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In search of the territorial land resource in mountain areas

Catherine Herrera

EDITOR'S NOTE

Translation: Brian Keogh

- 1 “Spatial management” refers to all the procedures put in place to administer, in the best way possible, the different issues arising from the relationships built up by man with his environment¹. The appearance of conflicts between the different uses of space suggests a mismatch between the expectations of society (defining usage) and the land management situation observable at the level of the local authorities. Space becomes the vehicle of crucial issues that are crystallised in its method of appropriation, resulting in land issues that may block spatial management procedures. Such tensions, however, are also precious indicators of marked change in the organisation and method of governance of the local system in place (Kirat, 2008). They are thus able to identify malfunctions in land availability, perceived as the result of supply that is too limited or demand that is too great. In this respect, studies on peri-urbanisation processes have revealed the progression of the spatial diffusion of urbanisation to the detriment of natural and agricultural land, namely through the increasing pressures on land. They also distinguish between areas with a strong attraction (mountains, shorelines, major routes, large agglomerations, etc.), where “land consumption” is tangible, and the other areas where the question of land is not, or not yet, a concern (Cavailhès *et al.*, 2009). Land availability and spatial attractiveness, as the causes or the result of difficulties encountered in the management of space, are thus revealed as the “Gordian knots” of land issues.
- 2 Our study concerns mountain areas, a focus of interest both because they are particularly attractive in terms of tourism and new residential areas and because their physical characteristics (steep slopes, significant natural hazards) considerably restrict

the availability of agricultural and building land. This re-examination of mountain areas as a “laboratory” of society (Gumuchian, 1994) focuses attention on the preoccupations of public actors responsible for land management, a task made complex by the new expectations that it gives rise to: greater residential equity, promotion of tourism development, safe-guarding of agricultural areas, preservation of landscapes and the environment. This in turn leads to questions about the capacity of the local land management system (Gueringer, 2009) to intervene effectively over its space when the issues it has to deal with often go beyond the scope of its authority. This questioning of the commune as the appropriate level of authority involves the search for other levels of intervention that are more adapted to the new land situation. However, there remains a major stumbling block: authority over urban issues is first and foremost the prerogative of the commune.

- 3 We are thus faced with a process involving the territorialisation of land policies, a process that is trying to adapt to the reality of the current land situation not by a transfer of authority from one territory to another, but instead by an articulation of the authorities of the different territories. Here, it is a question of putting in place a “political inter-territoriality” of land management, introducing new political desires and land “engineering” adapted to the new context in order to address contemporary land issues (Vanier, 2008). Given that the search is for a new land policy that is more “common” than “local”, and is therefore related to collective action procedures, we will look at the contribution of the Theory of the Commons in order to understand what is at play in the emergence of this new relationship with land (Ostrom, 1990). Using an exploratory approach in the context of the Vercors Regional Natural Park, we will seek to evaluate hypotheses put forward concerning the situation observed in the area. At this stage of the analysis, the approach should simply be seen as a tentative step in a more general deductive hypothetical procedure.

From ground rent to common resource ...

- 4 Ground rent theories have sought to explain how the price of land is defined according to its usage value and its exchange value. Although it appears to reflect a local social relationship that can be used to explain the difference in prices observed from one region or one period to another, its evaluation nevertheless remains a complex task.

Ground rent as a basis for land management

- 5 Until the 1980s, land management in rural areas was strongly oriented towards helping agriculture, which faced considerable difficulties. The restructuring of farm land was thus introduced to make use of the abundance of abandoned land following agricultural and demographic decline (Hervieu *et al.*, 1996).
- 6 The authority for urban questions is in the hands of departments devolved from the state (DDE (Departmental Highways Dept), DDA (Departmental Dept of Agriculture), Prefecture), thus providing a regulatory trusteeship for the rural communes. However, this does not in any way mean that there is total coherence with regard to urban planning, particularly in certain communes with a strong attraction for visitors. This is the case, for example, in mountain areas where winter tourism has developed since the 1950s, boosted by the construction of second homes and visitor accommodation. Thus

