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Summer pastures: between “commons” and “public goods”

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EDITOR'S NOTE

Translation: Robert Tobin

- 1 The coordinators of this edition hope that it will provide the opportunity to question the notion of *pastorality*. Keeping the word *pastoralism* for livestock breeding and pastoral activities, they suggest using the word *pastorality* for “all the values and characteristics, real or imagined, of what is pastoral” as they are perceived by other users of pastoral areas. *Pastorality* thus only exists outside the social framework of those directly involved in pastoralism. However, the relationship between farmers and shepherds and the “mountains” goes far beyond the technical aspects and contributes to their social development and their identity (Eychenne, 2006). We thus feel that it is important to investigate “internal” *pastorality* as it is perceived and developed by those directly involved in pastoralism.
- 2 This article sets out to analyse what we feel to be one of the main factors differentiating pastoral areas from other agricultural or natural areas: their collective dimension. Pastoral areas are subject to a multitude of uses and forms of appropriation, real or symbolic. The strictly pastoral use of these areas is governed by one of the rare examples surviving in France of “commons” management. However, other users of the mountains tend to see pastoral areas as a space that is “open to everyone”, providing tangible and intangible public goods. In the context of the increasing importance of recreational and environmental functions of pastoral areas, it is clear that the second representation (“external” *pastorality*) is tending to override and mask the importance of the question of commons (“internal” *pastorality*), often little-known and obscured by the semantic confusions that surround the terms “commons/public goods/collective

goods”. This article seeks to detail and analyse the effects of these conflicting representations, particularly in terms of how government deals with pastoral questions.

Pastoral resources as commons

- 3 Ideas about commons management have been profoundly influenced by Garrett Hardin’s (1968) article *The Tragedy of the Commons*, which deals with the problem of global population growth using the parable of a “meadow open to everyone”. He states that the search for maximum individual profit leads to ruin for everyone, hence the necessity for a central regulatory authority. This article, often considered as fundamental in relation to commons, is based on a confusion between common property and free access (Ostrom, 2000), leading it to repeat an oft-encountered representation of the inefficiency of “commons” management as an alternative between public regulation and private property. Despite the wealth of articles on the management of common resources, particularly in the Anglo-Saxon literature, “commons” only came into the limelight when Elinor Ostrom won the Royal Bank of Sweden Prize in 2009. Whereas today many authors question the transferability of this approach, centred on common pool resources, to issues that are more global (water, biodiversity...) or intangible (knowledge, information, etc.), for us it represents an opportunity to shed new light on the “old” geographical question of the collective management of high-altitude pastures.
- 4 First, we will recall the usual distinction made in economics between public goods and commons, the first being characterised by criteria of weak exclusion (the difficulty of excluding one of the potential beneficiaries of the resource) whereas the second are characterised by weak exclusion *and* strong rivalry (a resource used by one of the beneficiaries is no longer available to the others). The difference between a starry sky and a collectively-managed pasture forms a perfect analogy. However, in line with Ostrom (1992), we maintain that the quality of “commons” is not limited to the intrinsic nature of certain resources but that it is an indissociable articulation between a resource and the rules governing its use. This is why we believe that explaining the management methods of Pyrenean summer pastures will make a strong contribution to the understanding of the farmers’ *pastorality*. Thus we wish to shed light on these forms of collective management in relation to certain of the “design principles” developed by Elinor Ostrom (2010, 1994).

Access to the resource

- 5 One of the characteristics of the Pyrenean pastoral resource is the fact that more than 80% of the land concerned is still in public ownership, belonging to the state, communes or syndicates (joint ownership by several communes). This is why the definition of the beneficiaries of the resource is still based today on rights inherited from the *Ancien Régime* (before the French Revolution of 1789) which resisted various assaults on ownership and collective management throughout the 19th century.
- 6 For state-owned land, these customary rights of use have been strictly codified by the Forest Code since 1827; on land owned by communes or syndicates these rights may be recognised by law, through old charters or case law, or be more closely related to local

use and customs. To simplify the situation, we can consider that these rights of use ensure that farmers living in the communes of which the summer pastures form part, or coming from the valley in the case of joint ownership, have access to the pastoral resource. Despite their historical longevity, the strength of the customary rights of use on the Pyrenean massif is above all related to a social and political consensus through which the local authorities (or the State) confirm the legitimacy of the local farmers to use the pastoral resource. Farmers often cite “traditional use” when they fear attacks on their rights.

