

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In Spain, along with rise of hunting in the second half of the 20th century (López-Ontiveros 1991), three main factors led to the resurgence of the collective use of hunting and the creation of the SC: the popularity of hunting as a recreational value, the phenomenon of hunter associativism to defend the interests of rural hunters against the hunting privatization process, and finally, the creation of the related legal and administrative structures (Law 1/1970 on Hunting).

The creation of the SCs allowed the establishment of local hunting areas, some of them on common land (Mulero 1991), where game resources are commonly harvested and where local community membership is often a prerequisite to participate.

Administrative support for these SCs grew with the preservation and promotion of hunting by means of transferring rights and governance to SC local communities. This local community empowerment was supported under the premise that the preservation of hunting resources would be enhanced on a private or communal basis in opposition to public access, where anyone is entitled to hunt without further limitations beyond those imposed by general hunting laws. Therefore, self-governance and self-management is a primary feature in SCs. SC General Meetings are called periodically (at least once a year), where restrictive hunting rules are democratically adopted and where resources are allocated for the control and improvement of hunting resources. This recognition and institutional support has been endorsed to date by subsequent national and regional hunting laws and SCs serve as the dominant hunting management model in many areas of Spain (see the project “Hunting for Sustainability”⁹).

Furthermore, the non-profit management implemented by SCs in their hunting areas has acted as an effective barrier to the expansion of commercial hunting as well as to the conservation of biodiversity conflicts generated by the intensification of hunting activity.

Currently, it is not possible to define a common management model for SCs and therefore generalizations cannot be made about their impact on biodiversity conservation. However, in general terms, the hunting management undertaken by SCs consists of restricting hunting quotas, implementing a monitoring system to ensure compliance with self-established regulations, controlling hunting species releases and making some basic improvements to the habitat (feeding points, watering points and shelter structures). From the ecological point of

view, this management model based on fixed hunting quotas is obsolete and cannot guarantee the optimal use of hunting resources or biodiversity conservation. Several approaches based on customary rules, adopted without technical criteria and without assessing their impact on hunting species populations and biodiversity (systematic releases, translocations and predator control), may have negative implications for biodiversity conservation (Arroyo & Beja 2002). On the other hand there are numerous SCs that, by incorporating appropriate management criteria, perform a positive role in biodiversity conservation (Gutiérrez 2010; Gypaetus Foundation 2010; Estrada *et al.* 2012). These SCs must be identified and supported (Delibes-Mateos & Arroyo).

Taking all of this into account, the main problem for SC hunting management, as well as hunting management in general, is the lack of incorporation of technical criteria to allow more professional management of hunting resources. Quality hunting management should include the use of dynamic models to optimize the use of resources and promote biodiversity. The introduction of these management models in the SC, the spread of demonstration initiatives and common hunting management could provide exceptionally valuable tools for biodiversity conservation in Spain, especially taking into account its social and geographical potential and its self-government capacity.

(v) Water Management ICCAs in Spain

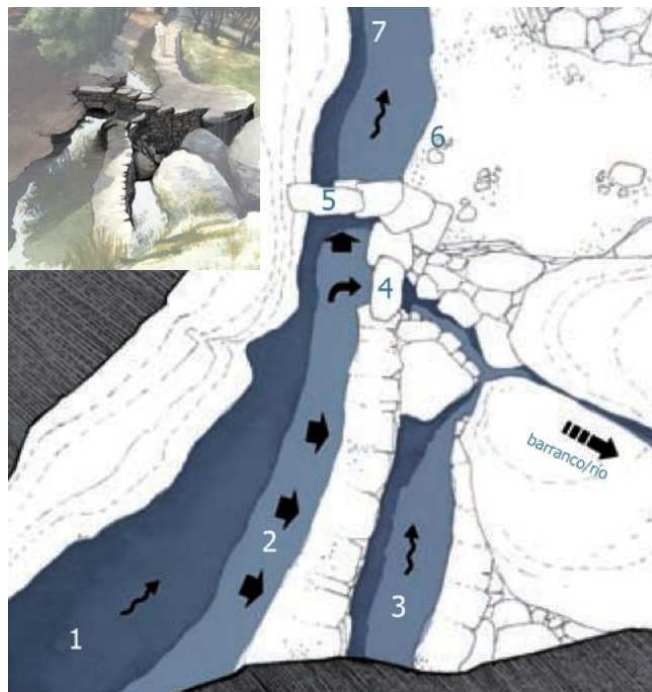
An outstanding example of ICCAs related to the management of water is the traditional irrigation system known as *acequias de careo*, used in the Sierra Nevada range in Andalusia. The Sierra Nevada is the highest mountain range on the Iberian Peninsula and the second highest in Europe and has outstanding biodiversity values, especially regarding the rarity and degree of endemism of several of its botanical communities. For these reasons, the Sierra Nevada was declared a National Park in 1999, giving it the highest Spanish protection status.

Box 5: Acequias de careo

Taking in account the extreme seasonality of resources in the Mediterranean high mountain ecosystems, the *acequia de careo* is an intelligent tool that ensures the flow of water between water surplus ecosystems and water shortfall ecosystems, depending on the time of the year (Vahí & Prados 2011), creating environmental conditions that favour very rich and specific communities of endemic and priority species and ecosystems (Espín *et al.* 2010).

This irrigation system raises, stores and distributes water without pumps, reservoirs or pipelines, and was developed as early as 1139 by the Arab administration on the Peninsula (Fernández-Escalante *et al.* 2005; 2006). Using contour hugging open channels, constructed with the available natural materials, the *acequias de careo* transfer snowmelt from the Sierra (more than 3,000 m a.s.l.) to aquifers over long distances to irrigate meadows, replenish the ground above the mountainside villages and sustain the flow of springs to their fountains, guaranteeing the water supply throughout the year by increasing the availability and time of permanence of the water in the basin (Headworth 2004). Regarding conventional irrigation systems, the difference with the *careo* system is that the goal is both the gradual infiltration of the water along the way as well as reaching and emptying into high permeability grounds to replenish known natural underground aquifers that supply sources and fountains at lower altitudes (sometimes with a height difference of more than 1,000 m). This system is subject to continuous management and care by the 'Watering Communities', *Comunidades de Regantes*, with specific people, an *acequero* or *síndico*, in charge of management duties, such as the management of the floodgates. These communities are based on customary

unwritten rules, and most have been registered quite recently with their perceptive hydrographic administration bodies (*Comisaría de Aguas* of the *Confederaciones Hidrográficas*), establishing the management criteria in their specific statutes. This irrigation system is considered a key part of the current local agro-ecosystem (Cano-Manuel 2000).



Irrigation ditch at *El Coto*, Nechite, Granada. Example of the features of a traditional water regulation system in the Sierra Nevada.

(Source: Espín et al. 2010).

1. Source of the water to be regulated.
2. If the flow volume exceeds the desired amount, the water overflows to
3. 3. Overflow water is channelled e.g. to a spring.
4. Spillway.
5. Irrigation ditch inlet header.
6. Access path.
7. Regulated irrigation ditch.

For the Sierra Nevada National Park PRUG ‘Master Plan’, the *acequias de careo* are considered part of its hydric and historical resources, as well as part of its environmental heritage (Sierra Nevada National Park PRUG, Regional Law 2/89, 18 July). They have been extensively researched, recognised and supported by both the Sierra Nevada National and Natural Parks. The management of the *acequias de careo* is fully implemented by the ‘Watering Communities’, while the Sierra Nevada National and Natural Park develops support programmes for the community, the inventory and maintenance of the irrigation infrastructure and natural and cultural values (see Section 4.1.iv, water ICCA recognition and support).

(vi) Marine ICCAs in Spain

All Spanish commercial fishing in coastal areas is managed by fishermen guilds called *Cofradías*. *Cofradías* are centuries-old institutions, with some of them dating back to at least the 12th century (Alegret *et al.* 2003). *Cofradías* were founded as economic associations on religious bases, local communities with the King’s permission to participate in fishing activities in exchange for specific taxes or commitments (Franquesa 2004). Currently there are around 229 *Cofradías* covering the entire length of the Spanish coastline and islands that serve as the organisational framework for 83% of the fishing employment in Spain. Although

Cofradías only work on the coast of Spain, these coastal fisheries represent 57% of the fish caught by weight in Spain and 95% of fishing vessels (Franquesa 2004). Nonetheless, despite their cultural, environmental and socioeconomic importance, traditional and small-scale fisheries are facing a social and economic crisis at European level and are still absent or totally under-represented when Community, domestic and regional fisheries policy decisions are being taken (European Parliament 2006), see also section 2.3 (threats). Most recently, after an increase in shellfish market demand after the 1960s, Spanish traditional shellfish collection activity was professionalised and regularised and also included in the *Cofradía* system, including 7,852 on-foot shellfish gatherers (mostly women) in 1996 in Galicia, the Spanish region where this activity is most important (Frangoudes *et al.* 2008).

Inshore fishing, which is managed or co-managed by local communities, has shown itself to be highly capable of self-restriction in order to prevent overexploitation; all guild members monitor the implementation and performance of collective agreements and the *Cofradía* has real-time punishment power for violators (Franquesa 2004). Unlike industrial high-seas fishing, these local communities depend entirely on the long-term sustainability of the local resources in *only one* given area. At this time, some *Cofradías* are playing an active role in institutionalising the environmental protection of their territories by promoting Marine Protected Areas (Pascual-Fernández & de la Cruz-Modino 2011), see section 4.1.v marine ICCA recognition. These MPAs have not only helped to maintain natural marine resources from the point of view of the ecosystem conservation (Degnbol *et al.* 2006) on which *Cofradías* entirely depend. MPAs have also provided participative legal and administrative support to maintain and adapt the former local exploitation rights, knowledge and rules of the *Cofradías*, (e.g. preserving uses and/or excluding users) to preserve the livelihoods of these communities and their sustainable artisanal fisheries (Pascual-Fernández & de la Cruz-Modino 2011).

Box 6: *Mancomunidades, Parzonerías, Ledanías, Concejos Abiertos* and other common land-related governance institutions

Mancomunidades and *Parzonerías*: A common land management institution in Spain is the Joint Community of Municipalities, generally known as *Mancomunidades* in Spanish. At this time, *Mancomunidades* in most cases refers to administrative associations of municipalities designed to cooperate in the management of common territories, whether the sum of their municipality lands or other territories for which they collectively hold exploitation or property rights. Often, new *Mancomunidades* are intended to share the costs and co-manage the services offered by the municipalities (public transport, waste management, etc.), thus being conventional administrative bodies that can be put at the same level as municipalities in governance terms.

Nonetheless, there are other cases where the *Mancomunidades* (and related denominations) are very old institutions created to manage lands or other common resources owned by several local communities (e.g. grazing rights co-owned by several neighbouring villages). Cases include the *Comunero de Revenga*¹⁰ (Burgos province), the 6 *Parzonerías*¹¹ in the Basque Country (Guipuzkoa and Araba provinces) and the *Mancomunidad de los 150 Pueblos de la Tierra de Soria*¹² (Soria province), among many others.

Regardless of its denomination (*Mancomunidades, Parzonerías, etc.*), these institutions are intended to manage the common uses of commonly-held land or resources. In some cases, their managing structure has changed and they are currently made up of different

municipality mayors, with the result that they are more like the administrative authorities of different local conventional administrative bodies (municipalities) than governance institutions managed directly by a committee of local stakeholders. Each local specific case, then, must be addressed to clarify the degree of community accessibility and the participation of the governance institution.

Nonetheless, in other cases, the term *Mancomunidades* can refer to agreements between open non-administrative governance institutions representing small rural towns to manage commonly-owned common lands or resources, making them non-governmental institutions. Good examples of this are the *Juntas Vecinales* or *Concejos Vecinales* (Valladares 2006) and the *Juntas de Valle* (e.g. *Junta General del valle de Aezkoa*).

A different example of this local common exploitation system is the *Ledanía*¹³, a land shared and exploited commonly by the neighbours of several municipalities but ruled by a governance institution represented directly by the commons, without the participation of the municipalities or their representatives. This governance institution is called a *Junta de Ledanía* and is typical of the Burgos province, where five of them manage 15,000 ha.

Another outstanding case is the *Concejos Abiertos*, old institutions that are currently acknowledged in regional laws, as in Aragon, and are established as a general rule in villages in many central and northern Spanish regions with fewer than 100 inhabitants. The *Concejos Abiertos* are governance institutions where all village members directly participate in the village's governmental processes – which in other areas are reserved for political representatives of the municipality – making the *Concejos* a clear case of direct democracy - see, e.g. (Salanova 2010).