in Villard-de-Lans², there was considerable pressure put on land resources in particular after the Winter Olympics of 1968 (Marie, 1967). The reputation of the resort, the improvement of transport infrastructures and the need to maintain or attract a new population to combat demographic decline led to an explosion of anarchic urban development. This justified the intervention of the Prefecture, which imposed the preparation of a Master Plan for Urban Development (PUD)³, a step that unfortunately did not produce the desired results. The aim of the document had been to try to maintain coherence within the commune in the granting of development rights in a context of escalating ground rents. But it came up against emerging economic interest groups⁴, particularly in the field of tourism development. Land management actions supervised by state departments also met with difficulties in communes with a strong attraction for visitors and lead to a quasi-consensus over the need to transfer urban planning powers to the communes, considered to be the only relevant level at which action could be taken to understand and deal with local issues (Priest, 1992).

Land management made complex by its new requirements: to promote development while at the same time regulating ground rents

- 7 This transfer of power took place when the decentralisation laws were voted⁵, giving communes new responsibilities in urban planning matters and making them major actors in the management of their own space, namely through control over planning documents. But they also took over responsibility for developing their areas in line with objectives defined according to their potential to create wealth, their “territorial capital”⁶ or, in other words, according to the resources available to them.
- 8 The combination of these two new prerogatives raises questions over the position of local authorities with respect to their new responsibilities. They became, at the same time, both the “economic promoters” of their space (Pecqueur, 2000) and the “regulatory authority” for the uses made of this space. This double mandate made local actors particularly receptive, and even vulnerable, to all development opportunities arising in the area under their responsibility (Demazière, 2002). Simply by opening their space to urbanisation, local actors thus encouraged access to this desirable space through the rent mechanism (Daligaux, 2003).
- 9 In mountain areas, these changes only made spatial management procedures more difficult, as they became weakened by “a model of tourism development” promoted by support policies specific to the mountain environment (Dorfmann, 1983). These policies focus in particular on “tourism production”, with the construction of purpose-built resorts, the dismantling of local methods of doing things, and the arrival of capital and visitors from outside the commune. The keen competition between different resorts and the speculation generated by the increasing attractiveness of these areas often led to a certain laxity in the methods of land management, strongly influenced by escalating ground rents.
- 10 The arrival of visitors also raises the question of property access for local populations confronted with a property market that has become literally open to the world; such is the attraction of some resorts (Chamonix, Megève, etc.). The resulting pressure on land resources forces local residents out along the valleys, where property prices are more reasonable (Duvillard *et al.*, 2007). Another question concerns the sustainability of the

attraction of tourist towns and villages and their ability to provide accommodation for seasonal visitors in the future, given that the cost of any investment is multiplied tenfold by exorbitant property charges. Land management authorities are thus faced with increasing difficulties, and the resulting feeling of helplessness forces them to re-examine their methods of regulating the property market.

The common land resource: from utopian ideal to a means of collective action

- 11 The idea of redefining our relationship with land, for which the methods of appropriation were established by the Napoleonic Code of 1804, is not new. The reason it has resurfaced with a vengeance today, however, is perhaps because the current model no longer corresponds to the requirements of present-day society. This is especially true in mountain areas, where a universe of “all things possible” must learn to reconcile particularly marked contradictions in a context characterised by strong pressures on land and property resources (Facim, 2007). This requirement comes into conflict, however, with the reality of the private ownership of land and property. The limits of this type of relationship with land, denounced more than 40 years ago, underline the need for alternative solutions. The collective control of land, envisaged by Pisani as a utopian ideal⁸(Pisani, 1977), seems to have found fresh vigour today, at least in the sense of land management centred around the notion of the “common good” (Comby, 2010).

