

LAND TENURE AS AN INFLUENCE FACTOR ON NATIONAL/REGIONAL FOREST PROGRAMMES IN SPAIN (First draft)

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Abstract

Land tenure is the second most important external influence factor on National/Regional Forest Programmes (N/RFPs) in Spain after *decentralisation*.

The ownership of forestlands in Mediterranean Europe is mostly private, and the private forests are in general distinguished by the smallholding and a rather undefined *legal status*. This fact is an *impeding factor* on forest policy because it has been only focalised on public forests.

Nevertheless, N/RFPs have introduced a new concept of forest policy and forest management which allows and encourage the participation of stakeholders in the planning and implementation processes. Considering the influence of land tenure on N/RFPs, the *substantive* N/RFPs in Spain are those which integrate the topic of land tenure in their procedural elements and in their contents.

Key words: forest proprietors, Mediterranean forests, property rights, private ownership, public forests, forest policy, Spain.

1. Introduction

Spain is a country whose regions share the ecological, cultural and socio-economic insights of Mediterranean forests, save the northern Cantabric fringe. The surface area of forests in Spain accounts for 51,93% of the overall total, and about 80% of the Spanish forestlands are Mediterranean forests. So, Mediterranean forests represent the greatest part of the Spain's forestland area although these are located in disadvantaged rural areas, which confer upon this sector a major social role, given the dependence on it of many communities, especially in mountain regions. The economic importance of Mediterranean forests has frequently been underestimated because of the limited contribution of the forest's primary yields¹. Nevertheless the economic valuation of the Mediterranean forests should be extended to the complex system of externalities generated by forests, of a cultural, environmental and social-recreational natures. Nonetheless, the very low profitability of landforests in Spain explain the current neglect of many Mediterranean forests, due to their lack of financial viability for the forest proprietors, mainly private individuals whose number, largely unknown, is estimated at two million people (Ortuño, Montiel, 2002).

¹ The forestry sector barely represents 0,2% of the GDP in Spain's economy (Ortuño, 2001)

Land tenure is, after decentralisation, the second most important supporting/impeding (s/i) factor for N/RFPS in the Mediterranean regions due to (i) the prevalence of private forest property, further reinforced by (ii) side-problems derived from smallholdings and (iii) territorial dis-organisation. Besides, land tenure is not only a s/i factor throughout the policy process; the very management of this issue becomes a content of the N/RFPs, specially the role of private ownership in sustainable forest management (SFM) in the Mediterranean (Montiel, Galiana, 2002). The Spanish forest policy has always been, as well as in Portugal (Seita, 2002), an up-down process concerning almost only public forests. Therefore, 66,75% of landforests have remained outside political decisions. The N/RFPs constitute an opportunity to integrate not only the actors (private forest owners) but also the resources (private forestlands) in the forest policy and management.

Table 1.- Landforest ownership in Spain

	Surface (ha)	%
Public forests	8.640.676,81	33,25
Private forests	17.343.384,67	66,75
Total	25.984.061,48	100,00

Source: II National Forestry Inventory 1986-1996.

The current ownership structure of forestlands in Spain has been built during the 19th century within the transition from Feudal to Liberal Regime and throw the *Desamortización* process². In the beginning of 19th century the forestland property and use rights were an essential component of the land domain in manors. It was through the *Desamortización* process when the Spanish land tenure was defined. Most of the forests proceeding from lordship domains, were bought by individuals or collective people. So they became private or communal forests. On the opposite side, public forests were very reduced. Later, in relation to the rural crisis of 50s', the forestlands were abandoned and forest proprietors migrated to cities. Therefore, the Town Halls led a process of appropriation of communal lands (*montes comunales*) and they became municipality forests (*montes de propios*). As a result, most of the Spanish public forests are owned by the local governments instead of the State (Montiel, 1992).

Finally, the current aspect of Spain's forests is the result of a century of changes, which in the last decades has led to an increase and transformation of the forest area through the neglect of agricultural, forestry and grazing practices since the middle of the 20th century. **The importance of land tenure as an influence factor to NFPs is linked to the recent socio-economic evolution of the Mediterranean forests.** This fact is also an impeding factor to the participation of private forests owners in the planing process and in the implementation of the N/RFPs. Furthermore, the associations of private forest proprietors, which could certainly improve the situation, have only been recently created and it still has a long way to go.

