

CONTESTED COMMONS: THE HISTORICAL ECOLOGY OF CONTINUITY AND
CHANGE IN BASQUE AGRO-PASTORALISM IN THE BAIGORRI VALLEY
(FRANCE)

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ABSTRACT

DAVID SETH MURRAY: Contested Commons: the historical ecology of continuity and change in Basque agro-pastoralism in the Baigorri valley (France)
(Under the direction of Carole L. Crumley)

This dissertation examines long-term changes in the management and use of Commons in the Baigorri valley in the Basque region of southwestern France. This research identifies the various political challenges and socio-economic pressures confronting farmers there since the 18th-century. Diachronic, multi-scalar influences include persistent contestation over common-pool resources, profound shifts in the political economy, and fissures in the social fabric of Basque farming communities. By investigating the role of households and communal institutions in addressing historical contestations in the Baigorri valley, this dissertation reveals the influence of external polities like the French state in local governance and use of the Commons. This research also situates more recent processes of modernization and the effect of mechanization on agro-pastoralism within their historical contexts. These socio-economic transformations now allow farmers to depend less on the assistance of neighbors, thus reshaping individual and collective farming practices in the Commons of the Baigorri valley and weakening local networks for cooperation. Finally, this research problematizes the influence of the Common Agricultural Policy on Basque agro-pastoralism, analyzes how these changes are contested through new transborder initiatives, and discusses the future sustainability of management practices in the Commons of the Baigorri valley.

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TABLE OF CONTENTS

LIST OF ILLUSTRATIONS.....	v
LIST OF ABBREVIATIONS.....	ix
Chapter	
1. INTRODUCTION	1
Research objectives.....	1
Selection of field site in the Baigorri valley	3
Archival research	11
Interviews and participant observation	14
Euskera and language acquisition.....	17
Note on translations	24
Outline of the dissertation.....	25
2. UNRAVELING TIME AND UNFOLDING SPACE IN THE COMMONS	28
Historical and Political Ecology	28
The Commons.....	34
State-making on the borders in Iparralde.....	38
Theoretical contributions and future directions	41
3. FRAMING THE ACTIVITIES, FRAMING THE SETTING	45
Environmental context of the Baigorri valley.....	45
Geography.....	45

Climate.....	51
Vegetation.....	52
Historical and contemporary economic activities in the Baigorri valley.....	56
Agro-pastoralism.....	57
Transhumance.....	69
Sylviculture.....	75
4. COMMUNITY AND UNITY: HISTORICAL BASQUE INSTITUTIONS OF THE ... BAIGORRI VALLEY	80
The etxe: property and principal.....	85
Berrogain and social relationships.....	90
Cour Générale: decision-making and political power	92
Fors in Iparralde as incipient international relations.....	95
Shadows of feudal France: the Etchauz family in the Baigorri valley	98
5. COMMONS IN CONFLICT: EXTERNAL POLITICS AND THE BAIGORRI	103
VALLEY PRIOR TO 1789	103
Royal Capitulations of 1614	103
Statutes of the Baigorri valley in 1704	106
Migration and demographic changes	111
Franco-Spanish Treaty of 1717.....	115
Franco-Spanish Treaty of 1785.....	126
6. SENSING THE STATE: INSTITUTIONAL CHANGES IN THE BAIGORRI	143
VALLEY AFTER 1789.....	143
Crystallizing the Commons: creation of the syndicat of Baigorri in 1838	146
Franco-Spanish Treaty of 1856: the final frontier	158
7. PATHWAYS TO MODERNIZATION OF BASQUE AGRO-PASTORALISM.....	168

Economic development in rural Iparralde in the 20 th -century	168
Roquefort and the intensification of agro-pastoral production	180
Decline of auzolan in the Baigorri valley	185
Transformation of agro-pastoralism and Basque farm organizations.....	194
Euskal Herriko Laborarien Bastasuna (ELB)	194
Berria cooperative in Iparralde	202
Coopératives d’Utilisation du Matériel Agricole (CUMA) in Iparralde	210
8. THE EUROPEAN UNION AND THE TRANSFORMATION OF AGRO-	
PASTORALISM.....	216
Common Agricultural Policy	218
Impact of the proliferation of farm aid	221
Crisis and continuity in the syndicat of the Baigorri valley in 1987	225
Diversification and development initiatives in the Commons.....	237
Creation of transborder partnerships in Iparralde	248
Lindux-Orreaga transborder partnership in the Baigorri valley	256
9. CONCLUSION: THE PAST IN THE PRESENT OF AGRO-PASTORALISM	270
Continuity, Change and Contestation in the Commons.....	270
Convergence, Cohesion and the future of the Commons	275
APPENDICES – OVERVIEW	279
APPENDIX 1 – LAND USE STATUES OF 18-11-1704.....	281
APPENDIX 2 – MINUTES FROM COUR GÉNÉRALE OF 17-06-1716.....	285
APPENDIX 3 – FRANCO-SPANISH TREATY OF 03-08-1717	287
APPENDIX 4 – CORRESPONDANCE FROM COUR GÉNÉRALE OF 9-6-1767	295
APPENDIX 5 – MINUTES FROM COUR GÉNÉRALE OF 09-07-1767.....	297

APPENDIX 6 – REPORT MADE TO COUR GÉNÉRALE OF 10-09-1768	299
APPENDIX 7 – REPORT MADE TO COUR GÉNÉRALE OF 03-03-1785	303
APPENDIX 8 – MINUTES FROM COUR GÉNÉRALE OF 30-03-1785.....	309
APPENDIX 9 – CORRESPONDANCE FROM FRENCH COURT OF 15-4-1785	313
APPENDIX 10 – MINUTES FROM COUR GÉNÉRALE OF 28-04-1785.....	315
APPENDIX 11 – CORRESPONDANCE FROM FRENCH COURT OF 5-9-1785	317
APPENDIX 12 – MINUTES FROM COUR GÉNÉRALE OF 15-09-1785.....	320
APPENDIX 13 – BAIGORRI VALLEY PROCLAMATION OF 08-11-1800.....	324
APPENDIX 14 – MINUTES FROM COMMISSION SYNDICALE OF 2-11-1839.....	333
APPENDIX 15 – FRANCO-SPANISH TREATY OF 02-12-1856	336
APPENDIX 16 – SUPPLEMENT TO TREATY OF 02-12-1856	341
APPENDIX 17 – REPORT TO COMMISSION SYNDICALE OF 21-11-1860	350
APPENDIX 18 – POPULATION OF VILLAGES IN BAIGORRI VALLEY	352
APPENDIX 19 – GLOSSARY OF TERMS	353
REFERENCES CITED.....	358