The “common good” as a means to encourage collective action

- 12 The notion of the common good may be defined as “the set of resources or interests shared by everyone” such as air, water, land, and biodiversity and it places the question of their management at the heart of international issues” (Boidin *et al.*, 2008): How do you manage a common good, a guarantor of equity that is both social and trans-generational, when it is dependent on private property?
- 13 According to Garret Hardin’s theory (Hardin, 1968), only private property provides a guarantee of durability in the management of a resource, since it enables resource depletion or, in his words, the “tragedy of the commons”, to be avoided. If we adopt the earlier argument, private land ownership would thus make it possible to guarantee effective management of space⁹ – the common resource – for, in a context of strong competition, it excludes certain users of the resource, thereby decreasing the total number. Thus in areas that are particularly attractive, where there is strong competition between different types of land use, it seems that it is private property that will encourage free access to the territory’s resources. This operates through the simple fact that nobody can prevent owners from selling, or force them to sell, if their individual interests become greater than the common interest.
- 14 Elinor Ostrom has shown in her work that it was not property but unhindered access to the resource that was at issue in the problems of managing common resources. She also observes that what is at play in “common goods” is not as much the type of appropriation as the ability of actors, public or private alike, to organise themselves in order to manage the resource. In her research, Ostrom also shows how communities manage to set up appropriate operating institutions¹⁰, with regulations that are known

and adopted by all the actors responsible for the resource. These institutions are of varying complexity but have certain things in common in that they are able to react quickly to changes, have a certain level of reflexivity enabling them to improve the rules, and all have some sort of control mechanism, an essential element for guaranteeing an efficient management system. These elements of collective action necessarily involve establishing a new type of relationship between the actors, because the processes that enabled the regulations to be set up also contributed to the construction of a “common social capital”, giving meaning to their action. The feeling of belonging to a group encourages greater commitment among the actors.

- 15 For this to occur, however, there must be a common desire for a collective project as this gives meaning to the action around which the actors endeavour to coordinate with one another (Muller, 2005).

The territorial land resource: a means of collective action?

- 16 Qualifying land as a territorial land resource requires examining both what a territorial resource is and on what sort of territory it can be developed. The notion of territorial resource must be understood as the result of processes organised within a territory with a view to developing a resource¹¹ specific to that territory (Gumuchian *et al.*, 2007), in order to create an increase in value for local development. It should be pointed out that this process of developing a resource is the product of an iterative procedure, reflecting a collective construction of the resource (Mollard *et al.*, 2007).
- 17 This approach to development can only be conceived on territories able to support a common project that will be identified, formalised and financed by establishing agreements with entities outside the commune (departments (in France), regions, state, Europe). Although the oldest type of “territoire de projet” dates back to 1967, with the setting up of the French Regional Natural Parks (PNR)¹², their formalisation required the definition upstream of a territory and a common project enabling an area of action to be legitimised. The emergence of the territory as a scale at which intervention can occur raises the question of the changes that this involves in methods of regulating public intervention (Berriet-Sollicet *et al.*, 2008) at scales that go beyond that of the commune, the department or the region. The Regional Natural Park, for example, can include several communes, groups of communes, “pays” and departments, underlining the problems of local governance. It is thus truly a “process of coordination among actors” and part of the regulatory procedures encouraged by the state and the public authorities that we are concerned with here.
- 18 The territorial land resource could, in theory, be understood as a strategy of actors seeking to develop their space at a supra-communal scale around a common project. The land resource, by emerging at this territorial level when the methods of land management remain prerogatives of the communes, would encourage the emergence of a land policy no longer defined by the commune, but by the specified territory. We are thus involved in a search to territorialize public policies as a means of renewing public action in a form that is more negotiated, more of a partnership than something imposed (Faure *et al.*, 2007). This negotiation requires reformulating the usage rules of public policies. The territorial land resource would therefore be the fruit of an inter-territorial construction, promoting the involvement of actors in land management and their innovation capacities, particularly in the construction of new means of political

action with a view to ensuring the sustainable management of the common land resource.