2.2. Key ecological, cultural, socio-economic and political values of ICCAs

There are several outstanding socioeconomic and political values inherent in – if not exclusive to – ICCAs, but these values and characteristics are not present or developed in some cases, and thus it should be borne in mind that the characteristics described in this section on ICCAs cannot be taken for granted for each ICCA.

Some of these values may have been lost, depending on the interest of local communities and their ability to participate actively on the related governance institutions, e.g. in the case of many MVMCs (Section 2.1.iii), while others depend on having educational resources and scientific advisement to handle complex environmental issues (as is the case with *Cofradías* dealing with fishing gear and quotas). There are also some cases of ICCAs in general where managing community responsibility has been neglected or, even worse, is poorly implemented, resulting in important socioeconomic and environmental problems, mainly due to establishing policies geared towards generating maximum profit in a minimum time period, often promoted by investment interests outside the community. In any case, it is important to keep in mind that the active participation of the local community in the management or ownership system (private, common, etc.) is only one of several variables influencing these complex systems and their environmental preservation (Contreras 1996).

In general terms, most of these socioeconomic values can be grouped into the following categories:

(i) Sustainability

Some classic literature has described community-managed resources as inevitably subject to overexploitation, e.g. the very famous ‘tragedy of the commons’ concept (Hardin 1968). However, this approach was soundly criticised in following decades for being based on some conceptual mistakes, such as identifying common property as uncontrolled free-access property (Pascual-Fernández 1993). Currently, the abundant literature regarding community-managed areas shows that, as a general rule, commonly managed properties have not lead to the depletion and degradation of natural resources (Batista 1996), while general studies on specific kinds of ICCAs show the same pattern⁶ Nonetheless, there are many cases of natural areas that were devastated from an environmental point of view as soon as they lost their common management⁷.

On the other hand, local community governance institutions have almost always been able to guarantee a constant supply of the ecosystem services the community depends on by promoting rational exploitation and developing rules to prevent and punish overexploitation⁸. In Spain there are many examples of the environmental, social and economic sustainability of resources managed by local communities, for example the cases described in this report (Amaya 1996; Contreras 1996; Valladares 2006; Frangoudes *et al.* 2008; de la Cruz *et al.* 2010; Pascual-Fernández & de la Cruz-Modino 2011), among many others. Several factors influence this, but some important ones include (Batista 1996) ensuring that the goal of a local ICCA community is not the maximum benefit in the shortest period of time, but the long-term sustainability of the community’s livelihood, the effective prevalence of community interests when opposing personal interests (using deterrence, pursuit and punishment by the local community governance institutions (Valladares 2006; Frangoudes *et al.* 2008; Pascual-Fernández & de la Cruz-Modino 2011)) and the fact that so-called social rules are more effective when controlling natural resource exploitation behaviour by local community members than market rules.

From at least the 7th century on, most ICCAs have demonstrated their conviction and their general capacity to achieve sustainability goals over many centuries of cultural evolution. As a result, most ICCA managing systems have been extensively researched, with the results indicating outstanding efficiency, low input needs, a minimum carbon footprint, waste reutilisation, etc., something that is obviously closely related to the general good environmental status of the areas and the abundance and importance of endangered species and habitats inside the ICCA (see Section 2.1), leading in many cases to these territories being included in the network of NPAs.

⁶ For example, a study of 102 MVMCs revealed that low intensification in an MVMC greatly helped it to achieve a good ecological status (Grupo de Estudios da Propiedade Comunal 2006), while another study of the habitats of European interest in a 14,030 ha rural area in NW Spain shows that 100% and 99% of the surface of several ‘habitats of European interest’ and ‘priority habitats’ – EU Habitats Directive categories - were common land: 100% for priority habitat 4020 ‘temperate Atlantic wet heaths’ and habitat 9330 ‘*Quercus suber* forests’, and 99% for several bog and mire habitats – codes 7120 and 7140 - including priority habitat 7110: active raised bogs (Barciela & Munilla 2012).

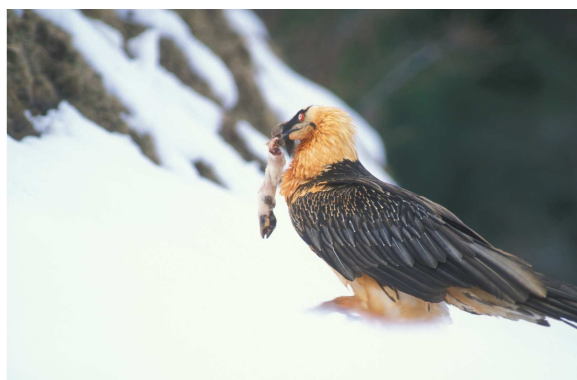
⁷ For instance, in the second half of the 20th century, a huge amount of common *dehesas* land in southwest Spain was privatised *de facto* to be managed by timber companies or the National Forestry Service, which immediately cut the trees down and dedicated the lands to intensive *Eucalyptus* monocultures (Hernández-León & Quintero 1996).

⁸ Hunting Societies (SC), spend an important part of their budget in personnel costs to patrol the hunting area and prevent any damage, misuse of the hunting resources or violation of the related laws and administrative regulations, including those self-imposed by the members of the SC.

RECOGNITION AND SUPPORT OF ICCAs IN SPAIN

In brief, the concept of sustainability is a common characteristic of ICCAs, not only in the Spanish cases studied here: “property rights more easily guarantee conservation when they reflect joint community interests more than isolated individuals” (Retting *et al.* 1989).

Regarding environmental values of Pastoral ICCAs, most of the habitats related to extensive grazing lands in Spain are catalogued as priority habitats by the EU Habitats Directive⁴ on the basis of their high biodiversity richness and rarity – especially in high mountain areas –, and the existence of many of them fully depends on livestock grazing and livestock breeding management (e.g. habitats catalogued as 6310, 6510, 6520, among others (Auct. pl. 2009)). On the other hand, in Spain, extensive livestock provides food for many priority species such as vultures, mostly due to the strong extensive activity – Spain breeds 65%, 94%, 97% and 80% of the entire European population of the four European vulture species (BirdLife 2004). Indirectly extensive livestock activity across the landscape also provides a suitable habitat structure for several endangered steppic species, like Dupont’s Lark (*Chersophilus duponti*) (Garza *et al.* 2003). Extensive grazing has been also identified as a major fertilising factor in high mountain ecosystems (Fillat 1980), while some researchers have shown the link between vegetal biodiversity loss in mountain grazing lands and the decrease in extensive grazing, concluding that higher biodiversity values are achieved with moderate grazing levels (Aldezabal *et al.* 2002). This trend has also been detected at the European Mediterranean level, showing general patterns of shrubby overgrowth upon grazing cessation, an increasing richness of species with extensive grazing, and the presence of plant species adapted to grazing or post-grazing succession. Researchers also stress that the spatial and temporal management of grazing plays a major role in the relationship between grazing and biodiversity (Caballero *et al.* 2009). Pastoral management and activity in high altitude pastures is especially important, not only in terms of the rarity and fragility of high mountain ecosystems – soil erosion, relict species refugee, climate change, etc. – but also because these areas are very fragile in socioeconomic terms because of the scarcity and seasonality of the local resources, something that clearly increases the importance of stockbreeding for local community income.



Ordesa y Monte Perdido National Park.

Adult bearded vulture picking up a sheep's leg to swallow. Extensive stockbreeding survival is a major issue for the conservation of the four European vulture species.

© José María Miranda

Regarding Woodland ICCAs, there is a wide degree of biodiversity values in the community-managed woodlands in Spain. For example, regarding the ‘Neighbour Woodlands’ (MVMC), some are *de facto* managed by wood pulp companies that develop monocultures of exotic trees – mainly *Eucalyptus ssp.* – producing biodiversity loss (Calviño-Cancela *et al.* 2012), causing environmental problems (Cordero 2011) and replacing traditional woodland

management with intensive industrial exploitation. On the other hand, there are other MVMCs that have been catalogued by the regional administration as Natural Protected Areas on the basis of their outstanding natural values and that maintain an active governance institution as well as local community participation in the management's decision taking: e.g. *Sobreiras do Faro* in Galicia, owned by the MVMC of Viladesuso, which was declared a 'Private Area of Natural Interest' (*Espacio Privado de Interese Natural*, EPIN)¹⁴ by the regional government (*Xunta de Galicia*). The goal of the Viladesuso MVMC is to open the area up to regulated public access as well as to promote the MVMC's natural organic products with the identifiable *Sobreiras do Faro* quality brand, which includes honey, chestnuts and the traditional colt meat of the autochthonous Galician breed of horses¹⁵.

Many other kinds of ICCA woodlands, even those not catalogued as Natural Protected Areas, have high biodiversity values, like those formed by *dehesas*, and thus represent EU priority habitats and species. One example is the *Dehesa Balsamaña* Communal Woodland (Toledo), a habitat with a rich representation of Mediterranean endangered species such as the Cinereous Vulture, Spanish Imperial Eagle, etc. The traditional resources of many MVMCs also include the extensive management of the autochthonous Galician horse breed (grouped and marked only once a year), which provides not only a major grazing tool to prevent shrubby overgrowth and fires, but also serves as a major trophic source for the Iberian Wolf (*Canis lupus signatus*) to the point that horse livestock distribution alone could explain the presence of the wolf in highly humanised or apparently low-quality habitat areas in NW Spain (Ruiz de Almirón *et al.* 2004). In any case, although these outstanding natural and biodiversity values, among others, are common in the local community-managed woodlands, these values strongly depend on the current management of the areas and should not be taken for granted for each of the potential ICCAs, whether MC, MVMC or MS.

Regarding the impact of this common hunting management model on biodiversity, there is an important lack of research in terms of analysing this issue. However, it seems that the creation of these SCs allowed rural communities to see hunting activity as an additional resource that must be preserved for the future. The appearance of the SCs ended a chaotic model of hunting resource exploitation that, along with the strong increase in hunting activity at the time, would probably have led game species to a very unfavourable conservation status, as eventually happened in lands where public hunting use continued (free hunting areas).

Another important aspect of ICCA self-management is the much lower management costs both in general terms and for administrations, when compared with full conventional administration control and management styles, such as those found, for example, in many NPAs.

(ii) Adaptability

Direct democracy means that ICCA governance institutions provide flexibility and speed to any needed change in the ICCA's management or exploitation system. Although a national or regional legal and administrative framework to guarantee the correct management of the ICCA in terms of the general public interest is often necessary and desirable, generally speaking, administrative procedures are proverbially inflexible, slow and often ill-adapted to different and changing socioeconomic and environmental scenarios. Usually, when some need to change laws and regulations is detected in order to solve an emergent problem,

administrations only promote these legal and administrative changes once the problem has become important⁹.

ICCA governance institutions have demonstrated their capacity to quickly adapt ICCA management rules to a changing environment over centuries. Good examples of this are the internal rules on fishing/hunting quotas, gear/method limitations, etc. in the *Cofradías* and *Cotos de Caza*, which are continuously changing on the basis of the, more or less, subjective perception and cultural local knowledge of community members, along with an increasing scientific advisement, being the latter a key for a successful and proper ICCA management. Self-imposed rules on fishing and hunting exploitation, which are often more restrictive than those imposed by the administrative and legal framework, are checked, discussed, changed and passed regularly by local community governance institutions.

(iii) Multifunctional goals

It is rare to find an ICCA devoted to only one specific type of exploitation. Local communities tend to search for ways to broaden the range of exploited resources in order to cover the maximum number of community needs, and look to decrease their dependence on outside goods and services. Good common examples of this multifunctionality are the management of *dehesas*, which combine and harmonise (among others) hunting, grazing, rotational crops and wood (Amaya 1999) and the extensively studied traditional grassland management (Reiné *et al.* 2009). Moreover, many ICCA members and their families can also represent, understand and/or support the exploitation of several of the ICCA resources managed by the community, making it easier to understand and balance different approaches and sectorial interests, such as conflicts over powers between grazing lands and forests or hunting interests and agriculture management.



Campiñas de Sevilla Steppic SPA, Osuna, Seville.

Extensive sheep feeding on recently harvested sunflower stubble. Traditional associative forms of management between agriculture and stockbreeding maximise the use of domestic resources, both limiting the dependence on external resources and diminishing the amount of waste materials and the socioeconomic and environmental costs associated with them.

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⁹ For example, the changes to EU regulation 178/2002 on ‘Animal by-products not intended for human consumption’ (which strongly decreased food availability for scavengers in southern Europe and almost immediately resulted in famine and attacks on live livestock, especially in Spain) were derogated and replaced by Regulation 1069/2009 after intense campaigns by environmental NGOs seven years later. Meanwhile, extensive stockbreeders’ governance institutions foresaw the potential problems inherent in this new regulation from the very first moment and provided solutions.