² The *Desamortización* is the sale in public auction of all the goods owned by the State, the clergy, the Town Halls and other public organisations ordered by the Madoz Law of 1 mars 1855 to increase the public funds.

2. Theoretical approach

2.1. *The legal framework of land tenure and the property rights system*

First of all, **we must distinguish in land tenure between land property and land use rights** (Seita, 2002). Traditionally, private property rights were compatible with the public use of forestlands in Spain. In this sense, a complex system of regulations, relative to the domestic economic system, was institutionalised in the Feudal Regime. Therefore, the forest proprietors' rights and duties were specified in *ordenanzas forestales* (forestry regulations) or even in *Cartas Pueblas* (town charters) that were accorded by the land lord to the population when the towns were created or repopulated after the Christian Conquest.

Actually, the complexity of Spanish land tenure comes from the jurisdiction system in Feudal Regime. The division of the territorial jurisdiction is one of the most outstanding characteristics of the Feudal Regime (over the domains proceeding from the Crown and ceded to nobility, clergy and Military Orders). Nevertheless, the jurisdiction exercise did not imply the land ownership. One can distinguish *señoríos plenos* (manors with *dominium plenum*) from *señoríos jurisdiccionales* (manors with jurisdiction exercise). In the latter, the Crown ceded to purchasers and beneficiaries only the jurisdiction and some manorial rights, but not the land ownership itself (Gil Olcina, 1987).

The manorial system was generalised in Spain during the Christian Conquest of the territory. Then, the *mayorazgo castellano* was institutionalised. It is a right of primogeniture which has protected and preserved for centuries the large nobility heritages. The *mayorazgo* is a kind of civil permanent bind that impose monolithic inheritance to the first-born and that forbids any alienation to preserve the wholeness of the family heritage.

As a result of the great concentration of the land property in the privileged classes, the indirect ways of land management were left aside. The land tenure in Feudal Regime has conditioned the current ownership structure (Gil Olcina, 1981). In general, there is a correspondence between the provinces where lordships were dominant and the current predominance of large property. Nevertheless, there are three exceptions: Cataluña, Galicia and Valencia. The reason of these differences is the former juridical system of land management. The institutions of *foro*, *establishments*, *cens* or *enfiteusis* were generalised in these three regions. It means that landlords ceded –with inheritance rights- the use rights (*dominio útil*) to landtenants in exchange for a rent, and they kept the land ownership (*dominio directo*). As a consequence, when the manor heritages disappeared, those who owned the use rights (*enfiteutas* or landtenants) acceded to the *dominium plenum* of the land. It was in this way that the division of use rights was conveyed onto the land ownership structure almost without changes.

The evolution of land tenure in other regions where nobility manors were also dominant –like Extremadura, East Andalucía and Castilla-La Mancha- was very different. The juridical system of land management in these great states used to be the short-term letting to tenants of large holdings. Landholders had engaged many workers and had

paid the rent to landowners. So, it was the landholders (tenants and owner-occupiers) who benefited of the manor crisis and who first bought the lands in public auction (*Desamortización*). Then, the tenants who rented large lands from the clergy and the noble landlords became the new agrarian bourgeoisie.

Contrary to the large predominance of the *enfiteusis* as land tenure system in manors of Cataluña and Valencia and of the *foro* in Galicia, the most usual option of the great *mayorazgos castellanos* was the short term letting to tenants who might own large holdings. **The *mayorazgo castellano* is the most important Spanish institution in the land property history**, and it substracted to the state market a large stretch of lands propiciating the creation of great rural heritages.

The dissolution of the Feudal Regime by the Decree of August 6th, 1811, made easier the appropriation of the old nobility domains by land holders who had *enfiteusis* contracts. The old vassals refused to pay the manorial rights and claimed for the land ownership. It was the begining of long lawsuits that used to end with the grant of the ownership rights to the old *enfiteutas* (land holders) in accordance with different solutions. Then there appeared many private small size forests and, above all, *montes vecinales* (communal forests) and *montes de propios* (municipality forests), which were ceded by the landlords to the overall *enfiteutas* of their domains, to the local population or to the local government respectively by means of contracts (namely *redención de censos enfiteúticos*) (Montiel, 1995). Later, the Law of October 11th, 1820 eliminated the *mayorazgos* and forbade the bind of goods.