Vercors Regional Natural Park: the territorial land resource as an ultimate aim

- 19 The Vercors Regional Natural Park provides an example that helps us understand how a desire to act differently can become reality in an area subjected to different interests and issues. It also demonstrates the capacity of the actors involved to respond to observed territorial changes.

The same territory for different issues

- 20 The Vercors Regional Natural Park was created on 16 October 1970 and included sections of two departments, the Isère and the Drôme. The territory of 206 208 km² is characterised by marked demographic disparities, depending on the geographic sectors. The areas situated near large agglomerations are trying to contain a level of urbanisation that is considered excessive for the future of the territory. This is the case, for example, of the community of communes of the Vercors massif (CCMV), which comes under the direct influence of the city of Grenoble. The increasing pressure on land no longer allows local authorities to ensure social diversity, with the most fragile classes in the population being pushed out to the peripheral areas. In addition, the development of urbanisation in the form of urban sprawl, combined in certain sectors with a deterioration of architectural quality, has led to greater awareness of the risks of the homogenisation of the territory at the expense of landscape quality, an essential resource for this region popular with tourists. Conversely, other more fragile zones, such as the community of communes of the Vercors (CCV), situated in the heart of the Park in the Drôme section, are hoping to welcome new residents to compensate for demographic decline, which is also indicative of difficulties. The pressure on land, however, is not the cause of these problems. It is more a question of accessibility and the distance from large population centres imposing constraints on the development of economic activities. The local authorities must therefore endeavour to attract new populations in order to maintain their budgets.
- 21 The Vercors Regional Natural Park has just renewed its charter and defined its priority actions for the period 2008-2020. The land issue is one of its preoccupations but it is rather difficult to define at the scale of the Vercors Park itself. The different zones within the Park, as already mentioned, do not have the same demographic¹³ or socio-economic characteristics, which raises the question of the interpretation of the “territorial land policy”. Organising the skills and land prerogatives of every interested party in a territory with a strong environmental and economic attraction remains a difficult task. Thus the Park is showing its institutional limits in trying to define a relevant intervention policy for land regulation measures at the more local, smaller scales when all it has is a single relevant tool, the Park plan.¹⁴
- 22 Yet this exceptional territory is meant to be above all a dynamic partner in the management of this space. It is therefore difficult to ignore this question that is central to its mandate.

Seizing the opportunities to construct a territory

- 23 The SRU (Solidarity and Urban Renewal) law of 13 December 2000¹⁵ marked the beginning of a new approach to dealing with the question of land at the level of the Park. The idea of a common land policy aimed at preserving land that was perceived as the foundation of a common resource¹⁶ then began to take shape for the different actors in this territory.
- 24 In actual fact, two communes in the canton of Villard-de-Lans were obliged by law¹⁷ to integrate the SCOT (Plan for territorial coherence) of the city of Grenoble. Using “geographic separation”¹⁸ as a basis for their action, the community of communes of Villard-de-Lans, strongly supported by the Vercors Regional Natural Park, drew up a development charter to overcome this problem. The aim of the charter was to limit urbanisation by defining the desired number of inhabitants in the area covered by the different communes in the year 2015.
- 25 Quite apart from the contractual document itself, which was approved by the Prefect and is situated somewhere between the PLU (local urban development plan) and the SCOT, it is the process of preparing, adapting and adopting the document by the different actors which provides an interesting analysis. The first stage concerned a detailed survey of the territory in question. Diagnostic analyses (territorial, agricultural, landscape...) provided information on the different issues at stake in the territory concerned. The second stage involved enlarging the vision of the territory by going from the interests of the commune to inter-commune interests. To achieve this task, an outside consultancy was commissioned to educate the elected representatives on development issues. Workshops were organised on diverse themes (tourism, land issues, the environment, etc.) in which representatives were confronted with situations requiring delicate decisions to be taken, given the spatial consequences of these decisions. This examination of the difficulties and common assets of the different communities led to an agreement being reached on the development of the community of communes. For the first time, collaboration became possible between different communes that were normally strongly competitive. The final stage, and perhaps the most difficult, was to decide how to act together. The response was embodied in the development charter, which provided the guidelines for common action and thus made it possible to address the land question for the first time at a supra-commune level. This appropriation by the different actors of the land issues and the strengths and weaknesses of their area of action led in the end to the creation of a new tool, to be used against third parties. By integrating the land-use map of the development charter (not legally binding) in the Park Plan, binding on third parties and in the process of revision, the choices made by different actors over a period of 12 years took on a more clearly defined form. Conceived as a non-binding federating document, the development charter has become, with the complicity of the Vercors Regional Natural Park, a real inter-commune local urban development plan, without it being one from a regulatory point of view.
- 26 This example is particularly interesting because it begins with a refusal to yield to a regulatory injunction and ends up by creating a new tool for regulating land issues. It also emphasizes the principles defined by E. Ostrom to guarantee the sound management of a common resource.