Beyond the obvious benefits for biodiversity inherent in this multifunctional approach, it makes the system richer and more stable from both a socioeconomic and ecological point of view. For example, local livelihoods in areas based on multifunctional exploitation do not depend so much on market product price fluctuations, which tend to balance one another, as do the areas based on industrial monocultures.

(iv) Multidisciplinary approach

Experience shows that cooperation between various professional technical advisors (veterinarians, engineers, biologists, sociologists, etc.) and ICCA communities results in a strong synergy regarding mutual education and the improvement of knowledge (Frangoudes *et al.* 2008; Pascual-Fernández & de la Cruz-Modino 2011). On the one hand, local communities help the scientific community to gain traditional experience and knowledge based on cultural evolution (e.g. knowledge about management, governance, efficiency, etc.), while local communities gain scientific knowledge to understand the processes (genetic, ecological, demographic, etc.) underlying their management and exploitation issues. This cooperation helps multidisciplinary members to develop different capacities to cope with new needs and problems (for instance with the law, market policy, new technologies, etc.).

(v) Integration of cultural values

Due to their long history and the cultural importance of ICCAs for local communities, ICCAs are rich in cultural values. These values can be linguistic, biological, artistic, technological, sacred, architectural, ethnological, historical, recreational or related to identity, among many others, and have immaterial (governance institutions, fairs, management systems, craftwork, etc.) and physical (infrastructures, livestock breeds, etc.) conditions. Generally speaking, these values are integrated into the management of the ICCA by means of traditions or customary rules (fairs, parties, etc.) but are not necessarily related to the productivity of the common exploitation. In this context, the non-market values of the ICCA community (e.g. cultural identity and self-appreciation) can serve as a strong basis for the preservation of a part of this valuable heritage.

(vi) Profit and resource sharing

Most ICCA governance institutions and rules establish detailed profit and resource sharing. This share can be implemented by means of the proportional allotment of a combination of time (minutes of water irrigation, crop season, years for agriculture), quota (pieces of hunting game per day/season, heads of livestock per member, kilograms of mushrooms/shellfish/firewood per family or person, etc.), exploitation surface area (typical of 'Joint Communities', *Mancomunidades*), or by other methods like renting, random assignments by drawing lots (*suertes*, typical of 'Communal Woodlands' *MC* and some 'Partners' Woodland Societies' *MS*), or rotation among local communities (mountain grasslands).

As some authors have noted (Mora 2011), the ultimate goal of common ICCA systems is to achieve an optimum coexistence and good relationships between neighbours. A clear basis for this is an equitable share between community members, although access to the resources does not necessarily mean equitable access in all ICCAs (Pascual-Fernández 1993). For example, the amount of resources accessed can be determined by other factors such as, for example, the quantity of livestock owned by a member (Amaya 1996), the bidding of resources or the

irregular sale and purchase of acquired rights, the latter two of which favour wealthy community members (Hernández-León & Quintero 1996).

Moreover, there are also specific rules that favour disadvantaged community members. Examples include support for widows and orphans, in the case of communal woodlands (Amaya 1996) and *Cofradías* (Franquesa 2004)), poor members (e.g. people without livestock are sometimes allowed other grassland rights) and members affected by an accident (e.g. a house lost to a fire, a disabling illness or accident). As an example of the latter case, in some villages of the Pyrenees, an unexploited patch of forest is set aside to cover the related costs of those adversities.

In Hunting Societies (SCs) the opportunities to hunt are equally distributed among the SC members, establishing limitations both in the quantity of hunting time and number of hunting pieces harvested in order to limit the advantage of the more effective hunters.

Sharing resources is a major tool that helps to guarantee the livelihood and survival of the community, encourages ICCA members to develop full community involvement year round, and encourages local reinvestment, thus revitalising the local economy. External private investments, on the contrary, often only provide seasonal temporary jobs (harvesting, fire prevention, ski resorts, etc.), while the main benefits are often reaped and invested outside the area.

(vii) Participation

In general terms, there are specific rules that promote the equal social participation of community members in ICCA governance institutions. For example, some MS guarantee the equal representation of the main social classes in the area.¹⁰

In many ICCAs, neighbours automatically become members of the ICCA with full rights as soon as they settle in the territory without regard to origin, nationality or the like (MVMC, *Juntas de Ganaderos*, etc.), while in other ICCAs, candidates must also demonstrate their skill in the exploitation of the ICCA's resources or proof of a long-term commitment to settle in the community (*corrales de pesquerías*, *Cofradías*, *Cotos de Caza*, etc.). When some commitment or aptitude must be determined, the final decision is usually taken in the general members' meeting, where the ICCA sovereignty is vested.

This characteristic has proved crucial for the integration of traditionally discriminated community members in local decision-taking processes, with one example being women shellfish gatherers in *Cofradías* (Frangoudes *et al.* 2008), while other rules have different gender rights that benefit male members (Amaya 1996) on the basis of traditional gender roles.

¹⁰ For example, the Steering Committee of the Herrumbre y Gamonosa CM woodland in Extremadura is formed by three representatives appointed from among the elderly members, three appointed from among the middle class members and three temporary farm workers (Amaya 1996)), and in the case of *Cofradías*, both the crew and vessel owners must be equally represented in the executive bodies (Franquesa 2004).



Noia, A Coruña.

On-foot shellfish gathering in Galicia is an activity that has traditionally been done mainly by women. In recent decades, the flourishing of the activity, the empowerment of women and their role in managing and regenerating previously degraded areas exemplify the possibilities for progress in potential governance enhancement situations.

© Asociación Galega de Mariscadoras/es, AGAMAR (Galician Shellfish Collectors Association)

Moreover, the local range of ICCA governance institutions and their relatively small number of members help to develop a self-representative system, without intermediaries and with direct and frequent personal contact between the ICCA members. Another important characteristic is that community members usually have an important degree of expertise and cultural knowledge about the issues related to the ICCA exploitation and management system, inherited by direct experience and oral transmission through the generations.

2.3. Main threats to ICCAs

For a better explanation of the most common threats to ICCAs in Spain, the most important ones are grouped into the following categories, bearing in mind that the situation is extremely heterogeneous (as can be deduced from the previous sections). Moreover, several threats typically affect the same ICCA, one being the cause of another, and thus generally intensifying their effects. For example, rural depopulation results in cultural loss, the lack of proper management of the territory and the weakness of the governance institutions, which in turn can lead to the alienation of property by the administration or private sector and/or productivity/feasibility problems. On the other hand, the lack of community member involvement in the governance institutions can lead to the externalisation and intensification of ICCA management and exploitation which, in turn, can create environmental problems, weaken the roles of the governance institutions, and make related institutions seem less interesting as groups for new or younger community members to participate in.

(i) Legal and administrative recognition problems

One ICCA problem is the absence or uncertainty of legal and administrative recognition. This may be due to the lack of administrative or legal status; for example ICCA governance institutions that are based on customary rules are not legally registered and thus, from an administrative and legal point of view, do not exist (some governance institutions of the *acequias de careo*, some *Juntas de Ganaderos*, etc.) or because ICCAs based on old property or exploitation rights documents that somehow do not fully meet current legal and administrative standards (e.g. *Montes Comunales*) or whose owners or exploitation right holders are not clearly identified (e.g. *Montes de Socios*) are in a legally uncertain position. In

the case of woodland ICCAs, this leads to frequent situations where there are contradictory legal and administrative documents: on one hand, those held by the ICCA members and, on the other, those held by the municipalities (see ‘alienation’ in this same section).¹¹

(ii) Market value of ICCA products

The key mainstay of the ICCAs in Spain studied here is the natural resource that is the object of the common exploitation. In these cases, this natural resource is the reason for the existence and the development of the ICCA, so the disappearance of this resource, or more commonly, its depreciation in social and economic terms, often leads to the weakening or dissolution of the ICCA itself (as with some of the governance institutions related to esparto grass exploitation, see box 7). However, other characteristics like historical, conservation, cultural, recreational, sacred or identity-based ICCA values can also help to strengthen the ICCA, even to the point of serving as the keystone of the ICCAs themselves (as with the cultural and historical values of the *Corrales de Pesquerías*). This process also operates the other way around: there are many cases showing that when a natural resource that can be the object of local common exploitation becomes highly prized, the ICCA can flourish by managing that exploitation (e.g. shellfish gathering in Galicia (Frangoudes *et al.* 2008)) if the local community is strong and united enough to develop self-governing tools.

Box 7: *Esparto* grass

The aforementioned exploitation of communal woodland is not exclusive to forested areas. In southeast Spain, esparto grass, also known as alpha or needle grass, *Stipa tenacissima* (*esparto* or *atocha* in Spanish), was a species with one of the most important socioeconomic roles in the semiarid areas of southeast Spain (mainly eastern Andalusia, the Murcia region and Albacete province). This species, which grows naturally in areas with an average rainfall between 200 and 400 mm per year (Maestre *et al.* 2007), was the subject of important common exploitation and manufacturing, from its prehistoric use as an open-access resource – esparto grass shoes from 5-6,000 years ago have been found in Andalusia – to the common exploitation that was severely affected by the disentitlement laws of the 19th century, up to the development of a local industry that was the major socioeconomic activity in some areas of southeast Spain at the halfway point of the 20th century. In the province of Granada alone, 23,000 t were produced on a surface area of 110,000 ha (de la Cruz *et al.* 2010). For several reasons (Ortega 2007), esparto grass market demand underwent an abrupt decline in the 1960s from which it is currently recovering through the enhancement of its many technological and traditional uses ranging from raw material for cordage and construction to products like baskets, etc., along with the ecological and social importance of its common management and manufacturing (see Section 4 on recognition and support). At this time, international and local market demands exceed increasing local production (de la Cruz *et al.*

¹¹ In the case of ‘Partners’ Woodland Societies’ (MS), there are several specific recognition problems that, along with the common problems for agrosilvopastoral ICCAs in developed countries, are leading to the swift disappearance of MS at this time (Mangas 1984; Embid 1993; de Abreu y Pidal 1995; Pérez-Soba & Solá 2003): a) In many cases it is extremely difficult to identify the right-holders, because the legal documents that detail the names of the co-owners are a century old or more and have not been updated (e.g. Hortonedá in Lérida, where the society’s constitutional documents date back to 1896), or inheritance, migration or the lack of updated information about co-owners make contacting all the co-owners very difficult, thus making effective legal decisions about matters such as selling, consortium arrangements, grants and subsidies virtually impossible; b) With the passing of time, owners and neighbours change, especially after migration to cities, and the heirs lose their rights as soon as they are no longer neighbours; c) As a result of all these factors, MS administrative boards are often absent, inconstant or their duties are unofficially held by the municipalities.

2010).

Another species also known in English as esparto grass is *albardín* (*Lygeum spartum*) and, although its exploitation is much less important in quantitative terms as that of *Stipa tenacissima*, it has similar applications and cultural and social importance in the semiarid areas of the Ebro valley (mainly Navarre and Aragón).

In other cases, when one of the resources provided by the managed area becomes particularly valuable, some governance institutions can change their managing criteria to intensively develop the resource. This change is often promoted by agreements between the administration and industrial companies to *de facto* pass their managing duties to the industrial companies and abandon traditional rules and exploitation systems to administer the economic share of the benefits alone¹². Often, this can be explained when a use value (an ecosystem services such as the pleasure of hunting, access to wood or grazing lands) loses this value to become exclusively an exchange value (market monetary resources).

Box 8: Agrosilvopastoral ICCAs

A commonly found situation – although it cannot be said about Spanish ICCAs in general – is that of agrosilvopastoral ICCAs, one of the most important Spanish ICCAs in terms of surface area, number and socioeconomic and biodiversity importance. Many agrosilvopastoral ICCAs are based on traditional grazing and forestry exploitation of the land, but these local exploitation activities have severely declined both qualitatively and quantitatively in recent times. In the second half of the 20th century, several factors such as rural depopulation, relocation, privatisation and mechanisation, among others, brought the market prices of these communal products down, dismantling a good part of the socioeconomic structure behind them (Leal *et al.* 1975; Ródenas 1994; Naredo 1996). For example, grazing lands were responsible for 75% of the total production of all Spanish woodlands in 1946, before decreasing to 34% in 1974 (GEHR 1996). Moreover, in general, agrarian income is nearly the same as a decade ago. Another main factor diminishing the profitability of the sector is the dominant position of the big distribution companies that condition and control market relations with negative effects for the two ends of the chain (farmers and consumers).