LIST OF ILLUSTRATIONS

Illustration

1. Map of the Basque region (Euskal Herria).....	4
2. Photograph at Ichterbegui pass, south of Urepele, August 2002.....	8
3. Map of four villages within the Baigorri valley	9
4. Photograph of AEK <i>ikastaldi</i> class, Urepele, July 2000.....	23
5. Map of the Baigorri valley with main topographical features.....	47
6. Photograph of Lindus Mountain, between Urepele and Roncevalles, May 2000	48
7. Photograph of fire burning in the Commons, Urepele, May 2002	53
8. Photograph after a fire in the Commons, Urepele, May 2002.....	54
9. Photograph of soil profile and contrast after fire, Urepele, May 2000	54
10. Photograph of vegetation re-growth after fire, Urepele, May 2000	55
11. Photograph of <i>borda</i> , southeast of Urepele, August 2001	66
12. Photograph of sheep on Adi Mountain, south of Urepele, July 2001	71
13. Photograph of moving sheep on road, Banka, May 2000	71
14. Photograph of red-headed Manex sheep, Aldude, June 2000	73
15. Photograph of black-headed Manex sheep, Urepele, April 2004	74
16. Photograph of Martinchoénea, Urepele, August 2002.....	86
17. Photograph of the Chateau of Etchauz, St. Étienne-de-Baigorry, June 2001	99
18. Map of Baigorri valley with 1614 and 1717 boundaries.....	104
19. Graph of demographic change in Baigorri valley, 1600-2000.....	113
20. Photograph of map from 1717 cadastral survey of Baigorri valley.....	121
21. Photograph of Cassini map of Baigorri valley from 1794, April 2000.....	136
22. Map from 1840 cadastral survey of Urepele	153

23. Graph of the surface area in each village managed by the syndicat	155
24. Photograph of border on Adi Mountain, south of Urepele, July 2005	160
25. Photograph of Sorogain Mountain, southeast of Urepele, July 2000	163
26. Photograph of fence on Sorogain Mountain, southeast of Urepele, July 2000	163
27. Photograph of branding cows at the Marque of Urepele, May 2004.....	164
28. Graph of the dynamics of 20 th -century agro-pastoral change	171
29. Photograph of cows in trucks at the Marque of Urepele, May 2000	173
30. Graph of number of sheep in Baigorri valley, 1964-1999	178
31. Graph of number of cows in Baigorri valley, 1964-1999	179
32. Photograph of cheese made from sheep's milk, Urepele, March 2005	180
33. Photograph of hay baling in mountains, southwest of Urepele, July 2005	189
34. Photograph of hay baling in mountains, southwest of Urepele, August 2002	189
35. Photograph of cows at branding corral at the Marque of Urepele, May 2000	192
36. Photograph of infrastructure built by syndicat, east of Aldude, May 2000	227
37. Photograph of infrastructure built by syndicat, south of Urepele, July 2003.....	231
38. Photograph of <i>borda</i> in mountains, south of Urepele, July 2005	234
39. Photograph of horses at Ichterbegui pass, south of Urepele, August 2000.....	239
40. Photograph of horses at Oilharandoi pass, south of Urepele, October 2002	239
41. Graph of evolution in sheep livestock in Baigorri valley, 1964-2005.....	246
42. Graph of evolution in cow livestock in Baigorri valley, 1964-2005	247
43. Graph of evolution in farming households in Baigorri valley, 1964-2005	247
44. Photograph of rusted barricade at border, south of Urepele, September 2001.....	250
45. Photograph of signing of Lindux-Orreaga, Donibane Garazi, July 2005	260

LIST OF ABBEVIATIONS

AEK: Alfabetatze Euskalduntze Koordinakundea (Coordination for Literacy in Euskera)

AJA: Aides aux Jeunes Agriculteurs (Assistance to Young Farmers)

BTA: Brevet Technique Agricole (Technical Farm Certificate)

CAP: Common Agricultural Policy

DIACT: Délégation Interministérielle à l'Aménagement et à la Compétitivité des Territoires (Inter-departmental Delegation for the Installation and Competitiveness of Territories)

ELB: Euskal Herriko Laborarien Batasuna (Farmers' Union of the Basque country)

EPI : Étude Prévisionnelle d'Installation (Provisional Installation Study)

ERDF: European Regional Development Fund

ETA: Euskadi Ta Askatasuna (Basque Country and Freedom)

EU: European Union

FDSEA: Fédération Départementale des Syndicats d'Exploitants Agricoles (Departmental Federation of Farm workers' Unions), regional branch of FNSEA

FNSEA: Fédération Nationale des Syndicats d'Exploitants Agricoles (National Federation of Farm workers' Unions)

GFAM Lurra: Groupement Foncier Agricole Mutuel du Pays Basque (Task Force for Agricultural Real Estate in the Basque region)

GLP: Groupe Laitier des Pyrénées

IKER: Euskarari eta Euskal Testuei Buruzko Ikerketa Gunea (Center for the Study of the Basque Texts and Language)

INSEE: Institut National de la Statistique et des études économiques (French National Institute for Statistics and Economic Studies)

INTERREG: Inter-regional cooperation initiatives of the European Union

LEADER: Liaison Entre Action de Développement et de l'Économie Rurale (Link between Development Activities and Rural Economy), a program aiming for consensus-building among multi-level parties to determine the best practices for sustainable agro-pastoralism in the Basque Mountains.

MOT: Mission Opérationelle Transfrontalière (cross-border operational organization)

ONF : Office National des Forêts (French National Forestry Service)

SPA: Special Protection Areas designated by the EU since 1979 to protect wild migratory birds

UPRA: Union de Promotion des Races Animales (Union for the Promotion of Animal Breeds)

CHAPTER 1

INTRODUCTION

Research objectives

The Pyrénées Mountains in the Basque region of southwestern France offer a bucolic pastoral landscape of verdant forests, whitewashed farmhouses, and sheep herds grazing in luxuriant meadows. Throughout much of this landscape, the vast pastures are common-pool resources that are collectively managed and used, and these Commons have long served as vitally important resources to Basque farmers. In agricultural contexts, historical land use practices shape and regulate how resources are utilized, and these in turn influence the spectrum of human activities across space and time. Commons in the Pyrénées Mountains are, as elsewhere on the planet, highly adaptive strategies that respond to specific ecological constraints. However, Commons and use of their resources must also be examined as a culturally- and historically-contingent product.