- 27 The definition of a territory of common action, defined as the coordination of actors to realise their project, has shown how the process of sharing diagnostic analyses and knowledge was necessary to make elected representative realise what was at stake in the decisions they were called on to make. Learning the rules, a central element of Ostrom's theory, also enabled the actors in this territory to understand and be able to explain to those they represent why it was necessary to intervene strongly on questions as sensitive as that of land¹⁹. And finally, the ability to create its own rules by linking up the skills and prerogatives of each party involved shows the capacity of these territories to construct new institutions, in Ostrom's sense of the term, in order to guarantee appropriate management for a land resource that has become territorial. Obviously, these facts alone are not sufficient to characterise this example as a definitive form of management of a common land resource, but rather as a first step toward a change in how land resources are taken into account.
- 28 This example also shows that certain taboos may be lifted, even when they concern the question of land. It is thus effectively possible to reduce the number of zones of building land or to combine the skills of each of the territories without their being obliged to give up their respective prerogatives. Finally, territories have the capacity to create management tools adapted to their own needs. It is perhaps just a question of will.

Conclusion

- 29 The question of land and property ownership appears crucial in the management of space. In particularly attractive territories, such as mountain areas, the increasing pressures on land have led to a sort of confusion between land management and spatial management, to the detriment of the latter. Spatial malfunctions (homogenisation of landscapes, urban sprawl, etc.) and socio-economic problems (exclusion of the most fragile elements of the population, problem of second homes) have led local authorities responsible for dealing with spatial management problems to re-examine their relationship with space. Thus, spatial management procedures influenced by ground rent (particularly through the presence or lack of available land) are showing signs today of their limits. The rhetoric of political actors responsible for addressing this question has thus become increasingly marked by a desire to intervene more strongly in land management issues. Land management authorities, however, always come up against the problem of how to deal with privately owned land, which constitutes a substantial part of their territories. The question of supra-communality is thus envisaged in order to avoid a public / private dialectic. The appropriate regulatory form would correspond to an inter-commune PLU, but it does not have sufficient backing from the communes, who want to maintain their prerogatives in urban development matters. Other territories, however, intend to escape from what is seen as a constraint, not by transferring their skills but by collaborating with neighbouring territories. This search for a territorial land resource therefore requires strong commitment from political and private actors to guarantee the sustainability of this space that is now increasingly seen and promoted as a "common good". Knowledge of their territories, current regulations, and issues associated with their context, thus enable them to shape their own institutions and to ensure they are shared with others. The processes involved in the development of the territorial land resource can thus be

seen as a means of clarifying the procedures of land management, through better knowledge and application of the regulations, the basis for all measures of collective action.