The problem of the decrease in the market value of an ICCA product because of competition with intensive production is also a common threat (e.g. synthetic fibres versus esparto grass natural fibres in the 1960s), especially when consumers are not informed of and educated about the externalities of intensification and the added values (see Section 2.2) of the ICCA products.

¹² Some examples are the *Eucalyptus* intensive monoculture, which has increased in recent decades because of public economic incentives and the intensification of some hunting areas that became ‘Intensive Hunting Areas’ due to an increase in the value of hunting during the 1980s and 90s, in both cases resulting in severe environmental problems.

RECOGNITION AND SUPPORT OF ICCAs IN SPAIN



Sierra de Segura, Jaén.

High unemployment rates, low incomes and low access to services strongly affect Spanish rural areas. On the basis of Eurostat 2012 data, Spain is the fourth European country with the greatest rural depopulation problems. Only 13% of the Spanish population lives in rural areas, while the European average is 41%.

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The environmental problems related to intensification are well known: there is an increase in the dependence of input (heavy machinery, game farms, chemical products, specific expertise, etc.), a loss of multifunctionality (all ICCA functions are subjugated to maximising the monoculture production), environmental problems (genetic pollution, direct biodiversity loss, habitat simplification, etc.). Also important are social and governance related problems, including the important role of community members in taking decisions about a decrease in value, or their lack of participation in governance institutions, which weakens the ICCA's sovereignty and creates a concentration of power. An additional problem in this situation is that the lack of participation by community members makes it difficult to take truly democratic decisions, diminishing the democratic character of the decision-making process and favouring the creation of vested groups with more individual and less communitarian interests. In the worst cases, the ICCA activity could become merely an investment product, with the local communities losing any governance of its management (e.g. some of the *Heredades de Aguas* in the Canary Islands).

(iii) Demographic problems

One of the major problems for the survival of traditional ICCAs is ageing and depopulation in some of the rural zones where they exist, as in some critical areas like the *acequias de careo* of the Sierra Nevada. This leads to profound modifications in ICCA management and sometimes to the disappearance of the related governance institution. Extensive traditional stockbreeding (Pardo 1996; San Miguel 1999), for example, has dissociated itself from outdoor natural resources and instead relies on supplementary feeding or the enclosure of the livestock for longer periods. An important loss of stockbreeding culture and related natural resources has been detected as many grazing lands are under- or overexploited.

(iv) Competition with speculative/mass urbanisation projects

Some large-scale urbanisation projects have created important splits between ICCA community members. In some cases, the legal ICCA framework forbids or makes it almost insurmountably difficult to alienate (sell, etc.) any part of the ICCA land (e.g. MVMCs, etc.), but in other cases these urbanisation projects give community members the opportunity to earn important sums of money in exchange for losing a part of the ICCA territory when they

cede their ownership or exploitation rights or when the land is dedicated to other activities (e.g. ski resorts on mountain grasslands).

(v) Alienation

In spite of the ICCA governance institutions and more or less relaxed administrative oversight, many lands managed by local communities have been irregularly privatised since ancient times, in many cases by individuals or families who are part of the same local community, but who little by little obtain ownership by constructing or fencing in common lands (Costa 1915). This process is still ongoing but on a higher scale, and supported, in many cases, by an unclear administrative and legal framework and/or the weakness of many ICCA governance institutions caused by rural depopulation or the profitability loss of agrosystem activities, and the increasing power of municipalities¹³.

(vi) Dependence on subsidies

As can be concluded from the section on ICCA recognition and support, most development (e.g. shellfish gatherers), promotion (e.g. *Montes de Socios*) and recognition (e.g. Grazing Societies) related to ICCA activities has been partially funded by regional, national or EU funds. Empowerment, governance and technical building capacity and legal advisement are costly, even if there are many practical examples in profitable cost-profit terms. This initial support has been shown to be crucial for the recovery of some declining Spanish ICCAs, which subsequently act as important examples for other related ICCAs (one example is how the La Restinga ICCA project encouraged the Miñarzos ICCA project (Pascual-Fernández & de la Cruz-Modino 2011)). Although in Spain this is a general problem with non-profit and low market-competitive initiatives – i.e. those not inherent to ICCAs – it is expected to greatly increase in the near future as these activities undergo important budget cuts in Spain caused by the economic crisis, a problem exacerbated by the decrease in EU funds allocated for Spain, due mainly to the enlargement of the European Union.

(vii) Lack of social recognition

Many ICCAs are unknown, or even worse, are considered as impractical historical rarities by an influential section of society who see them as historical or ethnological curiosities that have nothing to do with the current needs of local communities. There is an important lack of knowledge about the socioeconomic and political values of ICCAs, and the link between these values and potential solutions to current environmental and socioeconomic problems.

In fact, the centuries-old efforts to find legal ways to massively privatise common properties – directly neglecting ICCAs, without any mention of community rights or communal values – are still notably present, even among lawyers, economists and academics¹⁶. This idea of

¹³ For example ‘Communal Woodlands’ (MC) are one of the most threatened ICCAs, disappearing as they are privatised or as the administration takes ownership of them as a patrimonial asset by ignoring their common condition. This process, which started in the 18th century and has accelerated in recent times, has been the subject of several studies at local and regional level (Lana 1992; Iriarte 1995; Sabio 1995; Ortega 2000). One important cause of this process is that the entity owning the ‘Communal Woodlands’ land (the municipality) is the entity with the most possibilities and responsibility to protect this kind of common use and its particular governance but, at the same time, an interested party in letting such common use erode to allow its exploitation as an asset of the municipality. Municipalities can then add the relative economic income directly to the municipal treasury by, for example, selling the wood or pasture rights which were previously a right of the community members or by directly selling the land (Pérez-Soba & Solá 2003).

alienating local the properties and rights of local communities is sometimes publicly supported even in cases where the land is not held by the public administration¹⁷. Another issue that is still open to discussion involves criticisms of some ICCA institution rules, for example the fishermen guilds, *Cofradías*, as a restraint on the free market (Franquesa 2004).

Box 9: The recognition of rural values and support for them in Spain

The loss of rural culture in Spain is a major problem that can be identified behind most of the threats to ICCAs mentioned in this section. Some of the lack of recognition of ICCAs is related to the fact that most of these exploitation-based systems are part of this rural culture. In Spain there is a growing gap between rural and urban societies, as urban societies are increasingly isolated from rural culture and values. Although this polarisation is not as strong as in many European countries, the process has increased ignorance among urban societies about rural culture (harvesting, hunting, farming, stockbreeding, etc.), especially about the problems faced when managing natural exploitation systems: stray dogs, market fluctuations, alien species, communication problems with administration bodies, natural predation damages, etc. This situation is the result of many and complex factors, such as the negative and pejorative image of rural inhabitants on mass media and in films. For example, the Royal Spanish Academy (RAE), the institution responsible for Spanish language questions, removed the terms “*uneducated*” and “*unrefined*” as a synonym for “*rural*”¹⁸ after a successful popular initiative in 2011. In contrast to the promotion of urban lifestyles, the preponderance of negative news in the mass media about animal abuse, illegal poisoning, protected wildlife shooting and the like is leading to a decrease in the social recognition of the contribution made by rural inhabitants to biodiversity and the general welfare of society, among other values. On the other hand, many initiatives are working to improve knowledge about local rural culture among urban dwellers. Some outstanding initiatives are coming from the rural tourism¹⁹ and publicity sectors²⁰.

3. Governance and management of ICCAs

3.1. How are ICCAs governed and managed?

Originally, the governance and management of ICCAs was based on customary rules, meaning socially accepted non-written rules transmitted by oral culture through generations. The study of these rules is addressed by legal anthropology, and is very useful in understanding the roots of ICCAs and the origin of most of their outstanding values in terms of governance (Marcos & Sánchez-Marcos 2011).

In any case, at some point in their history, most ICCAs sooner or later encountered conflicts regarding legal and administrative recognition, and many met legal and administrative requirements to become formally recognised institutions (e.g. governance institutions). Other formalised ICCA issues include rules (e.g. statutes, sanctions and other regulations) and property or exploitation rights (by buying land that is already common, *Montes de Socios*, or signing agreements such as the *facerías* to maintain grazing rights). Nonetheless some of these ICCAs have never been registered and still depend on customary rules (e.g. some *acequias de careo*), or have been based on customary rules until relatively recent, as is the case with MVMCs until 1901 (Masa 1964).

Since the customary aspects of ICCAs have been legally and administratively formalised, ICCA governance institutions have been quite homogeneous (several aspects of ICCA

governance are also discussed in Section 2 where the characteristics of ICCAs are explained). ICCA governance institutions are based on the right of any ICCA member – whether family units or individuals – to attend and participate in the General Meeting (whatever its specific name in the ICCA might be), where issues are discussed and voted on – usually by relative majority, and when necessary, by secret ballot – and which are called at least once or twice a year, although other meetings may be scheduled to address specific urgent issues. ICCAs usually have a Managing Board, which is in charge of the management and administration of the ICCA and whose members are elected by vote during the General Meeting.

One of the important roles of ICCA governance institutions is to ensure the agreed-upon share of profits, with the surpluses usually mandatorily spent on improving infrastructure, equipment, etc. or sometimes redistributed between members in the form of social services such as pensions (see section 2.2.vi). For example, in the case of Communal Woodlands there is an extremely broad and complex diversity of forms of government to exploit and share both the common resources and products among the neighbours (mainly wood but also hunting, mushrooms, resin, etc.). It can be by the equal distribution of goods or monetary benefit among the members, by drawing lots (*suertes*), renting (*arrendamiento*), etc.

Another important role of this institution is self-control and punishment. Usually, all the members of an ICCA participate in the surveillance of the collective agreements to ensure that they are complied with, and transgressors can be punished in real time (by penalising rights or cancelling them, ceasing to provide the collective services of the ICCA and social isolation, among others). In some cases, such as with the Hunting Societies, professional qualified personnel are in charge of these surveillance duties, funded solely by the SC community.

3.2. Key issues faced in governing and managing ICCAs

Basically all ICCA governance is based on administrative and management issues (which take up most of the time and attention of the ICCAs) related to managing ICCA profits and rights among the local community or supervising the enforcement of rules and agreements among the community members and also between the ICCA and other actors and organisations (e.g. the administration, private owners, etc.). These issues are usually easily addressed by the local communities following their customary rules. The reason for the general success of these governance institutions is that longstanding ICCAs have already evolved and adapted to fluctuations in natural resources (seasonal resource scarcity, seasonal closures, etc.) and internal social conflict dynamics (vested interests, applications from new members, systems to guarantee equitability, etc.). Indeed, newly established ICCAs such as the shellfish gatherers have benefitted from the difficult learning process that longstanding ICCAs have gone through over time (Frangoudes *et al.* 2008).

Nonetheless, prevailing socioeconomic changes, along with the aforementioned threats to ICCAs at this time (see Section 2.3), can exceed the capacity of ICCAs and their governance institutions to adapt to those changes. In the current context, an important part of ICCA efforts, both in time and money, when addressing governance and management issues are devoted to adapting ICCAs to new and changing situations and, at times, opposing community interests. Some common examples include the need to invest in updating marketing methods and technologies for a more adequate or efficient exploitation of the ICCA natural resources (whether demanded by the community members or by consumers of the ICCA products), responding to threats to ICCA member properties or exploitation rights, administrative demands to cope with new legal or administrative regulations and laws –

including the registration of ICCA rights, rules and governing institutions – and the investments needed to search for expert advisement on ICCA issues, whether legal, technical, regarding access to subsidies or the like.

4. Recognition and support to ICCAs

4.1. Government and Civil Society recognition and support to ICCAs

Given the heterogeneity of areas that fit the definition of what an ICCA is in Spain, the way in which national, regional and local governments and non-governmental agencies recognise and support ICCAs needs to be analysed, categorising them according to the kind of natural resource they depend on. This is a key point to explain support and recognition because, as noted above, their related resources and the way ICCAs use them are the *raison d'être* and explanation for most ICCA history, rules, customs, governance institutions, added values and – most importantly in this context – the explanation for the way they are regarded by governments and civil society.

Part VII, Section 132, article 1 of the Spanish Constitution²¹ establishes that “*The law shall lay down the rules governing public and communal property, on the basis that it shall be inalienable, exempt from prescription and cannot be attached under any circumstances, and it shall also provide for the case of disaffectation from public purpose*”, establishing a crucial basis for the recognition of commonly owned lands, from which the specific common-related laws mentioned in this study derive.