At present, **the current structure of forestland tenure in Spain comes from the historical evolution of this feudal heritage during the last two centuries**. Particularly, we must point out two categories of forestlands which have been built up in this process and which have historical and political importance nowadays: the *montes de utilidad pública* (forests of public interest) and the *montes consorciados* (common or private forests with management consortium). The *montes de utilidad pública* are protected public forests which were excluded of the public auction during the *Desamortización* process in the 19th century due to their ecological asets and because of their general interest for rural populations. Nowadays they remind included in a Catalogue which means a special protection and management restrictions. On the other hand, the *montes consorciados* are common or private forest which became under the management of Forest Administration during the second half of 20th century. In fact, there has never been a real collaboration or participation of private or local owners in this forest management. The consortiums were just a kind of contract that forest proprietors signed with the Forest Administration at the times of Franco (1939-1975) for afforestation and management for a period of years. So it is a sort of alienation of property rights by Forest Administration.

In short, **the structure of forestland tenure in Spain is linked to the historical development of property rights for the last two centuries** (Lengyel, 2002) and to the transition from the Feudal to the Liberal Regime in the early eighteens. According with the characteristics of land jurisdiction system in the Feudal Regime and with the *Desamortización* process, one can recognise notable differences in the holding sizes and in the land tenure from one region to other. In general, there is a clear dicotomy between the two landholding models: the regions with smallholdings stand against regions structured with largeholdings. And this ownership structure is common to the

forestlands which management is more complex in the smallholdings forest areas than in the large forests that used to be better managed and to have major landscape and wildlife values.

2.2. Forestry ownership structure in Spain

Despite the fact that statistics are not fully reliable, we can state that one of the main features of the Spanish forest land tenure is the great fragmentation of the ownership structure. According to the data of the *Catastro* (cadaster), there are more than 27,5 million parcels (without considering País Vasco and Navarra). However, there is a fundamental difference between the average surface per parcel in the public forests (5,03 hectares) and the average size for private forests (0,79 hectares). Altogether, the average surface size per parcel barely surpasses one hectare, so it is very difficult to manage these forestlands separately (Spanish Forest Programme). Consequently, land tenure is an impeding factor to SFM and for implementing Spanish N/RFPs.

Table 2.- Average size of forest properties by ownership and regions

COMUNIDAD AUTÓNOMA	Private ownership (hectares/parcel)	Public ownership (hectares/parcel)	Total (hectares/parcel)
País Vasco	-	-	-
Cataluña	0,98	2,20	1,09
Galicia	0,23	1,09	0,24
Andalucía	2,32	9,06	2,82
Principado de Asturias	0,52	3,22	0,58
Cantabria	0,45	5,03	0,78
La Rioja	0,37	2,96	0,96
Región de Murcia	1,69	10,63	2,04
Comunidad Valenciana	0,78	4,44	1,09
Aragón	1,29	4,42	1,90
Castilla- La Mancha	1,47	7,58	1,89
Canarias	0,72	9,69	0,98
Comunidad Foral de Navarra	-	-	-
Extremadura	3,26	5,32	3,41
Islas Baleares	1,64	8,30	1,95
Comunidad de Madrid	1,62	6,66	1,90
Castilla y León	0,68	5,47	0,99
TOTAL	0,79	5,03	1,01

Source: Cadaster. Spanish Forest Programme.

According to the II National Forestry Inventory, the categories of forestland property in Spain are the following:

- Forests owned by the State or by the *comunidades autónomas* (regional councils)
- *Montes de utilidad pública no consorciados ni convenidos* (forests of public interest without management consortium)
- *Montes de utilidad pública consorciados o convenidos* (forests of public interest with a management consortium)
- *Montes de libre disposición o de las diputaciones consorciados o convenidos* (forests owned by province councils with a management consortium)

- Private forests with management consortium
- Private forests without management consortium
- Other ownerships (*montes vecinales en mano común*: communal forests without management consortium)
- *Montes vecinales en mano común consorciados o conveniados* (communal forests with management consortium).
- Forests owned by forestry industries.

Table 3.- Distribution of Spanish forestry ownership

	Surface (hectares)	%
State and regions	1.287.639,61	2,54
<i>Utilidad pública</i>	6.353.348,88	12,56
<i>Libre disposición consorciados</i>	552.875,17	1,09
Private with consortium	492.502,64	0,97
Private without consortium	41.414.558,28	81,85
Other ownerships	495.089,52	0,98
Total	50.596.014,10	100,00

Source: II National Forestry Inventory 1986-1996.