In this dissertation, I examine the long-term development of Basque Commons in the border region of southwestern France by contextualizing this regime within the framework of historical and political ecology. By framing how the Basque Commons in this part of the Pyrénées Mountains have been continuously used and managed since the 18th-century, I argue that although Basque agriculture has long contended with the influences of the French and Spanish states, the nature of these exogenous influences has

dramatically intensified over the past fifty years. Increases in subsidies from both France and the European Union have abetted the mechanization of agriculture which contributes to social fragmentation. Demographic shifts and the cumulative effect of migration patterns over the past centuries also dramatically recomposed the make-up of farming communities. And as in many industrialized and industrializing economies, the trend towards higher yields and agricultural productivity has pushed farmers to adopt controversial new strategies that further fray and stress key historical social Basque institutions, such as cooperative neighborhood work teams (referred to as *auzolan* in the Basque language), leading farmers to operate more autonomously and not rely on the support of their neighbors during peak labor periods.

The decline of these networks for communal assistance in agricultural tasks accentuates the increase in local competition over the common-pool resources that comprise the Commons discussed in this study. This is not to imply that Basque farming practices were static until recent decades, but to highlight the historical and contemporary importance of the Commons as both an ecological and economic resource. Overall, these changes have important implications for the current state of agricultural practices and common property in the Basque region. However, the intention of this dissertation is not to explicate all of the contemporary issues facing Basque farmers and others in the Pyrénées Mountains today. But I intend to ground explanations of the processes of modernization and development within longer historical trends. In order to understand the challenges facing of Basque Commons, the sustainability of common-pool resources, the resilience of management regimes, the emergence of new groups and actors that contest

the root causes of agricultural changes and their subsequent social impact, we must consistently visualize the presence of the past in the present.

Selection of field site in the Baigorri valley

I chose to conduct research in the Baigorri valley, namely in the village of Urepele, because it represents an area where agro-pastoral activities still predominate in the mountains of the Basque region. Urepele is characterized by a rural landscape with small-property holdings in the valley bottoms, surrounded by tracts of forests and vast open pastures in the surrounding mountains. This is also a remarkable continuity in terms of agro-pastoral practices, that is, local economic activities have evolved but persisted over time, in perpetual dialectic with the changing economic conditions of a wider world.



Illustration 1. Map of the Basque region with field site in Baigorri valley

The Baigorri valley lies on the international border between France and Spain, surrounded by Spanish territory on three sides and linked to France through its northern side. This is a predominantly agricultural, rural, and mountainous part of the Basque region, where farmers mostly raise sheep. The Baigorri valley is narrowly configured in a north-south orientation, with mountain ranges surrounding the farmsteads and villages located in the valley bottom that is never more than 6 kilometers wide. The average farm comprises a little over 22 acres, which is not enough graze land to support the average herd size of 150 sheep over the entire year. An important element that enables farmers to subsist with such small land holdings is that the mountains ranges enclosing the valley include over 12,000 hectares of common-pool pastures and forests (which is equivalent to half of the valley's total surface area). The Commons are of central importance for

pastoralism in this area because it allows farmers to send sheep herds to graze in the mountain pastures from May-October, while producing hay in their privately owned fields in the valley bottom. This annual movement of sheep between two ecological zones is called transhumance. The livestock returns from the upland Commons for lambing and milk-production during the rest of the year. This cycle of transhumance is integral to agricultural practices in the Baigorri valley, as it is throughout much of the Pyrénées Mountains, and farmers' success is ultimately predicated by the availability of these common-pool resources (Ott 1993).

Basques today find themselves as citizens of one of two different countries. Those of the three provinces on the northern face of the Pyrénées Mountains live in France, and those Basques in the four provinces on the southern side inhabit Spain (see illustration 1). The northern three provinces, Lapurdi, Baxe-Nafarroa, and Zuberoa are called Iparralde, meaning “the northern side” (of the Pyrénées that is), while the four southern provinces, Guipuzkoa, Bizkaia, Alaba, and Navarra are referred to as Hegoalde (the south side). The modern states of France and Spain have had differential effects on the Basque region, having often accentuated and increased social and political polarities between the northern and southern Basque regions. The seven historical provinces which compose the Basque region have never previously formed a single unified political entity.

Until recently, much anthropological research in Europe has focused on small rural areas, and has assumed that these communities exist outside of the sphere of influence of European nation-states and their market-oriented political economies. I do not intend to imply that rural localities are not deserving of attention, indeed they are the central focus of the present paper, but it is important to expand the scope of

anthropological inquiry to consider the interplay between local and national levels.

To begin my research, I first spent three months in Donostia-San Sebastián taking language and area studies courses at Euskal Herriko Unibertsitatea (the University of the Basque Country). My first visit to the Baigorri valley was in July 1999. I lived in Donostia-San Sebastian at the time and took my first Basque language course at the university during the summer of 1999. One of my instructors there encouraged me to visit a town in the northern Basque country one weekend, suggesting that two places that she thought would be of particular interest to me: Donibane Garazi and St. Étienne-de-Baigorry.

Donibane Garazi is a *chef-lieu du canton* (roughly the US equivalent of county seat). The town is called as St-Jean-Pied-de-Port in French, but many locals simply call it Garazi. This town is a tourist favorite, and because of its relative size for the area, this is where many choose to stay. At only 180 meters of altitude, Donibane Garazi is not a mountain town per se but it certainly feels like since nearby mountains to the south and east cast long shadows over the town center. The town itself, with some 1,500 inhabitants, still has the rhythm of a small village even though its outskirts have spread well beyond the fifteenth-century walls of the old city (Sturrock 1988:37). The Nive River passes through the middle of Donibane Garazi, draining its watershed of the Pyrénées Mountains to a confluence with the Adour River in Bayonne, only 2 kilometers from the Atlantic Ocean.

As the county seat, Garazi has more retail and commercial businesses and depends on agriculture to a lesser extent than the smaller surrounding villages. Garazi is the location of the county farmer's market, has a slaughterhouse, and has numerous

support services for farmers. I quickly surmised that Garazi is not a town where many farmers live, although most farmers occasionally conduct business there.

I had rented a car to spend a long weekend driving through the mountains and exploring potential field sites, so I rapidly departed Garazi and headed westward five kilometers to the village of St. Étienne-de-Baigorry. From there I drove southward to the edge of the village and brought my car to a muted idle. Looking through the dirty windshield, I found myself staring at a beautiful, narrow valley formed by steep, green slopes on either side (see illustration 2). Blooming purple digitalis and bright yellow gorse bush flowers splashed a colorful contrast onto the deep, green meadows dotted with sheep. This was the Baigorri valley.