It is also important to stress that where ICCAs overlap with Protected Areas (PA), and especially with National Parks, their recognition and support by the administration increase, leading both to more attempts at regulation and also to greater access to subsidies and technical support. An exception to this is the case of hunting ICCAs in National Parks, which are usually forbidden, although in the other NPAs (only 5,7% of NPA are National Parks) they are permitted as a general rule. In the case of ICCAs overlapping with National Parks, and with the aim of guaranteeing that resource management meets National Park policy criteria, National Park staff are usually on hand to supervise the natural resource exploitation, whether it be grazing, timber collection, etc., although most of the regulation powers are handled by regional government laws. The same situation could be described for most Natural Parks, although in a much more limited way since they are established with significantly fewer resources in terms of legal framework, personnel, budget, etc. In any case, ICCA regulations can often be more restrictive than administrative regulations, and in many cases are more accepted and respected by local communities and more easily enforced, as they come from consuetudinary rules with which local communities have cultural affinity and have usually endured many years of testing by stakeholders before their general acceptance.

NPAs have their own local participation bodies, often called *Juntas Rectoras* (Steering Committees) in Natural Parks, with other names in National Parks, such as *Consejo de Participación* (Participation Board). Regardless of the name, these participation bodies are consultative and the NPA administration is in charge of the management of the Protected Area. Moreover, local representatives of farm owners or holders of grazing or hunting rights and other non-administrative representatives are a minority in relation to government representatives (Nasarre 1996), regardless of the proportion of private or public ownership of the National Park lands.

As a general rule, and taking in account the ICCA cases studied, ICCA recognition and support initiatives are developed and promoted by the ICCA management boards themselves or sectorial NGO organisations, with adequate approaches and solid knowledge about the community context and needs. Very often, these initiatives are funded by regional (mostly) and national (less often) administrations with important support from EU funds earmarked for rural development (LEADER, ERDF, InterReg, etc.) or other overlapping issues such as biodiversity (EU LIFE program, etc.).

(i) Pastoral ICCAs' recognition and support

Most *Juntas de Ganaderos* ('Pastoral Committees'), including other related governance institutions regardless of their denomination that manage grazing ICCAs, have only been established recently both legally and administratively, for example by means of the legal registries of Agricultural and Livestock Local Committees (e.g. in the Castilla-León region²²). Others, in order to gain full administrative and legal status, have been inscribed at national level in the Special Registry of Mountain Associations, defined by Royal Decree 2741/1986 as "*non-profit associations promoted [...] as a means to channel participation in the socioeconomic development of mountain agriculture areas, compatible with the preservation and restoration of its habitat.*"²³ (e.g. the *Asociación de Montaña Ganaderos Valle de Broto*). Others have legally established institutions that date far back, like the *Comunidad de Bârdenas*, officially established in 1820 but with written rights dating from 882 (Urmeneta & Ferrer 2009), or have been registered as a Cultural Association, such as the Balsamaña Association, which manages a *dehesa* estate that has been in existence since the 16th century (Gutiérrez-Pulido & Mayoral Agüero 2008). Some Spanish extensive pastoral associations have joined in the *Federación Estatal de Pastores*²⁴ a Spanish shepherd federation established to defend, promote and support extensive shepherd rights and systems, in order to strengthen the current and future feasibility of stockbreeding activity. In any case, regardless of the form of administrative recognition of pastoral ICCAs, most of them have managed to maintain and implement the grazing management and exploitation rights they have held since ancient times.

This administrative and legal status has been very important in terms of gaining access to administratively managed resources to develop innovative initiatives, for example, to promote and improve the market values of their high-quality products and the added values associated with them (*Asociación de Montaña Ganaderos Valle de Broto* in the Pyrenees) or to gain economic support from the administration to develop legal and administrative regulations for better and more updated livestock breeding (e.g. the *Comunidad de Bârdenas* project, Regulation of the Farming and Pastoral Uses of the Bârdenas Reales de Navarra Natural Park (Urmeneta & Ferrer 2009)).

Box 10: The Association of Livestock breeders of the Ordesa and Monte Perdido National Park

In 2005, as an outstanding example, the Association of Livestock breeders of the Ordesa and Monte Perdido National Park was established. This organisation groups the livestock breeder communities of 25 localities that currently hold historic grazing rights in National Park territory²⁵. The goal of this project, which was developed and funded by Mountain Systems Advisers I+D S. L. and with the collaboration of the Pyrenean Institute of Ecology (IPE/CSIC), is to promote the active participation of the community in the pastoral management of the mountain grasslands, unifying and coordinating dialogue with the

administrative bodies in order to support the interests of extensive grazing and stimulate younger community members' interest in picking up the traditional pastoral activity of their predecessors (Aguirre 2010).

More recently, recognition of these pastoral ICCAs had been increasing. In 2010, one of these *Juntas Ganaderas*, the *Juntas Ganaderas del Valle de Chistau/Gistáin* (Huesca province), was awarded the Sustainable Development Award 2010₂₆ for the “*support and development of harmonious cultural and environmental mountain livestock breeding*” by the ECODES (Ecology and Development) Foundation, while the *Mancomún de la Costa de Fuerteventura*, a traditional local pastoral governance institution devoted to the regulation of extensive goat livestock breeding on Fuerteventura (one of the Canary Islands) – a sustainable activity that supports the last population of the endemic Egyptian Vulture subspecies (*Neophron percnopterus majorensis*) in the world – was awarded the *Medalla de Oro de Canarias 2011* (Canary Islands Golden Medal Award) from the regional government₂₇.

Along with this social recognition, pastoral ICCAs have become tools for tourism and education. In 2011, in order to recognise and disseminate the social and cultural importance of traditional pastoral activity in the Pyrenean valley of Broto, the regional and local administration inaugurated the *Broto Valley Livestock Breeding Interpretation Centre* funded by a rural development project promoted by the Provincial Council of Huesca, co-funded by the EU LEADER program₂₈.

Although, as mentioned above, the social appreciation of these ICCAs has recently been on the increase, drawing the recognition and support of administrative bodies, the social and environmental values related to these mountainous livestock breeding ICCAs have been the subject of intensive research for decades (Costa 1915; Revilla & Manrique 1979; Montserrat & Fillat 1990; Valladares 2006). Some outstanding characteristic ecological research topics inherent to these grasslands and the management system developed by the local communities have been subject to significant research by the Pyrenean Institute of Ecology (IPE/CSIC) and were recently summarised in several excellent and comprehensive papers (Montserrat & Villar 2007; Gómez *et al.* 2009) and the subject of a specific PhD thesis (Aguirre 2010).



Valle de Balsera, Sallent de Gállego, Huesca.

Most high mountain pastures have been subject to common pastoral management for centuries. Bruna de los Pirineos autochthonous cattle breed carcass eaten by vultures in a 2,000-meter mountain pasture in the Pyrenees.

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However, these kinds of ICCAs are experiencing devastating problems with regards to generational replacement, as most new generations emigrate or prefer different professional activities. In order to fight this problem, the *Artzain Eskola*²⁹ (Shepherd School) was established in 1997 in the Basque Country and is currently enjoying its successful fifteenth year. This is a private initiative supported and co-funded by the Basque Government (*Eusko Jaurlaritza*). The following initiatives are those promoted by the Pyrenees School for Shepherds (*Escuela de Pastores del Pirineo*), established in 2003 as a part of an Interreg IIIA project: ‘Inter-Pyrenean collaboration for shepherd activity development in a boundary zone’³⁰. The initiative, co-funded by the regional government (*Gobierno de Aragón*) and the Province Council of Huesca, is the result of the collaboration between the Mountain Association of Livestock Breeders of Broto, the Pyrenean Institute of Ecology (IPE-CSIC) and other university and administrative bodies. In 2009 in the Catalanian Pyrenees, a similar initiative was developed by Rurbans, *Associació Sociocultural per a la dimanització rural de muntanya*, and *Montanyanes*, a private company, with the support of local and regional administrations³¹. In 2010, the Andalusian Shepherds School, currently in its third year, was established³² and co-funded by the Andalusian Regional Ministries of Agriculture, Fisheries and Environment.

Box 11: Facerías, recognition and support

The ICCAs managed by *facerías* agreements related to international borders (Spain-France-Andorra) have been recognised and ratified throughout history by very old agreements, even in times of war (e.g. 1293 for the *facería* of Vic de Sos, 1375 for Roncal-Baretous and 1556 for Aezkoa-Cisa, see also box 4). In 1856, Spain and France adopted a specific treaty to recognise the right of local communities to develop such agreements. In the case of *facerías* between Spanish and French communities, curiously, the treaty refers to a special jurisdictional international institution, the *Comisión de los Pirineos*, as this treaty is not within the jurisdiction of national councils, but a diplomatic agreement (Descheemaeker 2011, Auñamendi Entziklopedia)³³, thus establishing the degree of independence of these governance institutions from national administrations.

Some of these *facería* agreements are ratified annually, a major social and tourist event. The yearly Roncal-Baretous *facería* agreement ratification –known as the Tribute of the Three Cows – takes place on 13 July in the *Piedra de San Martín*, on the border of Navarre (Spain) and France. This event has become a cultural event catalogued by the regional government of Navarre in January 2011 as Intangible Cultural Heritage (ICH)³⁴. Another *facería* agreement, Cize-Aezkoa, celebrated its 500th anniversary with a monument depicting two cromlechs united into one big stone. Each cromlech has 9 stones for the 9 villages in Aezkoa Spain and 19 stones for the Garazi villages in France. Research on the *facería* phenomenon was funded by the FEMPA (*Fundación para la Ecología y la Protección del Medio Ambiente*) to gather and update past and current *facerías* treaties throughout the Pyrenees.

RECOGNITION AND SUPPORT OF ICCAs IN SPAIN



Piedra de San Martín, Spanish-French Pyrenees border.

The celebration of the Tribute of the Three Cows is a centuries-old form of honouring the old common grassland management agreement among bordering local French and Spanish Pyrenean pastoral communities.

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(ii) Woodland ICCAs' recognition and support

As noted above, there is no recognition or support for ICCAs *per se* in Spain, because ICCAs are unknown but, nonetheless, common use and property have an important legal basis. Regarding Woodland ICCAs, article 11.3 of Law 10/2006³⁵ which modified Law 43/2003 on Woodlands³⁶, acknowledges the collective property of private lands (including MVMCs and MSs) as well as the common exploitation of public woodlands (MC) including their special legal status as inalienable, imprescriptible, non-transferable and declaring their ownership to be tax-exempt. Moreover there are specific laws for some types of collectively owned woodlands such as, for example, Neighbour Woodlands (MVMC). There is a national law on MVMC (Law 55/1980 on Neighbour Woodlands³⁷) and also a regional law in the Galicia region (Law 13/1989 on Neighbour Woodlands³⁸) where this form of common ownership is more typical and where the regional government holds full authority regarding their legal status. On the other hand, Communal Woodlands (MC) are managed using a framework of specific municipal bylaws, since the property of the land is municipal in this kind of collectively managed woodlands.

Although in Spain, MVMCs have enjoyed longstanding and increasing legal recognition – Law 147/1963 and Law 52/1968, especially after the specific Law 55/1980 on MVMCs – this legal recognition was achieved after a long period of social resistance against the usurpation of management rights during Franco's dictatorship, historical attempts at usurpation by the municipalities (Pérez-Soba & Solá 2003), and especially during the Spanish economic growth of the 1960s and 70s, this time against the vested interests of both the private sector and the local administration. An interesting documentary from 1978 (in Spanish and Galician)³⁹ depicts the social fight of local rural communities to defend common MVMC lands in the 1970s. The webpage that recovered this historical document was founded by the Galician government (*Junta de Galicia*) using ERDF funds. Currently, this recognition is legal, although in some cases it is not taken into account by local administrations that are using and transforming the land as if it were owned by the municipality, leading to strong conflicts with the MVMC communities⁴⁰ and 41.

While MVMCs in Galicia are the object of significant recognition and support, MVMCs are sometimes remarkably neglected by the administrations in other neighbouring regions such as the province of Zamora, the Castilla y León region – where around 103,000 ha of MVMCs

still exist⁴² – even being governed by the mentioned national Law 55/1980 of 11 November on MVMCs. The origins of the conflict lay in the fact that the alleged status of these lands as MVMCs is based on old legal documents that sometimes come into conflict with the current municipality land registry⁴³. To clarify this situation, a committee of MVMC Managing Boards (*Plataforma de Juntas Vecinales*) was established, which represents the neighbours' interests in promoting the legal and administrative recognition of MVMC lands, many of them currently being exploited by the municipalities. The critical point in this situation was the administrative and legal recognition of the Provincial Woodland Court of Zamora covering more than 100 communal woodlands, which neighbours currently claim to be MVMCs. Setting aside the last recognition of an MVMC in 1984, since the first cases were brought successfully to court in 2008, none of the disputes have been resolved as of yet.