- 7 This reference to customary rights of use plays a major role in securing access to the resource for the farmers who are “users” or “beneficiaries” in the context of the opening up of the summer pastures to farmers termed “outsiders” or “foreigners”¹, due to the abandonment of the land which has led to a very big reduction in livestock numbers in the high mountains. The situation is such that certain summer pastures receive only herds from outside. However, the permanence of the rights of use as a shared norm governing access to the pastoral resource as common goods still guarantees the maintenance of the resource outside both the mercantile system and the speculative purchase of land (as on the privately-owned summer pastures of the Massif Central) or environmental speculation (as in certain proposed environmental leases in the Alps). It also represents a strong element of differentiation and hierarchical organisation among the users of the resource.
- 8 Thus, whereas the strict definition of the rights of use originated in the necessity for precise regulation of access to summer pastures in a “fully-used pastoral system” where the risks of over-exploitation had to be controlled in order to ensure the renewal of the resource, today they are mostly used to provide a structural framework for groups of changing, heterogeneous beneficiaries forming part of systems of collective choice.

Systems for defining rules

- 9 Today the question of commons management, and thus the method for defining rules, appears to be complex. In traditional societies everything relating to collective management was the responsibility of village communities, organised into “houses”. Thus the suppliers of the resource were also beneficiaries. The transfer of ownership into the public domain and transformations in mountain societies led to an increasing disjunction between the professional farmers who are users of the resource and the local authorities (or the State), who are the owners of the pastoral lands. Using a simplified approach, we can distinguish two major types of organisation for the management of summer pastures.
- 10 In the first model, local authorities which are owners of grazing land manage it themselves. This is particularly the case in the western part of the range (Pyrénées-Atlantiques and the western part of the Hautes Pyrénées *départements*) where, like the communities of the *Ancien Régime*, inter-communal commissions² manage jointly-held property (pasture, forest, water, tourism infrastructure if applicable). The rules governing the use of pastures, as well as the mechanisms for verifying such use and possibly applying sanctions, are thus decided and implemented by local authority representatives. Ostrom (2010) highlights the importance of collective choice mechanisms as criteria for success in the management of commonly-held property. In

particular she points out that “the majority of the individuals concerned by operational rules can take part in the modification of those operational rules”. Now, the social diversification of mountain regions and the professionalization of the farmers has led to a strong social segmentation. The majority of people no longer have “something to do with” farming and farmers have become a minority, both in society in general and on local councils. In reality, farmers, as beneficiaries, are no longer directly involved in the definition of the rules, be they “rights-holders” or “outsiders”. In this model, the question of the importance accorded to farming in the political sphere, in development strategies and in shared representations has become a major issue in management choices for high-altitude regions, no longer restricted to their pastoral dimensions.

- 11 In the second model, predominant from the east of the Haute-Pyrénées *département* to the Mediterranean, the organisation of farmers into pasture management groups³ and the absence of inter-communal commissions has led to a transfer of the management of common pastures to the farmers themselves. Here, the mechanisms of collective choice, verification and sanction are directly decided by the beneficiaries of the resource. These mechanisms tend to reinforce an approach centred on the pastoral dimension and on the stabilisation of the group of beneficiaries around criteria relating to professional identity. Thus, the granting of access to farmers who are not already users most often depends on co-option practices and on putting the newcomers to the test (Eychenne, 2006) – questions of social capital play a stronger role than in the first model. Despite the existence of previously-cited criteria involving a hierarchy related to rights to use, the inclusion of a new farmer in a pasture management group makes him a “peer”, generally having full legitimacy to take part in collective choices. In this model, decision-making mechanisms are thus definitely secured in a “sector-specific” manner, but at the risk of weakening the logic of management of commonly-held property as the contours of the group of beneficiaries become more blurred and labile.
- 12 In any case, the diversity of management methods from one valley to another testifies to a strong adaptation of the rules to the local context be it physical (relief, altitude, nature of the resource, type of farming, etc.) or social (traditions and shared representations, degree of collective decision-making, presence of other users, etc.).
- 13 To conclude this section, and although we have not developed the whole of Ostrom’s model, it appears fairly clearly that the methods of management of Pyrenean summer pastures are a form of common-land management whose historical longevity has led to a certain degree of stability. The reference to rights to use and to forms of appropriation and management of the pastoral resource is a central element in the identity of farmers practicing transhumance, thus contributing to their representation of the fundamentals of *pastorality*. This organisational system has its origins, however, in the functioning of agro-sylvo-pastoral societies in which pastoralism was one of the organisational principles. These forms of organisation are having to adjust themselves in the overall context of the recomposition of local societies and groups of actors where the agricultural world is having to come to terms with other users of the same space.