My small grey rental Citroen car lumbers up the valley on a narrow, winding two-lane road that perpetually seems to switch back and forth on bridges that cross the small, cascading stream. The engine strains in 3rd gear on the steep grade, I downshift into second gear and with a growl, the car powers forward up the valley. The dark, uneven asphalt road streaks underneath green tree branches that tunnel my field of vision. Through the foliage, I catch fleeting glimpses of grassy mountain flanks, barren of trees. As the Citroen rounds a bend in the road, the forest canopy parts, and I slow the car to a crawl to pass through a village that straddles both river banks. The hulking, white-washed houses with their red-tiled roofs and disproportionately-small windows closely line the empty road through the village.



Illustration 2. Photograph at Ichterbegui pass, looking north towards Urepele, taken by author, August 2002

I stop in what seemed to be the village square. At one end stand square two antiquated hotels, their courtyards framed by mature sycamore trees with knobby, white-splotched trunks and short, gnarly branches stunted from too many years of pruning.



Illustration 3. Map of the four villages within the Baigorri valley

There are three smaller villages - Banka, Aldude, and Urepele - located within the valley proper, to the south of St. Étienne-de-Baigorri, the largest and northernmost of the four communities (see illustration 3). Urepele is the most recent of the municipalities, as it was only administratively detached from the village of Aldude and recognized by the French government as a *commune* (or municipality) on February 15, 1862. The valley itself is 18 kilometers in length and 3-6 kilometers wide. When Baigorri valley was originally settled, the topography confined concentrated settlements to the flattest portions of the valley bottom. The majority of the valley almost appear uninhabited to the uninitiated, so few and far between are the villages and houses. This illusion in fact stems from the small and compact nature of the village centers, and the marked absence of outlying houses. Domestic houses in all three villages are generally concentrated into

tight clusters of houses located at 250-300 meters in altitude on the alluvial valley bottom alongside the Nourepe River, a tributary to the Nive. There are also a small number of outlying houses situated on the flanks of the surrounding mountains, rising to 1280 meters on the eastern, southern and western sides of the Baigorri valley. The villages themselves are activity centers in that houses are clustered alongside a store, a mayor's office, perhaps a small inn or animal feed store and, of course, the *de rigueur* tavern. But villages have no geographical centers per se in the sense that they aren't patterned into ovals, such as may be more customary in other regions. Instead, villages are tightly shoehorned into the valley bottom alongside the small river, which is in fact hardly more than a stream outside of the wet spring season. Like many mountain streams, the Nourepe is not now, nor has it ever been, navigable.

The communities in Baigorri valley themselves share a set of characteristics: they are generally small in size, have similar settlement patterns, closely interact since they are located in the same valley and watershed, and share a common interconnected history. The Basque region's hinterland as a whole has been subject to the same demographic pressures as much of rural Europe during the last two centuries. The depopulation of rural areas saw many Basque farmers depart not only to places in France or Spain, but this phenomenon was also associated with a large emigration to North and South America.

Until the village of Aldude was legally recognized in the 18th-century, most of the historical documentation refers to the Baigorri valley as the area around the present-day villages of Banka, Aldude, and Urepele. Historically, the Baigorri valley would have included the upland areas surrounding these three villages, including the narrow forest of Haira which runs along the eastern flank of the valley from Banka to Urepele, as well as

upland pastures of the Sorogain and the Kintoa. However, the Baigorri valley ironically does not include the namesake village of St. Étienne-de-Baigorri or its immediate vicinity. This distinction between village and valley is important since the latter is the location of the common-pool resources that were managed under a common property regime.

For the purposes of this dissertation, I refer to the Baigorri valley as the total surface area that is delineated by the political frontier separating France and Spain on its eastern, southern, and western sides, which includes the villages of Banka, Aldude, and Urepele. However, it is important to note that when I refer to the inhabitants of Baigorri, I am also including those inhabitants of the village of St. Étienne-de-Baigorri, as well as those living in the valley proper.

Archival research

I consulted private, municipal, and state archives in the cities of Bayonne, Pau, and St. Étienne-de-Baigorri. The data procured at these archives span the 18th-20th centuries, and I focused primarily on reading and taking notes on those that address the governance and management of the Commons in the study area. I was particularly focused on archival information dealing with periods of acute transformation in farming practices as they pertain to common property; for example, the years following the Second World War were characterized by the inception of mechanized agriculture and the initial decline of a family-centered agricultural system.

The municipal archives in Bayonne were a valuable source for me in terms of the range and breadth of literature about the Basque region in their collection. Their holdings

were also available in digital format which facilitated my research. Another advantage was that for more than two years, I lived only four blocks away from the Bayonne Municipal archives, located in the middle of the old city just across from the entrance to the cathedral. The range of documents available here allowed me to cull through hundreds of archival documents and maps, some of which are reproduced in this dissertation with their written permission and my gratitude. The archives in Bayonne also had numerous out-of-print journals that are not, as far as I know, available in any public libraries. Since I spent several afternoons each week systematically mining through practically their entire holdings, I was able to go through the entire publication run of several Basque journals, and discovered research published in the early 20th century that provided several key elements to my bibliography. For example, I was able to read through all journal issues of the *Bulletin de la Société des Sciences, Lettres et Arts de Bayonne*, as well as *Gure Herria* (which was invaluable since it helped me to identify and locate research published by René Cuzacq in the 1930s). Another wonderful asset for my research in the Municipal Archives in Bayonne was that I was permitted to photocopy many of the documents that I consulted, and I also arranged to digitally photograph many of the historical maps in their collection.

France is known as a highly centralized nation with a massive state bureaucracy. Since the consolidation of the French monarchy in the 17th century, and certainly intensifying after the French revolution, the most vital state apparatuses have been located in Paris and in the seats of each *département*. By extension, the French territorial administrative system has consolidated a majority of the legislative, judicial, and other public institutions in these centralized locations. In the case of Iparralde and the Baigorri

valley, which are part of the Pyrénées-Atlantiques *département*, most of the state agencies are situated in Pau, some 50 kilometers east in the Béarn region, including the main archival repository for the *département*.

Most of the archival data that I transcribed while at the Archives Départementales of the Pyrénées-Atlantiques in Pau were either the originals documents or facsimiles that had been placed in the archives to replace the originals at various times in the 20th century. Most of these documents are hand-written, in archaic French, and in spite of the fact that I am a native French speaker, deciphering each document would often take me several hours. This task has certainly enhanced my admiration for historians who work uniquely from archival materials. The Archives Départementales had print catalogues available that listed the indexes of the archival materials, so the first weeks that I went there, I was primarily trying to ascertain what documents existed and were available for the Baigorri valley, and for which time periods. There is an impressive amount of archival materials, only a small fraction of which are reproduced in the appendices of this dissertation. Access to these documents was limited to business hours, which like in most of France meant that the Archives Départementales were open from 8:30 am to 12:30 pm, closed for lunch, and then open in the afternoon from 13:30 to 17:30. And perhaps more importantly, the archives were closed for five weeks during the summer.