Most of the different forms of recognition and support for 'Partners' Woodland Societies' or 'Corporation Woodlands' (MS) are devoted to solving the important problems this form of ownership currently faces (see Section 2.3). One outstanding project is called *Montes de Socios*⁴⁴. The objective of this project is to recover and enhance the value of MS and in that way contribute to improving economic development, modernisation and quality of life in rural areas. To achieve these goals, the project plans to: a) develop solid research about several administrative and official historical registries to identify and clarify the property background of each MS; b) implement an educational and information program in the related local communities to encourage involvement by neighbours in the initiative; c) promote the development of *Juntas Gestoras*, the administrative Managing Boards formed by the co-owner of any given MS; and d) develop a specific normative proposal to establish a legal framework for MS, for example by creating a National Communal Forest Ownership Working Group. The project is currently underway in the regions of Castilla y León, Castilla-La Mancha, Asturias and Aragon. The *Montes de Socios* project is a pilot project developed by the Association of Forest Owners of Soria, ASFOSO⁴⁵, within the framework of MARM's National Rural Network, which funded the project with €813,254 using FEADER funds. The project has been given widespread coverage in the mass media at national level, in the press⁴⁶ and on the radio⁴⁷ and regional television⁴⁸.

An outstanding example of the recognition of and support for ICCA 'Communal Woodlands' (*Montes Comunales*, MC) is the Urbión Forest, 100,000 ha of a continuous forest of Scots Pine (*Pinus sylvestris*) in the Soria and Burgos provinces, including 35 municipalities. This forest is made up of private and municipally owned land, with an important tradition of common exploitation established in 1288. Currently, the common lands are managed by many different specific local governance institutions responsible for the management of the forest and its production, such as the Wood Neighbour Society of Covalada (*Sociedad Vecinal de Maderas de Covalada*)⁴⁹ and the Wood Neighbour Society of Palacios de la Sierra (*Sociedad Vecinal de la Madera de Palacios de la Sierra*), among many others.

In 2007, with the support of the regional government (*Junta de Castilla y León*), most of the stakeholders involved in the exploitation and enjoyment of the Urbion forest joined to establish the Urbion Forest Model Association (*Asociación Monte Modelo de Urbión*)⁵⁰. The goals of this association are to promote sustainability, transparent and inclusive governance and the multifunctional potential and exchange of knowledge about Urbion forest management. The Urbion Model Forest has been certificated by the Programme for the Endorsement of Forest Certification, PEFC⁵¹, it is member of the International Network of Model Forests⁵² and has been awarded the 2008 Junta de Castilla y León Environment Award

for its “*innovative approach to integrating population and economic stakeholders in the sustainable management of the forest*”.

Another outstanding MC case is the La Dehesa communal woodland in El Hierro Island, Canary Islands⁵³, where common uses have preserved outstanding natural communities and agro-ecosystems, including a millenarian forest of an endemic subspecies of juniper (*Juniperus turbinata canariensis*). In this case, the island administration, *Cabildo de El Hierro*, has legally and administratively recognised the customary grazing and shepherding rules of this MC by developing a specific regulation based on the traditional management, roles and governance institutions of the MC⁵⁴. The role of the island administration is mostly to develop institutional support for the livestock breeders’ activities and products as well as to act as a mediator and supporter of the disciplinary measures taken by the La Dehesa MC governance institution.

An outstanding example of another kind of woodland ICCA is the ‘Neighbour Woodland, MVMC’ of Santiago de Covelo, Galicia, which manages around 700 ha of woodland including several priority habitats (e.g. acid *Sphagnum* bogs) with priority species such as the Iberian Wolf, *Canis lupus*. The MVMC has made an intensive effort in terms of management to enhance the multifunctionality of its territory by improving the status of the conservation of its habitats and diversifying them, by, for example, developing quality grasslands, reforesting with autochthonous species and eradicating *Eucalyptus*. The group has also inventoried, restored and signposted several natural, cultural and archaeological heritage features including ancient water mills, megalithic monuments, endangered habitats, and the like, and has set up an informative tour through them. These initiatives, including the forestry woodland management, were funded by the regional government (*Consellería do Medio Rural e do Mar, Xunta de Galicia*), the Regional Rural Development Agency (*Axencia Galega de Desenvolvemento Rural*) and MARM using EU LEADER funds.

Another special example of an MVMC is the MVMC of Candeán, Vigo, Galicia⁵⁵, which currently is fully surrounded by urban areas. This MVMC has developed several projects that have been funded by different regional ministries to create and run the MVMC webpage, reforest the territory with autochthonous species, put signposts throughout the MVMC and along its trails, and fix up the traditional hydrological exploitation facilities. An official agreement was also signed with the municipality (Vigo) to coordinate and share water and electrical resources. The area also has several outstanding megalithic structures that were recovered and signposted by the MVMC using funds from the municipality and the regional government⁵⁶ and ⁵⁷.

MVMCs have also been the subject of research. Between 1999 and 2003, a group of researchers from IDEGA (*Instituto Universitario de Estudos e Desenvolvemento de Galicia*) at the University of Santiago de Compostela developed the project, *A propiedade comunal: implicacións para o desenvolvemento rural en áreas periféricas* (Common Property: implications for rural development in outlying areas) in order to bring knowledge about MVMCs in Galicia up to date. The project was funded by the EU (FAIR CT-98-4111) and the results are published in the book: *Os Montes Veciñais en Man Común* (Grupo de Estudos da Propiedade Comunal 2006).

MVMCs have a long history of working in partnership. The first one, which is no longer in existence, was founded in 1977 (*Coordenadora de Montes Comunais*). In 1986 the Forestry Association of Galicia (AFG)⁵⁸ was established, an NGO mainly geared towards the forest

products industry, which represents some of the Galician woodland owners. Its management board is made up of 50% representatives of MVMC owners and 50% individual private owners. In 1999, the Galician Organisation of MVMCs (*Organización Galega de MVMC, ORGACMM*)⁵⁹ was established, an NGO dedicated exclusively to supporting MVMCs.¹⁴

Box 12: Esparto grass management recognition and support

Regarding the traditional management and exploitation of esparto grass (*Stipa tenacissima*) in southeast Spain, there is a slowly increasing revitalisation of the activity. The growing market demand for the materials and manufactured products obtained from esparto grass (de la Cruz *et al.* 2010) and the solid local knowledge and cultural connection to the species (Ariaga & Janin 2010) have come together to focus the attention of the local population, social agents and authorities on the recovery of the common exploitation of this grass. In addition to the strong local cultural link to this exploitation and its related governance institutions, the traditional management of esparto grass is a major tool in the fight against desertification in the area, one of the main specific environmental problems in this part of Spain.

The *Rescatalatocha*⁶¹ or ‘rescue the esparto grass’ programme is developing several initiatives to recover these activities and their inherent values in the province of Granada in Andalusia. These initiatives include an exhibition about the traditional esparto industry called ‘the esparto business’, education about the survival of the cultural heritage of esparto aimed at younger generations⁶², a pilot program on the recovery of esparto grasslands by means of traditional management⁶³ and a publication on the cultural heritage of esparto grass ‘Blues for a *Pleita*’, a *pleita* being a traditional handmade strip of esparto grass. The *Rescatalatocha* programme is supported by the Ecomuseum of Castilléjar (Granada province) and the *Los Espejuelos* association of environmental volunteers under the auspices of the Provincial Council of Granada’s *Granadaempleo* programme, co-funded by the European Social Fund and the LEADER programs, to promote the socioeconomic development of the region. At a public presentation of the *Granadaempleo* programme, esparto promotion was the outstanding topic, as authorities from several local municipalities considered the recovery of the esparto grasslands and the value in enhancing them as an endogenous source of socioeconomic development⁶⁴, an opinion that is shared by specialists: “*The traditional manufacture of the esparto grassland is a woodland resource susceptible to recovery and modernisation, both at the production process level and in terms of its marketing channels*” (de la Cruz *et al.* 2010). Documentaries on esparto grass heritage are available at links ⁶⁵ and

66.

¹⁴ In May 1997, the ORGACMM organised the first Galician Congress of Communal Woodlands, which is currently holding its fourth session (2004, 2006 and 2010). In the last conferences, two MVMCs (Cabral and Teis) were given awards by the organisation for their efforts and success in recovering their land rights, in the first case against their municipality (Vigo) and in the second against AENA, the National Airport Management Company. In 2011, the ORGACMM and the Portuguese *Associação para a Cooperação entre Baldíos (Aceb)* organised an international conference on communal woodlands entitled, *I Congreso Galaico Transmontano das Áreas Comunitarias*, with the aim of promoting a transnational approach to supporting and developing rural areas in the Galicia region in Spain and the adjacent Trás-os Montes region in Portugal and evaluating the effectiveness of the different European Community programmes with regard to MVMCs⁶⁰.



*Rambla del Gallar esparto grass landscape in the El Guardal Badlands, Granada.
The discovery of handmade esparto fittings in the Cueva de los Murciélagos shows that human communities
were using esparto fibre in Granada more than 7,000 years ago.*

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(iii) Hunting ICCAs' recognition and support

Hunting Societies (SC) have full legal and administrative acknowledgement in Spain and the hunting areas they manage are categorized by regional hunting laws with different names: *terrenos cinegéticos de aprovechamiento común*, *cotos deportivos* or *cotos sociales*. Furthermore, most Spanish regions (CCAA) distinguish this common management from private hunting areas because of the non-profit characteristics of SCs.

In order to be member of a SC it is necessary normally, to be a member of the local community by proving to be registered in the administrative local inhabitant registration for some years, be married with a local inhabitant, etc. This community membership condition, which usually figures in the SC statutes, is being included in hunting laws (e. g. to establish a *Coto Social* –a specific kind of common hunting area- in Extremadura at least 80% of the members should be local hunters).

In Spain, SCs are potentially eligible for several subsidies because of their sports and cultural values, but they can also access funding intended specifically by the CCAA to promote the conservation of hunting species, the improvement of hunting management and biodiversity conservation in different regions (Asturias⁶⁷, Extremadura⁶⁸, Navarra⁶⁹, Balearic Islands⁷⁰, Cantabria⁷¹, among others). Moreover, in many cases, SCs are eligible for preferential access to funds for subsidies intended for hunting estates in general, for example in the development of the actions of regional forestry plans (e.g. Castilla y León) or have specific funds set aside for them (Orden Foral 7/2011 of 15 July in Navarre)⁷².

Most SCs are associated with hunting federations. The Royal Spanish Hunting Federation (RFEC) was established in 1913⁷³, and there are currently regional federations in each region⁷⁴. The RFEC, with more than 700,000 members (among them around 75,000 women), is an influential institution in Spain that supports and promotes SCs, and that, with the financial support of its members, funds research and monitoring projects by the Foundation for the study and protection of nature and hunting (FEDENCA)⁷⁵. The RFEC and their regional delegates are supported and funded by the Spanish Environmental Ministry and the regional governments.

Regarding Natural Protected Areas, there is full consensus at this time that hunting (including SC) can contribute to biodiversity conservation and sustainable development when adequately

managed. For example, huge Spanish areas have been preserved for centuries by hunting activities and have such a good ecological status that they have been classified as National Parks (e.g. Monfragüe National Park and Cabañeros National Park) or as a different type of NPA. Moreover many large highly-valuable Spanish natural areas were exclusively preserved from habitat degradation for centuries because of their hunting value (e.g. Sierra Morena).

Although, as with the management of any exploitation, hunting can and sometimes does cause ecological problems, it is being successfully used as a management tool to enhance biodiversity conservation. Cooperation among associations of hunters, administrations and NGOs is a way to deal with ecosystem degradation problems related to predation caused for the most part by opportunistic species – e.g. the wild boar (Herrero *et al.* 2006) -, overgrazing by wild ungulates and to prevent density-related diseases in game species which often result from deficient hunting management, low densities of natural predators or a lack thereof or other management problems and dysfunctions in natural population regulation systems.

Some SCs have been given awards for their support for environmental activities, their conservation projects and their efforts at sustainable management.¹⁵

Despite the institutional acknowledgement of SCs, Spain is still missing the acknowledgement of the strategic potential of SC management for biodiversity conservation. The social importance and geographical magnitude of the lands managed by SCs (more than 6M ha, see section 2.1.iv) – many of them in rural areas with a high environmental value– shows the need to develop new support initiatives, collaboration and advising between administrations, environmental NGOs and SCs. On the other hand, SC should become aware of this responsibility and adopt a much more active participation in their commitment to nature conservation.