This complex classification is the result of the combination of two juridical approaches in the current Forest Law: the statute of forest property which differentiates between public and private forests, **and the forest protection system** which aims to guarantee the multifunctionality and permanence of forests, independently of the ownership (Vicente, 1995). In fact, the private ownership has always been affected by an inadequate regulation which has not compensated the forest proprietor for assuring the social and ecological functions of landforests. From the two components of property rights –the individual interest and the social role- it is the first one that shows a deficit which should be compensated and balanced. Then, it is not the predominance of private forest ownership the real impeding factor to N/RFPs, but the regulation system of this forest ownership.

Nevertheless, the complicated official classification of Spanish land tenure can be simplified from the ownership viewpoint as follows:

1. Forests owned by the State (federal or regional)
2. Forests owned by local governments (municipalities)
3. Communal forests
4. Private forests (owned by individual or collective legal entities)

- *State forest ownership*

Although the public surface has almost enlarged by four in the last decades, due to the forest policy based on acquisitions and reforestations developed by the Forest Administration (*Patrimonio Forestal del Estado* and *ICONA*) during the period 1941-1975, the state forest ownership is still very limited in Spain (Mangas, 1984). Only one third of the Spanish forestlands are public forests, and just a little part of them are state property (Table 3).

Since the return of forest management to regional authorities accorded by the Constitution of 1978, state forests are owned by the *comunidades autónomas*. **These forestlands are the main space to be influenced by forest policies and by N/RFPs, but they represent a minor percentage of the whole Spanish forestlands.**

- *Municipality forests*

When referring to public forests in Spain we often mean state and local government forests. Actually, we are talking about *montes sumisos* – i.e. forestlands under the management of Forest Administration- in contrast to *montes de libre disposición* which are directly managed by their owners without the participation of the Forest Administration. The first ones, mostly public forests (although some of them are private forests with management consortium) are managed and regulated by the Forest Administration. The second ones are hadly controlled by the Administration; they are only regulated by rules of regional planning.

Most municipality forests come from old manors (Montiel, 1995) and they represent the majority of the Spanish public forests. According to the forest law system, municipality forests are classified into two categories: *montes del común* (forests with shared free use by local population) and *montes de propios* (forestlands owned and managed by local governments or municipalities). Both forest categories are considered public goods and municipality forests, but in the *montes de propios* the profits resulting from land ownership belong to Town Halls, while in the case of *montes del común* forest production revenues belong to local population.

- *Communal forests*

The *montes del común* or communal forests are landforests that do not generate any rent to the municipality treasury because of the communal use rights. In fact, the concept of communal forests is linked to the use rights rather than to property rights. They are a survival of past times customary rights which are very reduced nowadays, yet quite important at the local level in some regions, namely in Galicia (Montiel, 1996).

Communal forests had a high social meaning for small landholders and landless users of commons (Neeson, 1996). This is why they were excepted to sale in the *Desamortización* process and included in the *Catálogo de Montes de Utilidad Pública*³. Nevertheless, the historical development in the last two centuries have led them to a transformation into *montes de propios*. Even if some communal societies (*sociedades vecinales*) have survived up to ourdays (Mangas, 1984), most communal lands have followed processes of abandonment and allocation of common rights to Town Halls due to the economic evolution.

The current *invisibility* of forest commoners (Neeson, 1996), despite the survivence of communal lands comes from the rural exodus and it is the result of the socio-economic evolution in the late 20th century. This *invisibility* has allowed the transformation of

³ Catalogue of forests of public interests: historical protected forest areas.

communal forests (*montes del común*) into common forests (*montes de propios*) managed and owned by Town Halls, the current main institution in rural societies.

- *Private forest ownership*

Privately-owned forests account for 66,75% of Spain's forested area (II National Forestry Inventory 1986-1996). With an approximate number of 6,85 million title deeds, the average area size is 2,7 hectares, which is indicative of the predominance of the smallholding and the ensuing difficulty in profiting financially from these holdings (Ortuño, Montiel, 2002).