Comprehensive consultation of all of these archival documents would have required me to be in Pau for more than several months, and probably a year. I was not allowed to photocopy most of the historical documents since this would have damaged them. Since I lived and spent more time in the Basque region, I had to make efficient use of my time in Pau. Thus, I made my objective in the archives the identification of

important documents that directly or indirectly pertained to the Commons of the Baigorri valley, to historical interactions between these farmers and their counterparts on the southern side of the Pyrénées Mountains, documents that dealt with the negotiations held at the local level that preceded and followed the signing of important Treaties between France and Spain over the past three centuries. I read and consulted many more documents than I address in this dissertation, and even though they may not have been directly pertinent to my analysis here, they nonetheless were valuable in shaping my understanding of the historical dynamics that marked the material and symbolic lives of people during past events in the Baigorri valley.

Interviews and participant observation

The ethnographic component of this project was primarily sited in the two communities of Aldude and Urepele in the Baigorri valley. This part of my data collection was a blend of archival research and qualitative ethnographic fieldwork¹. This research area of the Basque region was chosen because preliminary fieldwork and background research I conducted from 1999 to 2002, which indicated that household and community farming activities center on pastoralism that utilizes common property. My ethnographic data were acquired through structured and unstructured interviews with individuals and household units, and through in-depth participation-observation.

I conducted my dissertation fieldwork proper from 2002-05. I interviewed 20 individuals from different households in the primary research sites of Urepele and

¹ The UNC Academic Affairs Institutional Review Board approved the Human Subjects Review for my research project on October 7th, 2002.

Aldude, conducting a total of 108 interviews. Using a snowball sampling approach, I attempted to increase the number of contacts that I had through the individuals I had already interviewed. Following the protocols outlined in my Human Subjects Review proposal, which was approved by University of North Carolina's Academic Affairs Institutional Review Board on 10-07-2002, I often made audio-recordings of these interviews. I then subsequently transcribed many of these in order to facilitate their comparative analysis. Whenever possible, interviews with each informant were done at three separate moments during the course of fieldwork, and each interview was comprised of a questionnaire or a series of open-ended questions.

Another important phase in my fieldwork was the in-depth participant observation that I did with four different farming households over the course of one year. This method is central to most ethnographic fieldwork, and is a technique of data collection where the researcher is immersed in informants' lives of by simultaneously observing and participating in their day-to-day activities. This method enables the researcher and the informants to become acquainted with one another in a relatively short period of time. This regular, daily contact provides a context and opportunity for the exchange of information in manners that aren't easily broached during the course of more formal, tape-recorded interviews. This phase of the research project produced some of the most interesting and revealing data.

I also conducted interviews with government employees at the regional- and national-levels, with representatives from farm and labor unions, with other inhabitants of the research area who were not farmers, with agricultural day laborers, as well as with local and regional elected officials. My objective in these interviews was to identify the

rules and regulations pertaining to common property, and the divergent interpretations that these different parties may have of this resource. I include these informants in my research project in order to have input from all of the stakeholders in common property and the decision makers who also shape its use.

While conducting my dissertation research and living in Bayonne, I was hosted by the Centre de Recherche sur la Langue et les Textes Basques (Euskarari eta Euskal Testuei Buruzko Ikerketa Gunea, or IKER) which is the only research unit specializing on the Basque region within the Centre National de la Recherche Scientifique (CNRS) of France. IKER's director Dr. Oyharçabal agreed to host me as a visiting scholar in his research laboratory for nearly three years, and generously provided me with office space, technical support, and access to equipment during my fieldwork. The professional hospitality and guidance of Dr. Oyharçabal and other researchers at IKER, namely Dr. Aurelia Arcocha-Scarcia and Dr. Xarles Videgain, were of great assistance in my research.

Although I had lived in France for more than thirteen years, I had neither French citizenship nor residency papers. So I needed to obtain my official papers in order to obtain a visa from the French Embassy. This was particularly true in 2004 when I was being supported by a dissertation awarded from the French Ministry of Foreign Affairs, and I needed to have all of my administrative affairs perfectly in order. In order to facilitate my immersion into the local Basque academic and intellectual, I opted to apply for admission into a Masters in Basque studies program that is jointly administered by the Université de Bordeaux III Michel de Montaigne and the Université de Pau et des Pays

de l'Adour, although taught at their satellite campus in Bayonne, mainly by researchers affiliated with IKER.

I did not originally anticipate staying in the Basque country for quite so long, but I suppose this occasionally happens in the context of an open-ended field research project. In any case, I was able to complete the coursework for the Masters degree in 2003-04, and took the written qualifying exams that June. And I completed the research and writing of the thesis, which I successfully defended in June 2004. Courses in this Masters program were either taught in French or Euskera, depending on the instructor and their comfort level. So the time that I spent doing university coursework also obliged me to deepen my knowledge of Euskera, which in turn helped me improve the quality of my interviewing abilities. Enrolling in this Masters program also allowed me to greatly expand my general knowledge of Basque studies, particularly in literature and the humanities. While this course of study did not directly assist me in the research that I present in this dissertation, I nevertheless believe that this course of study provided me with valuable set of experiences, and allowed me to familiarize myself with the academic community in the Basque region and the broader scholarly literature.

Euskera and language acquisition

Intensive Basque language training at any level is not available in the United States, as no American universities offer summer Basque language courses and only the University of Nevada at Reno regularly offers introductory language classes. I did language study during practically entire the three and a half years that I spent in the

Basque country. I first took part-time language classes in 1999 at the University of the Basque Country's campus in Donostia-San Sebastián. I located this program through the University Studies Abroad Consortium at the University of Nevada at Reno's Center for Basque Studies. My first basic introductory courses lasted three to four hours a day during two 5-week long sessions. Euskera is not a particularly easy language to learn, and this introductory exposure to the language was pretty superficial. It did, however, allow me to have first contact with researchers at the University of the Basque Country, including anthropologist Maggie Bullen, as well as Nekane Castillo and Agurtzane Elordui, who were kind enough to take me and a handful of other students on trips to various places in the Basque region.