(iv) Water management ICCAs' recognition and support

As in the example of the aforementioned *acequias de careo* traditional irrigation system, ICCAs in this context are managed by 'Watering Communities', *Comunidades de Regantes* (CR), which are based on customary rules, most of which were legally registered in recent times. Up to the last decade, the lack of administrative and legal recognition of these governance institutions made it impossible, in general terms, for the *Comunidad de Regantes* to receive subsidies to help to manage this irrigation system and, more importantly, to maintain and repair their underlying traditional structures (Fernández-Escalante *et al.* 2006). It has only been recently, as most ICCAs have been registered following administrative protocols, that these CRs have gained access to subsidies to develop the maintenance activities needed in a strongly depopulated area, for example subsidies related to the Sierra Nevada National Park⁷⁸.

In any case, this system is highly appreciated for its ecological, agricultural, historical and technological values, and is considered extremely efficient and a pioneer for its time at

¹⁵ The *El Cartucho* SC in Barbate, Cádiz, was given the Andanatura 2010 award by the Andalusian regional government in 2010 in recognition of their clean-up campaign in the *La Breña y Marismas de Barbate* Natural Park between 2009 and 2010. The LIFE project, Conservation and reintroduction of the Iberian Lynx in Andalusia, annually awards an SC for its collaboration with the conservation of the Iberian Lynx (*Lynx pardinus*)⁷⁶. The *Premios Trofeo* awards from the América Ibérica publishing house are given to "people or institutions outstanding for their support and promotion of hunting as a natural and renewable source compatible with nature conservation"⁷⁷.

European level (Headworth 2004; Fernández-Escalante *et al.* 2005; 2006). The *acequias de careo* system has been also studied by following the effect of the traditional mountain irrigation systems on the plant communities and ecosystems of the Mediterranean mountains of Andalusia (Guzmán & Navarro 2010).

Box 13: *Acequias de careo* management recognition and support

In the last decade, the Sierra Nevada National Park has made an effort to develop an inventory of the different known *acequias de careo* by inventorying 127 *acequias de careo* in the Sierra Nevada, of which 23 have been studied and catalogued in detail (Cano-Manuel 2000). From 2008 to 2011, when the inventory was completed, the regional government or *Junta de Andalucía* set aside €5.2 M to fund the recuperation and maintenance of 215 km of the *acequias* irrigation system with traditional techniques and materials, within the framework of the Recovery Programme for Traditional *Acequias* in the Sierra Nevada⁷⁹. Recently the ‘*Acequero Manual*’ was published, a book with extensive illustrations that explains the traditional structures, management and cultural and ecological heritage related to this ICCA (Espín *et al.* 2010).

(v) Marine ICCAs’ recognition and support

Virtually all marine ICCAs are managed by *Cofradías*, which have been historically created and supported by different governments (Franquesa 2004) and are currently local non-profit corporations with public rights (Pascual-Fernández & de la Cruz-Modino 2011). At this time, the *Cofradías* enjoy full legal and administrative recognition (Law 3/2001 on National Marine Fishing) and have full access to the different forms of support intended for non-profit organisations (the National Federation of Fishermen Guilds or *Federación Nacional de Cofradías de Pescadores*, FNCP⁸⁰ was funded in 2011 with €165,000 from MARM). A good example of the support for and recognition of *Cofradías* by the Spanish administration and their successful synergies is the process of declaring Marine Protected Areas (MPAs) that is currently underway.

Box 14: Marine Protected Areas

In Spain, concerns about the sustainability of fishing activities gave rise to initial steps to create legislation for ‘Marine Reserves’ (*Reserva Marina*) in 1982 by what was at that time called the Ministry of Agriculture and Fisheries. The first marine was the Tabarca Marine Reserve and by 2011, a total of ten had been established⁸¹. For these Marine Reserves, the “*main goal is the sustainability of artisanal fisheries*” (Revenga 2003). As specified in the 1982 order, the state must consult with the National Federation of *Cofradías* and the Spanish Oceanography Institute prior to establishing a reserve (Pascual-Fernández & de la Cruz-Modino 2011). Today, in addition to marine reserves, marine protected areas (MPAs) have been created or proposed in Spain with a different legal status, designation and implications for local fisheries (Law 42/2007 on Biodiversity and Natural Heritage⁸²). As of 2011, only one MPA has been designated by the national government (El Cachucho MPA), but there are an undefined number of different kinds of marine protected areas created by the regional governments (e.g. Os Miñarzos), while for some, responsibilities are shared between national and regional administrations (de la Cruz-Modino 2008; Pascual-Fernández & De la Cruz-Modino 2008). In any case, in Spain the total surface area of MPAs as of 2010 is 154,895 ha, not including the aforementioned ‘Marine Reserves’ (see table 1). At this time, to integrate the aforementioned initiatives, the Spanish government is working to develop a Network of

Marine Protected Areas within the framework of the Royal Decree 1599/2011 of 4 November⁸³. In this context, 10 areas have been selected and are currently being catalogued and researched prior to their designation as MPAs, including a possible designation for the Natura 2000 Network (Observatorio de la Sostenibilidad en España 2009), as part of the LIFE + INDEMARES project⁸⁴. A participatory process is anticipated with the fishing sector to establish conservation measures to guarantee the sustainability of fishing activities in the area (EUROPARC-España 2010).

The existence and role of the *Cofradías* have been essential in the design, regulation and promotion of many MPAs, as the basic longstanding institution representing the small-scale fishing sector. This participation of the *Cofradías* has been very proactive, in some cases leading the process of MPA design, as at Punta La Restinga y Mar de las Calmas, El Hierro, Canary Islands, and the Os Miñarzos Fishing Interest Marine Reserve (*Reserva Mariña de Interese Pesqueiro de Os Miñarzos*) in Lira, Galicia. This process has captured the interest of the scientific community from the points of view of biodiversity conservation, sociology and the economy (Pascual-Fernández & de la Cruz-Modino 2011). Regarding the final role of the *Cofradías* in these MPAs, for example in Galicia, in the regional MPA managing boards, the representatives of the regional administration and the *Cofradía* are the only members and are represented in equal number (e.g. *Reserva Mariña de Interese Pesqueiro Ría de Cedeira*⁸⁵ and the *Reserva Mariña de Interese Pesqueiro de Os Miñarzos*⁸⁶).



Cíes Islands, Vigo, Pontevedra.

In 2002, the Cíes, Ons, Sálvora and Cortegada archipelagos were declared Galician Atlantic Island Maritime-Terrestrial National Park. Only professional and traditional small-scale fishing and shellfish collecting is allowed in the National Park.

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Regional administrations (Autonomous Community administrations) are also funding tools for the local *Cofradías* to extend multifunctional sustainable marine exploitation of the marine area.¹⁶

¹⁶ In the case of the Os Miñarzos Fishing Interest Marine Reserve, the *Xunta de Galicia* is funding the *mardelira* project⁸⁷ to boost the efforts of the *Cofradía de Pescadores de Lira* to provide information and increase the supply and variety of recreational (sustainable sport fishing), educational (informative fishing workshops) and cultural (gastronomic) exploitation of their traditional fishing activities, known as fisheries tourism. This successful pilot project was so popular that it was broadcast by the mass media at international level⁸⁸, discussed in books on sustainable rural exploitation (Rico 2011) and was also the subject of a documentary on the processes behind the socioeconomically positive consequences of the Os Miñarzos MPA designation: *Lira, an enclave of life on the 'Coast of Death'*⁸⁹ (Spanish with English subtitles), with the economic support of the regional public television channel (*Televisión de Galicia*).

RECOGNITION AND SUPPORT OF ICCAs IN SPAIN

One important international networking organisation that supports this approach is RECOPADES, formed by representatives of artisanal fishery communities. The network is working to create an open space to promote the recognition and defence of the social, cultural, environmental and economic rights of men and woman in fishing communities. RECOPADES has produced a video about the networking done by the members of the organisation, which can be accessed on the internet⁹⁰.

In other cases, the increasing appreciation of a marine resource, for example the strong increase in the market value of shellfish after the 1960s, has led to the professionalisation of a traditional activity that had been heretofore unregulated. This emerging economic activity has resulted in common exploitation and, subsequently, a process of empowering women and the development of new governance institutions to guarantee the sustainability of the activity and an equitable share of benefits. During this process, the role of the regional administration was decisive as it invested in training and improving the organisations and the social dimension of the activity through different strategies to promote governance and sustainability (Frangoudes *et al.* 2008).

It is important to stress that two of the projects behind the scientific research quoted here as case studies were funded by the Ministry of Science and Innovation of Spain and the European Regional Development Fund (Frangoudes *et al.* 2008; Pascual-Fernández & de la Cruz-Modino 2011).

Support for marine ICCAs can also be found on a smaller scale, for example when additional cultural, historic and identity values are present.

Box 15: Corrales de Pesca

This is the case of ‘Fish Pens’ (*Corrales de Pesca*), stone enclosures on the coast designed to selectively trap fish and shellfish in small ponds accessible on foot at low tide (to see how they work: link⁹¹). Their origin is unknown, with the first written citation referring to them dating back to 1399 (Naval 2004). In the case of the Rota Fish Pens, Cádiz (*Corrales de Pesca de Rota*), the municipality, in cooperation with the Unimar Shellfish Gatherers Association, supported their recovery, management (developing a shellfish regulation and management plan for the pens) and awareness-raising by means of a project also co-financed by the regional government (Junta de Andalucía)⁹². The project was awarded the Best Practice prize at the Dubai International Award for Best Practices (2002), within the framework of the United Nations Best Practices and Local Leadership Programme (BLP)⁹³.

In the case of the Chipiona Fish Pens, also in Cádiz, recognition and support came from a private organisation called Jarife⁹⁴, which is the Chipiona Fish Pen Association of Shellfish Gatherers. This organisation has taken important steps in raising awareness and doing research about local fish pens, as well as developing a common exploitation system where any new membership application is evaluated at the annual General Meeting on the basis of knowledge about the traditional system, shellfish gathering background and potential dedication to the task in terms of time and physical effort⁹⁵.

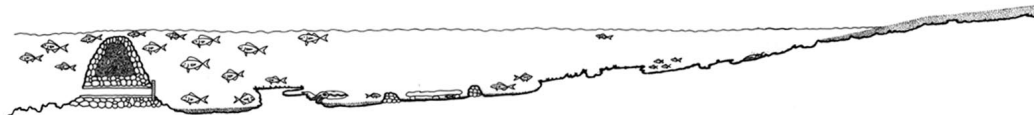


Funcionamiento

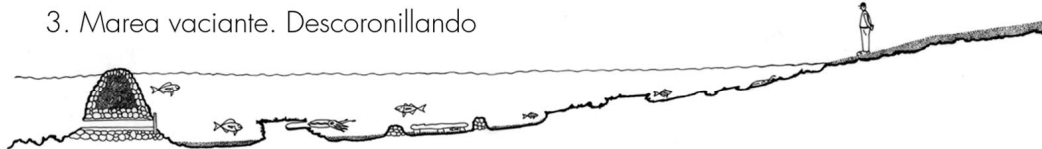
1. Marea creciente y pleamar



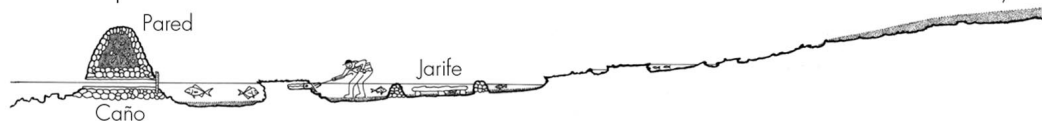
2. Marea vaciante



3. Marea vaciante. Descoronillando



4. Bajamar



Corrales de pesquería, Chipiona, Cádiz

Photo: Aerial view of the *corrales* at the Las Canteras Beach, Cádiz. From top to bottom: Trapillo corral, Cabito corral and Nuevo corral. © Club de Vuelo *La Ballena*, 2003.

Figure: At high tide, the *corrales* do not act as a barrier for fish but as the tide goes out, big fish are trapped inside the *corrales*, while small fish escape through the many small gratings. (Source: Demarcación de Costas de Andalucía-Atlántico/TRAGSA, Alberto Manuel Arias García, 2000).

4.2. Key issues for the recognition and support to ICCAs

In Spain, there are many initiatives related to recognising and supporting the specific initiatives or concrete values of local communities (sustainability efforts, historical and cultural values, etc.), but not so many that recognise (and even fewer that support) these communities and their management and governance systems. Two main reasons for this are

the fact that the concept of ICCA is unknown in Spain, and thus not recognised as a general category, and the fact that most of the support and recognition initiatives are developed at regional (Autonomous Communities, CCAA) levels, with general approaches being less coordinated than in other more centralised countries.