The constitution of private forest ownership in Spain began in the 17th century, through massive sales of the Crown to individuals and municipalities to overcome its financial crisis. Then, the development of private forest ownership was impelled in the 18th century through a large plough process, related to the population increase which brought about a surface reduction of forestlands. Finally, in the 19th century private forestlands widened and consolidated through the *Desamortización* process which originated two kinds of ownership structures in Spain: small scale private forests (*minifundios*) and large scale private forests (*latifundios*). In the first case, the dispersion of ownership, the frequent lack of collective organisation of forest owners and the low economic interest of mediterranean forests has turned in our days an **impeding factor to participation** in N/RFPs process and in N/RFPs implementation.

A common factor for Mediterranean regions is the insufficient public and political awareness of the problems related to the forest sector due to their low profitability. In the case of private forests, the current main problem about forest landowners is that they do not receive the benefits of their forest productions. Furthermore, the tradition of *free use* of this spaces due to the large dimensions of forestland areas, the frequent lack of fences and the processes of abandonment since the 1950's are aggravating circumstances. It is not only a problem of internalisation and regulation of externalities⁴, but a more general **problem of knowledge, clarification and regulation of land tenure**.

3. Empirical evidences

The importance of *land tenure* as a *s/i* factor of Spanish N/RFPs is self-evident in the very forest law. The forest law in force since 1957 is a forest property law more than an environment law (Vicente, 1995). The institution of property rights and its vicissitudes are the most salient aspects in the forest law.

The formulation of N/RFPs in Spain has been a reaction to the need to organise and modernise the forestry sector (Solano, 2001). N/RFPs have been formulated as a result of the socio-economic factors linked to the new dynamics of rural spaces and societies. The following remarks intend to approach an *ex ante* evaluation analysis regarding the effect of land tenure on N/RFPs formulation and implementation stages

⁴ The right to be paid for the provision of landscape and environment goods and services.

3.1. Influences of forest land tenure in procedural elements of N/RFPs

- *Participation*

There is not a tradition of participation in Spanish planning policy processes. Forest policy, in particular, has been a very centralised and top-down policy (Montiel, Galiana, 2002). The Spanish forest policy has traditionally had a heavily centralised administrative structure. Besides the Forestry Administration has developed a policy based on the conservation of public forests and re-forestations. Even if the political and territorial configuration in force since the 1978 Constitution has meant a transition from a centralised state order to a federal one, the forest policy goes on focalised mainly on public forests.

Participation of relevant stakeholders (namely the private forest proprietors) has always been weak, as in Portugal (Seita, Ochoa, 2002), but in the last decade positive trends in stakeholder organisation and participation have taken place in Spain as well as in Portugal. On the other hand, forest proprietors associations are in general too much young in the Mediterranean regions to be a real influencing factor in N/RFPs processes. In fact, the contacts and information given by stakeholders have never been binding. Furthermore, stakeholders rarely play a decisional role (Dominguez-Torres, 2002). Especially forest proprietors and other directly involved stakeholders have left out the main decisions and it is the Forest Administration that has usually led the N/RFPs processes from the beginnings.

Nonetheless, the forest proprietors have recently been considered as stakeholders through the planning policy process and *land tenure* has become one of the goals of the N/RFPs in some cases (Regional Forest Programme of Castilla y León). **N/RFPs processes have been the first legal chance given to forest proprietors to be heard through their associations towards a forest policy formulation, even if their participation has remained limited.**

- *Conflict resolution*

The history of Spanish forest ownership is marked out of many conflicts which have directly affected the ecological features of forest ecosystems. The lack of property deeds in the most cases, the ignorance about property background and the common lack of registration of property rights have always caused numerous disputes about land ownership. Consequently, **the first step in any forest planning or management action must be the previous clarification of the *legal status* of landforests. Otherwise, the policy decision process runs the risk of being just a symbolic one.** This is why one of the main goals of the forest policy in the middle of 19th century was the conservation of public forests heritage, since public forests were the only forestlands managed by the Forest Administration. Public forests were and remain essential for sustainable forest management.