I considered it important to learn Euskera since many Basques consider their language to be an important cultural characteristic, and Euskera is widely considered as a potent political and social issue (Montaña 1996). The symbolic importance of the language positioned Euskera in a prominent place in both the domestic and public arenas. For many, the conscious use of Euskera can be an ideological and linguistic articulation of sincere pride in the Basque region, an attitude often conflated correctly or erroneously with nationalism (MacClancy 1996). The importance of Euskera must be placed within the context of political and cultural repression of the Franco regime in the southern Basque region, as well as in the Iparralde under the control of the centralized republic of France. These two states long prohibited the use of Euskera in public settings such as schools, following the 1789 French revolution in the north and during Franco's dictatorship in the southern Basque region (MacClancy 2007).

Several antecedent factors have contributed to the resurgence in the use of Euskera. In the southern provinces, Franco's regime (1939-1975) immediately curbed all non-Spanish cultural expressions and symbols (Watson 2003). The repression was particularly targeted at Spain's minority languages, such as Euskera, Galician, and Catalan. With this plan in place, Franco also began a program of massive internal immigration to areas such as the Basque region which underwent a profound industrialization (MacClancy 1996). This migration influx and Franco's policies of cultural suppression "led to a reduction in the use of the [Basque] language in both geographical areas and social spaces of usage" (Montaña 1996:222). As this economic process intensified over the next half-century along with increased urbanization, Euskera became progressively stigmatized as a supposedly archaic language used by the uneducated. For example, many of the archival documents that I discuss in this dissertation were written in French but refer specifically to negotiations and discussions among local inhabitants that were "en langue vulgaire," that is, popular or common languages, which in this case meant that the debates were in Euskera even though the record was written in French (for example, see Appendix 10)

The issue of Euskera has been a factor in the politics of the Basque region for some time. By the late 19th-century, Sabino Arana had already highlighted the decline and corruption of Euskera, Western Europe's only non-Indo-European language (Arana 1897). Arana is considered to be the first modern Basque intellectual to explicitly formulate a political statement on Basque identity (MacClancy 1993). Arana's concerns for the Basque language were vocalized within the context of the industrialization of the four provinces of the southern Basque country, and Arana argued that Basques were

being alienated in their own land as immigrants from elsewhere in Spain moved to the Basque country to labor in shipyards and new factories. For Arana, it was critical to identify Basque families who spoke Euskera and who would demonstrate their support of “traditional” Basque culture. While failing to precisely define what he meant by “traditional,” Arana was presumably referring to “traditional” Basque music, dancing, and food ways, as well as to historical rural subsistence strategies which were principally agro-pastoral (Laborde 1983). However, Arana also claimed that there was a biological, racial element to Basque identity based on physiological and anthropometric measurements, mostly of skull shape and body proportions (Collins 1990).

In Iparralde, the French Revolution had long since given the French language priority and French became the sole language of the republican state apparatus. Since then, the official policy position from successive French governments has been one of active opposition to any language other than French. Thus, the expression of Basque cultural identity in Iparralde as articulated through language, had been systematically curtailed just as it has been for other minorities in other regions of France (such as in Brittany, Sée 1977). The principle of “French-only” has been enforced through and within the public education system, the media, and legislation (Goyhenetche 1974). Euskera only manages to persist as it has because many people in Iparralde live at the margins of cosmopolitan and urban France, and they continue to employ Euskera in domestic settings (for a parallel example from the Auvergne region in France, see Reed-Danahay 1996).

Today, while Euskera has been granted co-official status along with the Spanish language in the southern provinces by the regional government (Autonomous Basque

Community), the Basque language is still officially unrecognized by the French government in the north, highlighted by France's decision not to ratify the European Union Treaty on the Status of Minority Languages, the only EU member failing to do so (Oyharçabal 2003). Thus the language issue in Iparralde continues to epitomize the recognition that Basque groups are struggling to wrestle away from the nation-state.

The results of Basque language education revival throughout the Basque region are altogether positive. Proportions of Basque speakers - that is, people who use Euskera in public and private settings - have increased from 21% to 26% between 1981 and 1991. The majority of this growth is within among individuals under the age of 25, thus assuring the immediate forecast for the persistence of Euskera (Montaña 1996: 232).

However, the southern provinces' success story hasn't been emulated in the north, where French is still the only language officially sanctioned by the state for use in the public arenas. In spite of Euskera's insecure position in Iparralde, there are gestures of financial support from local and regional officials for the *ikastolak* that teach Basque to children in elementary schools (Nuñez 1997). Also, degrees from *ikastolak* are now recognized by public universities, and the French Ministry of National Education recently approved an advanced Basque degree within the Université of Bordeaux system to be taught on the Bayonne campus in the Basque region, although few classes are actually taught in Euskera. Furthermore, such recent concessions have opened up the possibility for an expanded use of Euskera in secondary schools. In spite of this context and portrayal of multilingualism in Iparralde, the overall use of Euskera has declined in recent years in relationship to the increased necessity of speaking French (Oyharçabal 1997, 2003)

For the most part, Alfabetatze Euskalduntze Koordinakundea (AEK) teaches Batua (or unified) Euskera. The format of the AEK's summer language course is intensive in nature. Students attend classes taught by certified language instructors for 8 hours per day, or 40 hours per week, in what are called *ikastaldi*. The language program lasted six weeks each summer, for a total of 240 contact hours. With the benefit of grant money from the Center for European Studies at the University of North Carolina at Chapel Hill, I enrolled in an *ikastaldi* during the summers of 2000, 2001, and 2002. The AEK language program emphasizes speaking, writing and oral comprehension skills. In reality, there was much more contact time in the target language during this program, since all activities are conducted in Basque and students are expected to communicate in Basque both inside and outside of the classroom. Students are faced with passive and active immersion in the target language, which ultimately increases the number of daily contact hours in the Basque language (see illustration 4). These intensive courses offered me the valuable opportunity to broaden and hone my Basque language abilities. I moved from Urepele in October 2003 to the coastal city of Bayonne where I attended university classes. While there, I also enrolled in AEK's Euskera language classes that met twice weekly, which allowed me to continue to hone my speaking abilities and aural comprehension.