Part VIII, Chapter 3 of the Spanish Constitution²¹ establishes that the 17 Autonomous Communities – the Spanish regions, also called self-governing communities – in Spain hold the authority/powers related to environmental protection, agriculture, farming, hunting, woodlands, forestry and fishing in internal and inland waters, among many other areas. This legal and administrative framework means in practice that there are 17 independent governments and policies, with little coordination in aspects such as supporting and recognising governance and environmental issues. This decentralisation makes it especially difficult to describe a common pattern for administrative recognition and support of the governance/management of ICCAs as a whole. In the case of National Parks, for example, Sentence 194/2004 of the Spanish Constitutional Court of 4 November 2004 states that, based on the Spanish Constitution, National Park management should be also transferred to the regions⁹⁶, making it even more difficult to develop sound coordinated initiatives at national level. In fact, after this sentence, the Autonomous Organisation for National Parks (*Organismo Autónomo Parques Nacionales*, OAPN) had their effective powers critically reduced.

ICCA related recognition processes led by the administrations are very often top-down initiatives with very limited or no participation processes, although ICCAs are beginning to be included in the process of writing – and, more rarely, implementing – official government policies (Frangoudes *et al.* 2008). In many cases, administrative support is conditioned on the ICCA adapting to new laws and administrative regulations that entail unexpected costs for the communities.¹⁷

5. The Future

5.1. Future activities planned by the communities, the government, and the civil society; especially in relation to issues of recognition and support

As can be deduced from the previous sections, there is a wide spectrum of different needs, threats and degrees of recognition and support for ICCAs in Spain. Thus, planned future activities are or need to be equally diverse, and the description of general trends is especially difficult.

Some Woodland ICCAs – mainly MVMCs and MCs – are bringing cases to court where there is a conflict between municipalities and alleged ICCA property or exploitation rights, up to

¹⁷ For example, the European Commission promoted *Cofradías* to become Producers Organisations (PO), but these PO are not fully equivalent to the *Cofradía* system, thus leading to new potential problems, for instance regarding the compulsory parts of some current *Cofradía* rules, or community member representation problems. For example, in POs, only the ship owners are associated, while *Cofradías* also include the crew in the governance institutions (Franquesa 2004). Other authors highlight the fact that, with this initiative, the prospects for improved governance of the EU's fisheries seems fairly modest at best and that, in this context, the ability of the responsible authorities to implement PO policy consistently is crucial (Symes *et al.* 2003). One solution that is becoming common is that, under the control of the *Cofradías* in a region, a legal institution is established as a PO that depends fully on the *Cofradías*. This kind of apparent PO can solve many of the past conflicts because it makes it possible to follow EU requirements and maintain self-control over the territory at the same time (Franquesa 2004).

the point in some cases of developing joint committees to demand the legal establishment of their managing boards. On the other hand, ICCAs are also defending their independence when brought to court by municipalities that demand representation on the ICCA governing institution⁹⁷.

Other ICCAs are working to solve interior problems that threaten the survival of the ICCA itself in the near future, for example the “Partners’ Woodland Societies” (MS). MS are approaching the difficult task of identifying MS members and their descendants based on documents from past centuries. As current MS rules are often really inoperative – an inoperability caused mainly by rural depopulation – some MS are working on a legal study about specific MS legal problems, leading to a specific law that, without going against the collective objective of its management and governance, will improve and guarantee that the environmental and socioeconomic potential of these common lands will be maximised (Pérez-Soba & Solá 2003).

In general terms, many ICCAs are working hard on the difficult process of becoming officially recognised by the administration and/or coping with the administration’s new regulations. Other activities being developed by many ICCAs are related to enhancing the value of ICCA products, in the case, for example, of many extensive livestock breeding Spanish ICCAs. In the complex current context, most ICCAs are trying to develop planning and marketing initiatives to increase the competitiveness of ICCA products based on their cultural, environmental and social added values, and modernising exploitation systems, something that, while worthwhile, is costly in economic and effort terms.

5.2. Recommendations

The current and future situation for ICCAs in Spain cannot be dissociated from the framework of the socio-economic and environmental crisis today. The crisis is making the underlying problems in terms of democracy and representation in our economic and political system very clear, including the fact that the current administration and representatives are clearly lacking the capacity to oppose certain private interests, in opposition to common public interests when they do not represent them. An increasing part of society is calling for deeper democracy and participation in the decision-making process. In this context, along with an increasing awareness and appreciation of environmental, social, cultural and self-identification values, ICCAs provide an opportunity to contribute to the regeneration and improvement of our socioeconomic and political system in an important way, thus enhancing the prospects for local communities and society in general.

In order to maximise this contribution, it is important in general terms to develop a strategic plan for the general acknowledgement and support of ICCAs in Spain, in order to go beyond the current situation where some sectorial policies, local communities and NGOs develop active initiatives to acknowledge and support the existence of communal management and its current or potentially related values. To achieve this, it is now crucial to move from divergence to consensus and from isolationism to inclusiveness so that potential ICCAs and their representatives can move forward together with a shared vision. Cooperation should be based on voluntary partnership. Connecting local communities and their representative organisations, improving their self-esteem and participation, and recovering and enhancing their ICCA cultural basis is a key priority for the future.

Some of the concrete issues that can contribute to achieving these goals are the following:

(i) Gain full legal and administrative status

ICCAs should be encouraged to gain full administrative and legal status. Formal legal and administrative recognition is a key point for the survival of current ICCAs in Spain, in order to strengthen the communities' legitimacy when addressing conflicts regarding their property and exploitation rights and enable, or greatly facilitate, access to external private and public resources. On the other hand, new legislation means the homogenisation of diverse and complex customary systems, something that can lead to conflicts. Although in general terms ICCA recognition laws and managing administrative by-laws are helpful to give legal status to customary management and institutions, they are usually very new laws, so it is advisable to closely monitor the real effects (social acceptance, degree of implementation, socioeconomic consequences, new conflicts and problems, etc.) in order to foresee new problems and adapt or modify these laws when necessary.

On the other hand, there is still an increasing and urgent need to legally and administratively recognise ICCA issues as a general phenomenon in Spain (for example under the generic concept of common uses), including developing information and awareness-raising campaigns.

(ii) Recognise and support ICCAs' outstanding values

ICCA inherent values (see values Section 2.2) should be promoted and be the mainstays of ICCA support and recognition. The existence of Spanish ICCAs greatly depends on their productivity, i.e., their capacity to satisfy long-term community needs, whether recreational, financial, in-kind, etc. However, when this productivity is regarded as divorced from the ICCA's values and evaluated solely in terms of direct mass production (e.g. kg/ha, etc.) ICCAs are not competitive, but are seen as unfeasible, old-fashioned systems. The same approach should be put into practice when addressing marketing and supporting ICCA products.

Since most ICCAs are based on rural area activities, special regard should be paid to the important training and education needs, both in urban and rural areas, regarding those positive rural culture and traditional rural activity values (see threats Section 2.3). This is especially needed and urgent for rural activities such as hunting, of which there is an important and disconcerting ignorance of its positive effects (if properly managed) in urban areas. To achieve this goal, campaigns addressed at documenting and publicising its ecological values (ecosystems, wildlife, agricultural biodiversity, etc.) should be implemented, along with the inclusion of this recognition in the school curriculum and other academic and educational areas. This will enhance the self-esteem of ICCAs and will facilitate recognition initiatives and strategies.



Critically endangered Iberian lynx (Lynx pardinus) Estrella with two cubs, Guadiato and Guadalupe, in a Sierra Morena dehesa in Cardena, Cordoba.
The future of the Iberian lynx strongly depends on the sustainable management of the natural resources of the Mediterranean seminatural areas where it lives.

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(iii) Promote model cases and pilot projects

The identification, promotion and dissemination of outstanding ICCA model cases and pilot projects should be championed. Many experiences in Spain show that model cases and pilot projects are priority tools to promote ICCAs. By developing full media coverage and raising awareness about model ICCA cases, society in general and other ICCAs are more likely to understand, recognise and support ICCAs and their values. Moreover, this strategy has been extremely useful when fostering a strong commitment and motivation to deal with related problems in local communities belonging to other ICCAs. Another added value of this strategy is the resource saving entailed in taking advantage of external learning process results without spending the time and material that these model ICCAs used to reach that point. Regarding pilot projects, their importance is obvious as they provide tools to test and evaluate new approaches and strategies, something that is extremely urgent for many ICCAs.

(iv) Enhance ICCA community governance capacity

As a key base for ICCA survival, governance should be enhanced. In general, improving governability should be a priority task for most Spanish ICCAs, although it may be difficult to influence this factor. Specifically, enhancing the capacity of local user groups and civil society to cope with the tasks involved in governance may constitute a challenge, although the advantages in terms of factors such as legitimacy and adaptability to local situations may reward the efforts (Frangoudes *et al.* 2008). Some ICCAs find it difficult to obtain the commitment and involvement of the younger generations in a general context of growing individualism. To successfully confront this problem, it is important to note the important social role of ICCAs throughout history (traditional parties, contests, awards, etc.). ICCAs provide many material resources but, just as important, they provide satisfaction and opportunities such as personal recognition, identity values, solidarity help, social communication, etc. that are especially in demand in a society where time shared with others is constantly decreasing.

On the other hand, ICCAs and other organizations aiming at enhancing ICCA community governance capacity should also focus on the importance of identifying, acknowledging and supporting ICCA interlocutors: community members committed to the enhancement of their ICCA and their related values as well as to leadership capacity.

In Spain, the legal and administrative tools needed to provide communities with access to and participation in local ICCAs and their decision-making processes is also very deficient, especially those related to the management of territories and economic sectorial policies (e.g. forestry, fishing, etc.). Erroneously, in many of these decision-taking processes, the presence in consultative terms of regional or national sectorial union representatives such as stockbreeders or farming unions is usually considered a guarantee of the ICCA's local community participation.

(v) Promote ICCA adaptability

Given that most ICCAs are imbedded in an ever-changing context of delocalisation, developmentalism and strong social demands and market fluctuations, the support and recognition of ICCAs should not be based on static approaches based on preventing changes. Rather, the efforts and goals should focus on maintaining and improving ICCA values, processes and services, while ICCA rules, institutions and rights should be regarded as successful methods, the result of a constantly developing social evolution, to achieve these goals.

For this adaptability, it is crucial to introduce technical advising on natural resource management in many ICCAs. Quite often, there is a lack of implementation of available scientific and technical knowledge to enhance the exploitation of these natural resources. In general terms, local communities should invest in advising, something essential if certain outdated exploitation models (e.g. models based on fixed quotas or continuous effort) that do not optimise exploitation or assure its sustainability are to be left behind. Frequently, local communities deal with new problems with old solutions that, in many cases, cannot solve the problem.

(vi) Link social needs and ICCA services and values

It would be very productive to encourage organisations and establish strategies to facilitate contact between social demands and what ICCAs offer in terms of values and services. For example, on the one hand, rural depopulation and the lack of participation and involvement in some ICCAs offers opportunities for people from outside the community to join these communities and get involved as ICCA members while, on the other hand, there is a solid, strong demand for participation in governance from an important part of Spanish society (as evidenced by the so-called 15-M “Spanish Revolution” social movement in 2011), a demand for a rural and natural – if somewhat idealised – way of living among many urban people who are moving or would like to move to rural areas (called in Spanish *neorurales*, e.g. (Auct. pl. 1996) and severe and currently increasing unemployment rates that could be partially mitigated by ICCA-related activities and exploitation. To successfully develop this process without causing social/cultural disruption, migrating individuals must be in direct contact with the organisations (developing ICCA duties) along with the local communities to facilitate and accelerate the transmission of local knowledge and values. This process is not new for Spanish ICCAs and almost all of them have rules to accommodate incomers, including in

many cases a testing period to assess their degree of commitment to the ICCA and the community.

Consumers also play a key part in how societies can support ICCAs as an increasing number search for products with environmental, social or cultural added values in Spain. However, they must be informed of these values in order to make their preferential choice possible.

(vii) Promote professional advisement and research cooperation

Taking maximum advantage of the current scientific, technological, sociological and management knowledge to best tackle management and decision-taking processes must be a priority for ICCAs. In fact, professionals (technical advisers/managers, researchers, etc.) involved in ICCA resource exploitation usually report the need for the modernisation of exploitation management and methods at the same time that they stress the outstanding traditional knowledge in ICCA communities. Professional advisement could mean higher costs for ICCAs – or for the administration when these services are provided – but current experience shows that it is cost-effective when properly planned, while research can be freely provided by research institutions in exchange for providing collaboration and access to local knowledge and services. In any case, the synergies obtained as a result of the combination of traditional and modern knowledge is an ICCA tool whose potential difficultly is overestimated.

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