Another very common Spanish forest conflict resulting from the recent historical background is the appropriation of the use rights of private forests by urban population without observing the property rights. This conflict comes from the traditional open-access to forestlands that allows non-proprietors to take material profits (mushrooms,

truffle, pinions), immaterial profits (walking, recreational use) and indirect benefits (social and ecological externalities). This situation has generated customary rights and a sort of popular belief on the *free-use* of forestlands. So **there is a general association of the concept of Mediterranean forests with the idea of a public heritage which has been enhanced by the large surface of forestlands and the frequent lack of fences.**

In short, **the conflicts affecting the Mediterranean forests area are related to the land-use planning rather than to the compatibility of the different uses and functions of the forests** (touristic-recreational, farming, hunting, producing wood). In this sense, it is a priority for the N/RFPs to know the precise location and limits of the forest spaces (aspect of enormous complexity and problems of lack of definition in the Mediterranean regions) and to set up a zoning of uses of the soil based on the use of GIS (*Libro Blanco*, 1995).

- *Intersectoral co-ordination:*

The lack of co-ordination between the various territorial policies which affect forest areas and the severe shortage of resources for funding forest management, as opposed to other territorial purposes, constitute two major obstacles for Mediterranean forest policy. Despite these limitations, there are three territorial interfaces of enormous significance for forest management in the Mediterranean region (Ortuño, Montiel, 2002).

A/ Forest-urban interface:

This is the most complex and conflictive interface. The scant profitability of the Mediterranean forests generates –given the absence of attractive alternatives- inevitable expectations of urban development amongst forest owners which threaten the survival of the forests. On the other hand, the forest-urban interface plays a vital role in the policy of preventing wildfires.

B/ Forest-agriculture interface:

This is a fundamental relationship of co-existence and interaction within a rural context which demands the reinstatement of traditional practices through agro-environmental measures, with the aim of managing the biodiversity and diversity of landscape characterising the Mediterranean region, by means of territorial contracts.

C/ Forest-environment interface:

This is the most difficult inter-relation, given the problems of understanding and communication which exist between both policies in the Mediterranean sphere. Nevertheless, the ecological externalities generated by the Mediterranean forests are one of the principal functions of these areas. Furthermore, forests contain the greatest part of protected areas in the Mediterranean region. It is vital, therefore, to settle conflicts and co-ordinate both policies.

- *Delegation and decentralisation*

The decentralisation process in Spain, together with the transfer of competences in forestry matters to the *comunidades autónomas* has led to a forest policy reform,

starting from regional instances by means of Regional Forest Programmes (Montiel, Galiana, 2002). According to this, each region has adopted a different strategic model of forest planning and management. Land tenure has also been considered differently in the various regions.

Most regions have included in their RFP process a built in Geographical Information System. This tool has allowed the gathering and updating of the information concerning forested lands in the various Spanish regions. In general terms, the elaboration of RFPs, which have been contemporary with the up date of the 2nd and 3rd National Forest Inventories, has meant for all *comunidades autónomas* an opportunity to improve the knowledge and the mapping basis of their forestlands. This has been one of the main contributions of the RFPs formulation process (Montiel, Galiana, 2002).

Table 4.- Forestry ownership structure at regional level

COMUNIDAD AUTÓNOMA	Private ownership		Public ownership		Total	
	Number	Surface (h.)	Number	Surface (h.)	Number	Surface (h.)
País Vasco	-	-	-	-	-	-
Cataluña	1.695.284	1.659.524	165.569	363.890	1.860.853	2.023.414
Galicia	9.882.809	2.290.116	66.980	72.729	9.949.789	2.362.844
Andalucía	1.453.213	3.371.239	116.917	1.059.771	1.570.130	4.431.010
Princ.de Asturias	1.682.909	880.173	38.894	125.331	1.721.803	1.005.504
Cantabria	612.774	273.084	48.779	245.325	661.553	518.409
La Rioja	240.786	89.090	70.161	207.972	310.947	297.062
Región de Murcia	260.799	441.293	10.428	110.898	271.227	552.190
Com. Valenciana	1.150.024	897.496	106.912	474.610	1.256.936	1.372.106
Aragón	1.120.624	1.450.130	266.861	1.179.456	1.387.485	2.629.586
Castilla-Mancha	1.683.933	2.472.050	125.899	954.059	1.809.832	3.426.109
Canarias	599.324	433.160	17.626	170.767	616.950	603.927
Com.For.Navarra	-	-	-	-	-	-
Extremadura	703.121	2.292.355	55.974	297.557	759.095	2.589.913
Islas Baleares	447.032	735.317	21.703	180.172	468.735	915.489
Com de Madrid	212.728	344.586	12.318	82.032	225.046	426.619
Castilla y León	4.515.387	3.051.252	319.053	1.744.568	4.834.440	4.795.820
TOTAL	26.260.747	20.680.865	1.444.074	7.269.139	27.704.821	27.950.003

Source: Spanish Forest Programme

3.2. Influences of forest land tenure on the content elements of N/RFPs

It is not possible to talk about a Spanish forest policy model as such since the establishment of the new political and territorial order into *comunidades autónomas* (regions). One should rather refer to different regional forest policies based on different Regional Forest Programmes.