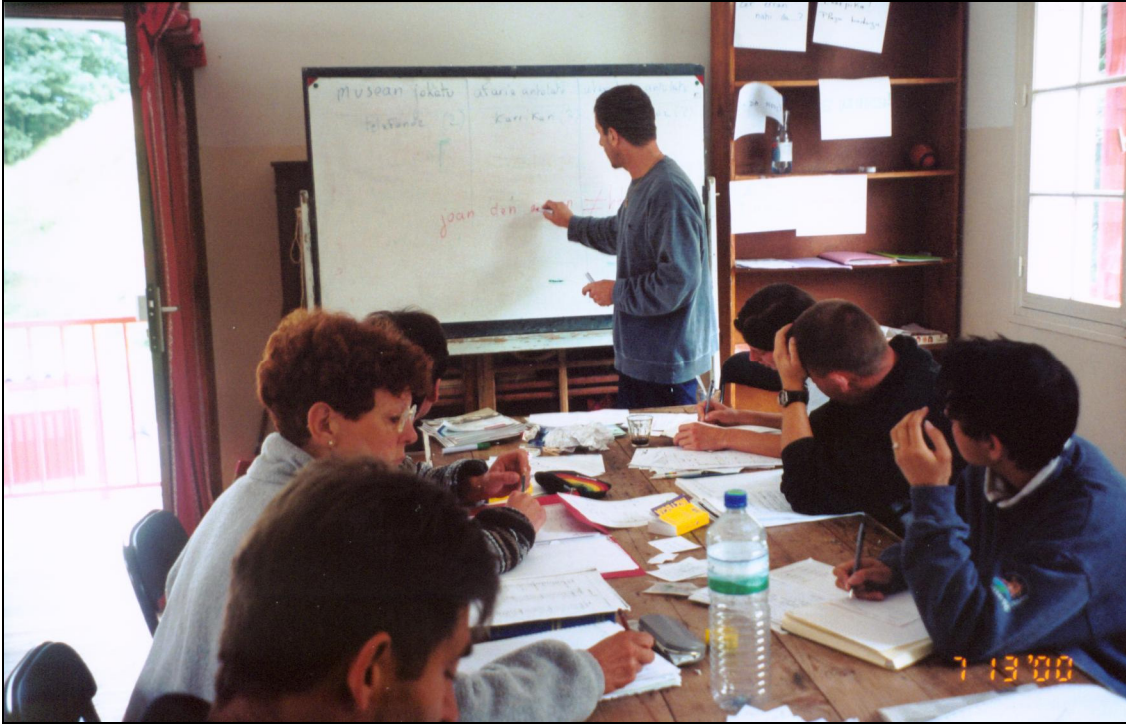


Illustration 4. Photograph at AEK ikastaldi in Urepele, taken by author, July 2000

Proficient Basque language skills contributed to the successful outcome of my fieldwork and my communication with community members. With near-fluent knowledge of Euskera, I was able to conduct the interviews for my fieldwork in either Basque or French. In terms of the interviews that I conducted, I was limited in the earlier months of my field research to using French. Essentially everyone in the Baigorri valley is a polyglot, speaking two and often three languages. For me, the default operational language, for better or worse, was French. But the language that I used in my daily activities, be they interviews, participant-observation, or social activities did evolve over time. As I became increasingly at ease in Euskera, I found that my access into certain social and professional circles also grew. But not all situations availed themselves to me in Euskera. After leaving Urepele and moving to Bayonne, I found that many inhabitants

only spoke French whereas in the Baigorri valley, practically everyone was a native speaker of Euskera.

Note on translations

The majority of the historical documentation that I consulted was in French, with a much smaller percentage in Spanish. Throughout most of this dissertation, I have done my own direct translation from the original language into English in the text of the dissertation. First of all, I believe that this greatly facilitates the legibility of my text for my audience which is primarily Anglophone. I recognize that this may take away from some of the authenticity and immediacy of the original texts, and in situations where I deemed it necessary and appropriate I have included both the original with translation in brackets. I aimed to be consistent with these translation throughout this dissertation, thus I do not repeat each time that I am the one who did the translation. On rare occasions, the translation to English was already done in the documents that I consulted, and I have indicated as such in footnotes. Practically none of the historical documents that I consulted were in Euskera. This was not surprising considering that French is the sole language used and recognized in official documents produced by the French administration. In more recent years, some of the documents produced by local municipalities and regional bodies, such as the Conseil de Développement du Pays Basque (or the Development Council for the Basque region) that I discuss in chapter 7, have produced policy documents and working white papers in Euskera. But these documents and technical reports are normally also available in French. Although my

aural language skills in Euskera are adequate, it takes me much more time to navigate documents in this language; thus, for the sake of rapidity and practicality, I consulted these documents in French.

Outline of the dissertation

Chapter 2 of this dissertation reviews the literature on historical and political ecology, with a particular eye for framing the need for a multi-scalar perspective in anthropology. This theoretical review also engages relevant portions of the vast literature on the Commons, paying specific attention to the stakes and parameters for managing common-pool resources such as pastures. The final section of this chapter intercalates the scholarly literature of state-making and borders.

Chapter 3 sketches the contour of the Baigorri valley's environmental characteristics, thus providing the geophysical background with which human activities are in dialectic. The second half of this chapter describes the principal subsistence and economic activities, namely sheep farming, over the past three centuries.

Chapter 4 provides a description and discussion of the historical institutions that shaped farmers' social lives, the *etxe* or household, the *berrogain* or neighborhood assembly, the Cour Générale or valley assembly, and *fors* or inter-valley land use agreements. This chapter also addresses the limited role of the nobility in the Baigorri valley.

Chapter 5 of this dissertation analyzes various instances of conflict over the Commons of the Baigorri valley prior to the French revolution. These examples elucidate

the influence of external polities on local governance of the Commons, and demonstrate the central role that these resources played in shaping the relationship between local actors and the state.

Chapter 6 extends the historical examination of institutional changes in the Baigorri valley after the end of the Ancien Régime. This dissertation shows that the former local institutions that historically governed the Commons of the Baigorri valley were transposed into a newly state-sanctioned entity called the syndicat. The second half of this chapter evokes the continuity of local governance and management of common-pool resources, even as the border area addressed in this research became more structurally linked to the French state after the Franco-Spanish Treaty of 1856.

Chapter 7 problematizes the notion of economic and agricultural development in the Baigorri valley during the 20th century, and provides a methodological and analytical intersection to the archival and ethnographic materials presented in this dissertation. These pathways to development include the appearance of large commercial ventures, such as Roquefort cheese manufacturers, which abetted the intensification of agro-pastoral production in Iparralde. By extension this period also witnessed the decline of *auzolan* or the traditional Basque system of cooperative work among neighbors. The second portion of Chapter 7 examines the emergence and development of three different organizations that have played important roles in Basque agro-pastoralism since World War II: ELB, Berria, and the CUMA.

Chapter 8 examines the impact that the CAP of the European Union and other farm subsidies have had on agro-pastoralism and the land use of the Commons in the Baigorri valley. These transformations deepened contestation among local farmers over

common-pool resources, and this chapter analyzes the impact this had on the syndicat's governance and management. The last portion of this chapter addresses recent development initiatives, namely the Lindex-Orreaga transborder partnership. In this final section of the dissertation prior to the conclusion of Chapter 9, I consider the implications that the historical ecology of Commons has on this trajectory for future development of the Baigorri valley.