Summer pastures as public goods

- 14 If one of the major characteristics of Pyrenean pastoralism is thus its commons management system, it also has the distinctive feature of being deployed in areas strongly marked by collective use and representations. B. Debarbieux and M. Price

(2012) trace the emergence of a representation of mountain areas as a Global Common Good back to the 1992 Rio conference. In this case, the notion of a common good has little to do with what had been developed previously. It refers to everything that has a “major importance for humanity as a whole”, including elements of ethics and philosophy, and finally quite close to notions of World Heritage, goods provided by the state or global public goods. “The statement according to which the mountains belong to nobody or everybody has become so commonplace that it seems obvious to many people. It can mean different, or even contradictory, things: that private property does not exist or should not exist in mountain regions; that local populations and landowners cannot decide alone what should be done and how they should behave; that everyone should take care of the mountains; that everyone can climb, walk, dig, collect plants, etc. where and how he likes without any restriction. ” (Debarbieux and Price, 2012).

An area of co-presence

- 15 The rise of recreational use of – and environmental concerns about – mountain areas tend to blur the vision of mountain areas being above all pastoral. The farmers’ summer pasture has become a place for walking, contemplation, freedom, skiing, biodiversity conservation, hunting, etc. Tangible and intangible resources overlap to occupy the same physical space, mobilised by a variety of groups using a variety of methods. The majority of these new resources are seen as being global public goods (landscape, biodiversity, nature, liberty), bringing to light new controversies which can render pastoral activity more fragile: general interests *versus* sector-specific interests, local governance *versus* global regulation, an area open to everyone *versus* a strongly-appropriated area. In this light, the previous reference to rights of use plays a symbolic role of the highest importance because it enables the farmers to use the long history of their practices and methods of appropriation as an argument giving them legitimacy over the high-altitude areas in a context of multiple uses.
- 16 In comparison with other categories of rural space confronted with situations of multiple use, this representation is reinforced by the very nature of the mountains and above all by the very characteristics of Pyrenean pastoralism. Mountains are considered to be “natural” and thus little – or not at all – anthropomorphised. The seasonal, extensive and collective nature of pastoral practices means that the marks of appropriation are discreet: little visibility of animal and human presence, absence of fences, etc. Associated with the public nature of ownership, these characteristics contribute to the perception of the mountain as a public good belonging to everyone or no-one and whose amenities are not always ascribed to pastoral activities by the other users of the space.

Pastoralism: a supplier of “public goods”

- 17 This great shift of summer pastures from “common good” to “public good” is a source of vulnerability for farmers who are obliged to share, both materially and symbolically, a space which they have strongly appropriated and over which their legitimacy may be called into question.

- 18 At the same time this shift contributes to a requalification of the functions of pastoral activity, envisaged more and more as a supplier of environmental or ecosystem services and/or externalities and/or public goods. We will not enter into the debate over the relevance of the use of one term or another (Lazaro, 2010), but we are interested in the representations of the function of agricultural activity that they imply when used to justify government action.
- 19 Government recognition of the services rendered by pastoral activity goes back a long time. The “Pastoralism Law” of 1972, which provided those involved in pastoralism with tools that were adapted to methods of collective management (Charbonnier, 2012), is justified by the contribution of pastoralism “to the protection of natural habitats and soils as well as to the safeguard of the social fabric”. In 1985 the “Mountain Law” recognised the contribution of mountain agriculture “to production, employment, maintenance of soils and protection of the landscape”. Mountain agriculture had thus been the subject of a multi-functional approach well before the appearance of the notion around the turn of the millennium. Nevertheless, with the notable exception of the Pastoralism Law of 1972, pastoralism was subsumed into the general category of “mountain agriculture” until the 2000s.
- 20 The setting up of an interdepartmental working group on pastoralism during the National Council for the Mountains in 2001 has contributed to increasing recognition of the specific features of pastoral activity over the recent period, generally justified by the use of a rhetoric borrowed from economics: positive externalities, public goods, services (MAP, 2008; EUROMONTANA, 2009; ACAP, 2011). From 2007, in the context of strong opposition to the reintroduction of large predators (EYCHENNE, 2012), the official line legitimising an ambitious plan supporting Pyrenean pastoralism⁴ is based on the enumeration of a list of effects that is almost exhaustive: “The pastoral domain covers wide areas of low productivity which are fragile natural habitats, the home of a diversity of flora and fauna, both ordinary and remarkable. This fragility is also expressed in terms of potential natural risks whose prevention is related to good animal husbandry. The pastoral domain, a factor in the attractiveness of regions, has become a determining element in the diversification of economic activities in rural areas, particularly rural tourism throughout the year. It also contributes to the maintenance of landscapes and produces many positive externalities” (MAP, 2008). However, it may be noted that in this quote the effects are more closely related to the attributes of the “pastoral space” than to “pastoral activity” itself. In a context of multiple use, it is thus a question of supporting a practice inasmuch as it contributes to the production of resources used and is appropriated by other actors for other uses. Pastoralism thus finds itself supported for its contribution to the maintenance and development of pastoral areas as public goods.
- 21 Through their multiple collective dimensions, the Pyrenean summer pastures thus represent a complex and polymorphous reality for government action. The superposition of uses and representations makes them appear as public goods in terms of land ownership, as common goods in terms of pastoral management and as collective goods in terms of other uses, etc. This complexity is reinforced by the semantic confusions and the increasing number of terms aiming to characterise the status and the effects of spaces and practices: commons, public goods, State goods, externalities, services, etc. In this context, the recognition of the existence in mountain areas of resources forming part of global common goods tends to mask one of the particular