The accurate knowledge of the extent and location of forests constitutes a priority for some Spanish RFPs because of the complex and weakly defined terms relative to the land tenure characteristics in the mediterranean regions. In response to this challenge, most *comunidades autónomas* have included in their RFP process a built in Geographical Information System (GIS). This tool has allowed the gathering and

updating of the information concerning forested lands in the various Spanish regions. This GIS also include the planning proposals considered in the various planning programmes (i.e. Comunidad Valenciana). In this sense, land tenure can be evaluated as a supporting factor for N/RFPs.

On the other hand, the new demands of SFM, namely the forest certification, have encouraged the private forest owners to their participation in the forest policy planning process and in the implementation of RFPs. So, at this point, the Spanish land tenure has been a supporting factor to N/RFPs. Most *comunidades autónomas* with a RFP are developing their own instruments for private forestland certification.

In any case, the aims of the forest management by different property forms remain very similar to the traditional establishments. In general, the Forest Administration (regional governments) continues engaged to protection targets (namely reforestations) face to municipalities which seem to follow social objectives (recreational forest management). Besides, private forest proprietors have not yet defined their own targets due to the very reduced size of their parcels, the low profitability and the low wood production of Mediterranean forests. Only if forestlands are highly profitable, forest proprietors have kept the traditional forest management systems. Lately, there is a progression of new private forest management procedures related to rural tourism.

4. Propositions on land tenure

4.1. Propositions for scientists

(To value RFPs *substantiveness* in relation to the influence of land tenure as an external factor)

1. Land tenure is a *significant factor* of N/RFPs in Spain because of the recent forest history that has marked the predominance of private ownership. Private forest proprietors were marginalised in traditional forest policy planning and implementation. N/RFPs are significant programmes when they take into account the participation of private proprietors and when they consider the problems of the property rights system as a target of their content.
2. Land tenure is a *s/i factor* for N/RFPs only in combination with other elements. Furthermore, it is an external element which influences separately each *core element* and not the N/RFP as a whole.
3. The modalities of land tenure in the Feudal Regime are the best way to explain the Spanish current forest ownership. While the short-term letting has allowed the permanence of large size landholdings, the contracts with inheritance rights to landtenants have brought about private smallholdings.
4. Forest property rights have two main components: the individual interest and the social role. The first one is highly insufficient in Spain due to the low profitability of the Mediterranean forests. In this sense, it is not the predominance of the private forest ownership, but the regulation system of the forest property rights the very impeding factor of Spanish N/RFPs.

5. Land tenure is an impeding factor on Spanish N/RFPs because of its weakly defined terms in the Mediterranean regions, its imprecision and unknowledge. It is a must the clarification of land tenure previously to the implementation of N/RFPs. So, land tenure must be included in the N/RFPs process and content.

4.2. Propositions for decisions-makers

1. The two main features of forest land tenure in Spain are the predominance of private ownership and the great fragmentation of the land-plots. These facts, together with the low profitability of Mediterranean forests, bring about the lack of awareness and the indifference of the forest proprietors towards forest management. In this sense, land tenure is an *impeding factor* to sustainable forest management and to N/RFPs.
2. The ignorance about the *legal status* of rural properties and the common lack of ownership deeds in areas affected by rural exodus are impeding factors for implementing N/RFPs.
3. Most of the conflicts affecting the Mediterranean forest area are related to the land-use planning. In this sense, it must be a priority for the N/RFPs to know the precise location, the limites and the property rights of the forestlands and to set up a zoning of uses of the land based on the use of Geographical Information Systems.
4. Land tenure knowledge and regulation must be a priority of a *substantive* N/RFPs in Mediterranean regions. As a consequence of their recent dynamic, ownership structure in Mediterranean forests are desorganised and fragmented. So, it is a must the previous regulation of land tenure for the implementation of SFM demands.
5. Land tenure can be a *supporting factor* of N/RFPs in Spain when there is a large degree of participation of the stakeholders and above all when the private forest proprietors are involved in the planning process. On the opposite side, land tenure is an *impeding factor* when forests proprietors are not implicated in the planning process.
6. Private forest property has always been outside the Spanish forest policy. However, in the context of N/RFPs, the private forests and proprietors must be integrated as stakeholders during the policy process and as a content of policy outputs.