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NOTES

1. Understood as all the elements of the biophysical world.
2. Mountain tourist commune situated in the Vercors Regional Natural Park, Isere.
3. "Plan d'urbanisme directeur" set up under incitement from the Prefecture. The Plan was approved by Prefectoral Decree on 30 June 1971.
4. Namely the power of local as well as national investments in the development of tourist infrastructures.
5. Act n° 83-8 of 7 January 1983 concerning the distribution of powers between communes, departments, regions and the State.
6. Concept defined by economists in the OECD report, Territorial Outlook. Paris, (2001).
7. Title of conference-debate organised by the FACIM (Foundation for international cultural action in the mountains), 8 and 9 December 2007.
8. As part of the campaign "Alimentons les régions" (Feed the regions), the Editions du Linteau republished the book "Utopie foncière" by Edgard Pisani in 2009.
9. Thereby guaranteeing at least an equitable distribution of space between the different types of land use present.
10. Understood here in the sense of an agreement.
11. The specificity of a territorial resource is established in relation to the territory where it emerges. As a substrate, it may have characteristics pertaining to the natural environment (e.g. physical or bioclimatic particularity) or the human environment (know-how, heritage, etc.).
12. Decree n° 67-158 of March 1 1967 (Creation); the objective of protecting the natural and cultural heritage was assigned to them for the first time by a decree of 25 April 1988.
13. The EPCI of Villard-de-Lans in 2007 had a population of 11 152, spread over 7 communes and an area of 255 km², while the EPCI of La Chapelle-en-Vercors, at the same time, had a population of only 1991, spread over 5 communes and an area of 223 km².
14. But which is imposed on urban planning documents at lower levels.
15. Modified by the law on "urban development and habitat" (urbanisme et habitat) of July 2003.
16. Namely environmental and based on identity.
17. The communes of Engins and Saint-Nizier are located less than 15 km from Grenoble.

18. Marked by the altitudinal difference of 1000 metres between the valley bottom and the plateau.

19. This is the case for the mayor of Méaudre who was personally committed to obtaining a reduction in the area of land set aside for building in his commune, 27 hectares. The mayor was re-elected after approval of the PLU !

ABSTRACTS

Land and property issues constitute a crucial element in spatial planning and management. Spatial malfunctions (homogenisation of landscapes, urban sprawl, etc.) and socio-economic problems (exclusion of the most fragile elements of the population, growth of second homes, etc.) have led local authorities in charge of managing land and development to re-examine their relationship with space. The rhetoric of political actors responsible for addressing this question has thus become increasingly marked by a desire to intervene more strongly in land management issues. However, they have always come up against the problem of deciding how to deal with privately owned land, which constitutes a substantial part of the area under their control. The question of management at a level above that of the commune (supra-communal) is thus envisaged in order to avoid a public/private dialectic by promoting the idea of a territorial land resource. The processes involved in this step could thus be seen as a means of clarifying the methods of land management at the scale of a supra-communal territory through better knowledge and application of regulations, the basis for any measure of collective action.

La question foncière apparaît comme un élément crucial dans la gestion des espaces. Les dysfonctionnements spatiaux (banalisation des paysages, étalement urbain,...) et socio-économiques (exclusion des populations les plus fragiles, problème des résidences secondaires,...) ont conduit les collectivités locales en charge des problèmes de gestion de l'espace à réinterroger leur rapport à l'espace. Le désir d'une intervention plus forte sur la ressource foncière se fait d'une façon plus prégnante dans les discours des acteurs politiques en charge de cette question. Mais ils se heurtent toujours aux moyens d'action à utiliser face à une propriété foncière privée occupant une place prépondérante sur leurs territoires. La question de la supra-communalité est alors envisagée pour se soustraire à une dialectique public/privé, en faisant émerger l'idée d'une ressource foncière territoriale. Les processus d'émergence de la ressource foncière territoriale pourraient alors être lus comme un moyen de clarifier les modalités de la gestion foncière à l'échelle d'un territoire supra-communal, par une meilleure connaissance et appropriation des règlements, base de toute modalité d'action collective.

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Keywords: common good, ground rent, interterritoriality, land management, land resources

Mots-clés: bien commun, gestion foncière, interterritorialité, rente foncière, ressource foncière territoriale

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