features and one of the strengths of modern pastoralism: its management as a common pool resource. Considering, like P. Lascoumes (1998) that notions of public interest or of common good represent “a framework rather than a contents, a category to be filled in rather than a pre-existing substance”, the question is to understand how, and by whom, that which constitutes a “common” or a “public” good is defined. It is clear that the consolidation, even by farmers’ representatives, of a representation of high-altitude areas as public goods tends to weaken the recognition of the specific methods of land management which led to the promulgation of the Pastoralism Law of 1972.

Government action over pastoralism: the issues relating to recognition of commons

- 22 As part of the discussions over the methods of implementation of the second pillar of the CAP after 2013, the question of the justification of a scheme dedicated to pastoralism, going beyond the problem of cohabitation with predators, has been posed as being a matter of urgency. The principle of the recognition of the services rendered by agriculture now goes well beyond the scale of the mountain regions, as shown by the multiplication of studies on public goods in agriculture⁵ as part of the preparation of the future CAP⁶, with a particular interest shown in environmental issues.
- 23 In this context, it would seem essential to define what distinguishes pastoralism from agricultural activity in general, justifying specific measures and higher rates of financing (between 50% and 100% depending on the measures). Although, as we have seen, the mountains are considered as a reservoir of rare resources as much in terms of biodiversity as of landscapes, traditions, environment, starry skies, etc. they no longer have the sole claim, as shown by work on biodiversity or on “ordinary” landscapes. Above all, the fact that mountain regions are given heightened consideration as a category for targeted government action renews questions about the relevance of a distinction between support for mountain agriculture and for pastoralism. The analysis of the debates around the results of the plan for the support of Pyrenean pastoralism carried out in 2013 shows clearly that the main factor differentiating pastoralism from other forms of agriculture is its collective dimension, both in forms of appropriation and of management. Pyrenean pastoralism is characterised by the specific features of the resource (semi-natural, extensive and seasonal use), of the forms of ownership and of appropriation (public with rights of use) and systems of collective management. Different elements bring to light the difficulties encountered in trying to take into account these organisational systems based on a logic of “commons” which is marginal in the context of European agriculture as a whole.

The nature of the resource

- 24 In the new Common Agricultural Policy, different European regulations⁷ use a restrictive definition of permanent pasture, focusing on its grazing resources, thus excluding a major proportion of pastoral areas composed of rough grazing, often including woody species. This has led to the mobilisation of various elected members and groups for the defence of mountain environments at the national and European level, leading in particular to the publication of several manifestos (European Forum for the Conservation of Nature and Pastoralism, French National Parks) signed by

numerous European institutions and nature conservation organisations. This mobilisation has led to the re-definition of those areas that can receive grants under the CAP, but this in turn has highlighted the difficulties of taking into account the specific features of pastoral areas because of their marginality in the European agricultural landscape, when in fact it is partly for these very specific features that they are recognised for their role in providing public goods, particularly in terms of biodiversity.