5. References

- Berge, E., 2001. On the classifications of property rights. Paper to COST Action E-19, Oslo.
- Dominguez-Torres, G., 2002. The role of stakeholders in National Forest Programmes in Spain, in Gislerud, O., Neven, I. (eds.): *National Forest Programmes in a European Context*. EFI Proceedings n° 44, pp. 127-131.
- Gil Olcina, A., 1981. *La propiedad de la tierra en España*. Alicante, Universidad de Alicante.

- Gil Olcina, A., 1987. Marco institucional y propiedad de la tierra, en *Estructuras y regímenes de tenencia de la tierra en España*. Madrid, Ministerio de Agricultura, Pesca y Alimentación.
- Lengyel, A., 2002. Land tenure's impacts on National Forest Programmes in theoretical terms. Draft for the meeting of COST E-19 in Sopron, 28-29 juin 2002.
- Libro Blanco de la Política Forestal de la Comunidad Valenciana*, 1995. Valencia, Generalitat Valenciana.
- Mangas, J.M., 1984. *La propiedad de la tierra en España: los Patrimonios Públicos*. Madrid, Ministerio de Agricultura, Pesca y Alimentación.
- Montiel, C., 1992. Titularidad y régimen de aprovechamiento de los montes catalogados en la Comunidad Valenciana. *Agricultura y Sociedad*, 65, 389-413. Madrid, Ministerio de Agricultura, Pesca y Alimentación.
- Montiel, C., 1995. *La propiedad forestal de raigambre señorial en tierras valencianas*. Valencia, Generalitat Valenciana-Institut de Cultura Juan Gil-Albert.
- Montiel, C., 1996. Los bienes comunales en los países catalanes durante la edad contemporánea, in Busqueta, J.J., Vicedo, E. (ed.). *Béns comunals als Països Catalans i a l'Europa contemporània*. Lleida, Institut d'Estudis Ilerdencs, pp. 267-303.
- Montiel, C., Galiana, L., 2002. Forest policy and land planning policy in Spain: a regional approach. Paper submitted to a publication in *Forest Policy and Economics*.
- Neeson, J.M., 1996. Common rights in England 1700-1820: recent findings, new questions, in Busqueta, J.J., Vicedo, E. (ed.). *Béns comunals als Països Catalans i a l'Europa contemporània*. Lleida, Institut d'Estudis Ilerdencs, pp. 513-527.
- Ortuño, S., 2001. El sector forestal en la economía española. *Revista Montes*. 63, 72-78.
- Ortuño, S., Montiel, C., 2002. Forest policy and economics in Mediterranean Spanish forests. Paper submitted to a publication in *Forest Policy and Economics*.
- Plan Forestal de Castilla y León. Documento para el debate público, junio de 2000*, 2000. Valladolid, Junta de Castilla y León.
<http://www.jcyl.es/jcyl/cmaot/dgmn/planforestal/>
- Seita, I., Ochôa, P., 2002. Institutional aspects on National Forest Programmes in Portugal. *EFI Forest Policy Research Forum: Cross-Sectoral Policy Impacts on Forests*. 4-6 april 2002. Savonlinna, Finland.
- Seita, I., 2002. Land tenure as a factor on the Portuguese forest policy. Draft for the meeting of COST E-19 in Sopron, 28-29 juin 2002.
- Segundo Inventario Forestal Nacional, 1986-1996. España*, 1998. Madrid, Ministerio de Medio Ambiente.
- Solano, J.M., 2001. Mediterranean Countries Forest Programs peculiarities. In: *Proceedings COST E-19 Seminar: National Forest Programmes. Social and Political Context*. Madrid, Ministerio de Medio Ambiente, pp. 61-64.
- Spanish Forest Programme (Document for discussion), January 2002*. <http://www.mma.es>
- Vicente Domingo, R. de, 1995. *Espacios forestales (su ordenación jurídica como recurso natural)*. Madrid, Cívitas.

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