Recognition of forms of ownership and collective management

- 25 The “atypical” character of pastoralism is expressed in an even more significant way when one considers the recognition of specific systems of collective management. The Common Agricultural Policy, as a sector-specific policy, is based on an approach centred on the “classical” farm unit. In this context, rights of use are not recognised as a form of land-holding and collective managers cannot benefit directly from grants for high-altitude land, with a presupposition that paying grants to farms that practice transhumance will incidentally benefit the general interest. This approach brings to light the difficulties in taking into account collective managers in sector-specific schemes, above all when they are local authorities. Representatives of the farming profession themselves are fairly reserved on the issue because they fear that the grants will be used for “non-agricultural” purposes by managing local authorities in the previously-described context of the recomposition of society and social segmentation in mountain regions. Given the absence of recognition of collective bodies in the classical schemes, the plan for the support of Pyrenean pastoralism appears to be the only opportunity for such bodies to define a real strategy of pastoral development, by opening up the possibility for them to benefit directly from the various measures (shepherding, improvement of pasture, construction of huts, etc.).
- 26 Following the idea of E. Ostrom, who evokes the importance of a minimal degree of recognition by outside authorities for the right to self-organisation, it seems to us that there is a strong argument for favouring an approach in the future CAP that truly recognises the collective organisational methods of pastoralism, thus building on the intention of the 1972 Pastoralism Law.

Conclusion and discussion

- 27 To conclude, we could examine the strength and tenacity of these commons management methods, which suffered the attacks of the Revolution and the Empire, and which today appear like relics of a lost world, so marginal that government policies find it difficult to take them into account. In the first part we evoked certain elements that justify farmers’ attachment to rights of use. But it seems to us that the primary justification for the permanence of these collective frameworks is directly linked to the very nature of a “*complex and uncertain*” resource enhanced by a stable society, two conditions for the success of collective management according to E. Ostrom. Thus farmers’ *pastorality* has developed around tangible and intangible dimensions, mostly implicit. For the farmer, what distinguishes the pastoral resource from other sources of fodder is above all its spatial organisation which conditions, more than the pastoral value of the grassland, the quality of the resource: the extent, the complementarity of

the different areas, the relief, the accessibility, the presence of watercourses, shelters, sleeping areas. But what sets apart the “mountains” and gives them their value is also the quality of their social organisation, the strength of the collective: the relevance of the rules and verification mechanisms, the solidarity, but also the pleasure of being together and of recognising one another as peers. If, as the coordinators of this review have suggested, pastoralism is often indecipherable for other uses of the mountains, it is likely that this “internal” *pastorality*, based on a specific method of management of natural resources, is even more arcane. It seems to us, therefore, that today there is a real issue in terms of government action to support collective management methods and to recognise their central role in the production of pastoral amenities in order to meet the increasing thirst for *pastorality* among other users of the space.

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NOTES

1. The majority of these farmers who are not rights-holders come from the mountain zone: the Pyrenees is a region without long-distance transhumance.
 2. Created by the law of the 18th July 1837 concerning the administration of communes, these commissions are an ancient form of inter-communality whose activities are restricted to jointly-held property, thus generally in the high mountains (formerly seigniorial lands) and whose legal rules are currently defined in articles 5222-1 *et seq.* of the Local Authority Code.
 3. In France, a legally-defined organisation to which the farmers using a particular common belong.
 4. Support Plan for the Mountain Economy, which articulates the second pillar of the CAP and policies for individual mountain zones such as the Pyrenees.
 5. Here we are talking about public goods, which we qualify as collective goods (see above).
 6. On the question of taking into account public goods in the CAP 2013, see the studies in the BipPop research programme: Public Goods in the CAP 2013. <http://bip-pop.org/>
 7. Regulation 1120/2009 relating to the Single Payment regime and Regulation 1122/2009 relating to conditionality
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ABSTRACTS

In the Pyrenees, the collective nature of the appropriation and management methods of pastoral resources make them one of the rare surviving examples in France of governance as commons, as described in the work of E. Ostrom. However, other users of the mountains, tend to see pastoral areas as spaces that are “open to everyone”, providing tangible and intangible public goods (landscape, biodiversity, nature, liberty...). In this article we question the ways in which government deals with pastoral activity, focussing on its complex status, between common good and public good. This analysis provides the opportunity to call into question an approach to *pastorality* seen solely through an external view of pastoral activity. On the contrary, we believe that there is an “internal” *pastorality* in which the collective dimension of the appropriation and the use of pastoral resources provides one of the foundations for the sense of social belonging and development of identity for farmers practising transhumance.

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Keywords: commons, collective action, pastoralism, Pyrenees, agricultural policy

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