CHAPTER 2

UNRAVELING TIME AND UNFOLDING SPACE IN THE COMMONS

Historical and Political Ecology

Since Franz Boas and the institutionalization of American anthropology, ecology has seemingly always occupied one place of concern or another within the discipline (Moran 1990: 9). Emphases have shifted between cultural ecology (Steward 1938), ecological anthropology (Barth 1956), human ecology (Cane 1987), ecosystems approach (Ellen 1990), and more recently, evolutionary or human behavioral ecology (Alvard 1998; Hill & Kaplan 1993, Tucker & Rende Taylor 2007, Winterhalder & Smith 2000). But each of these theoretical and methodological courses has had their limitations.

Following Moran (1990) and Bates & Lees (1990), a number of questions have arisen concerning the application of an ecosystems approach, among other propositions, to anthropological questions. The tendencies in ecosystems research to ignore factors of time and most notably historical change has figured prominently among these challenges. The problem then has been an overemphasis on stability and homeostasis (Moran 1990:19). Perhaps this phenomenon most readily surfaces in studies of non-Western and non-literate societies, precisely where, interestingly enough, many cultural ecology and ecosystem research projects take place (Cane 1987, Johnson 1990). Within human

cultural ecology, however, Robert Netting's study of alpine peasants communal land tenure is an exception to this point (1981)². Nonetheless, it bears to keep in mind that his research was located in rural Switzerland, and was undoubtedly successfully contextualized historically because Netting had extensive and detailed historical documents available to complement his research. Returning to Moran's caution, ecosystems research should not necessarily exclude attention to historical context. In a reproach leveled at ecological anthropological studies, and demographic ecology studies in particular, Moran argues that adding a historical dimension would provide the needed perspective on long-term change and/or the processes of stability.

Similarly, Bates and Lees posit that cultural ecologists attend to "how the environment affect(s) the organisms", "how the organism affect(s) the environment" and how the two affect each other (1990: 1). This line of questioning reflects the scientific tendency to compartmentalize research questions, rather than to include them under a single rubric, which is precisely historical ecology's ultimate goal. Within contemporary human ecology, compared with Steward's version of cultural ecology, Bates and Lees assert that 'timelessness' is never a priori (1990: 2). Instead, historical change and external influences are always regarded as the focus of inquiry (Lansing 1991).

Following Bettinger, I believe that one of the strengths of historical ecology is that it avoids the over-generalizations that occur when historical contexts are neglected. For example, one of the shortcomings of evolutionary ecology is that it assumes an "ethnographic present," an unrealistic and an ahistorical state of equilibrium (in terms of both social and environmental phenomena). Indeed, it is fair to say that much of

² I acknowledge here the inspiration that Netting's seminal work provided to the title of this dissertation. In this case, partial replication is truly the most sincere compliment that I can pay.

evolutionary ecology, even when it is based on direct field observations, assumes optimal human ecological strategies that depend on rational choices (with some notable exceptions, see for example Richerson and Boyd 1997). But while this model is admittedly useful at times, it does very little to capture the range of dynamic actions, complex practices and contingent changes in human ecology. In a general sense, then, the aforementioned approaches may be characterized as each having either topical, spatial, or most importantly, temporal limitations. What is mandated, in their stead, is a historical ecology that will build on its predecessors' strengths and insights. On the other hand, to be fair, I don't believe that it is particularly earth-shattering to say that the world is a complex place, and that human behaviors are historically embedded and culturally contingent.

So what makes a historical ecology approach more useful than say culture ecology, ecosystems approach or human behavioral ecology? While building on their integrative and systemic foci, historical ecology examines local human and environmental situations by systematically superimposing diachronic, extra-local factors in an effort to contribute two dimensions: historical depth and spatial breadth. Therefore, historical ecology is a point of departure for understanding long-term, regional-level changes in the interrelationship between culture and environment. The corpus of knowledge available within historical ecology is advantageous because it "traces the ongoing dialectical relations between human acts and acts of nature, made manifest in the landscape" (Crumley 1994: 9). The benefit here is that transformed cultural landscapes record the evidence from the intentional marks and unintentional modifications of human actions. The analysis of this information is essential if past and present dynamics are to

be meaningfully understood. Accordingly, the essence of historical ecology rests upon the belief that human individuals and communities shape the world around them while being simultaneously influenced by their surroundings (Marquardt & Crumley 1987). In other words, the contemporary situation of a given population is contingent on their historical context.

Historical ecology has emerged in recent years as an approach that identifies the dialectical network of causes and effects through which human cultural acts are made manifest in the landscape (Crumley 1987, 1994). This suggests that historical ecology is a viable, integrative theoretical umbrella for understanding the development and changes in Basque agriculture in the Baigorri valley. An effective historical ecological approach requires not only the historical contextualization of a landscape's ecology but also an understanding of its role in the broader framework of Basque political economy. In this application of an historical ecological framework, multiple causative factors such as contingent historical and political constraints and opportunities are assumed to affect decisions in land use strategies and are coupled with ecological considerations to more accurately elucidate Basque agricultural practices. Following Winterhalder, an analysis and interpretation of common property systems should include "a complete explanation of ecological structure and function [that] must involve reference to the actual sequence and timing of the causal events that produced them" (1994: 19). I suggest that historical ecology provides a valuable theoretical and methodological approach in the present research proposal.

There is also a need for historical ecology that finds its justification extending beyond the boundaries of anthropology. The schism between the humanities and what is

loosely categorized as “hard science” has long accentuated traditional Western scholarship. The natural and the social sciences, “the two cultures,” have each become so specialized as to be practically isolated from one another (Snow 1959). Woefully, this division impedes much of the potentially fruitful dialogue between disciplines. Over the course of the 20th century, anthropology has slowly emerged as a field that embodies the aforementioned dichotomy, while simultaneously holding reconciliatory potential. Anthropology is both qualitatively sensitive and quantitatively oriented; it includes the rigorous objectivity of the “scientific method” as well as the subjectivity of the ethnographic participant-observer. It is helpful to understand historical ecology as an effort through which the different proclivities of Western scholasticism, also reflected in anthropology, may be shaped into a wider and more inclusive frame of understanding. I believe that perceiving these tendencies in symmetrical opposition to one another is an example of precisely that which keeps anthropology from achieving an integrated research paradigm. The paradox doesn’t lie in choosing between these two orientations, but in the formulation of two questions instead of one. The conclusion that I am making here is that both perspectives deserve *prima facie* for any dialogue on human-environment relations: historical context and cultural tradition cannot be removed from the discussion any more than can landscape use or climate. Instead, I am suggesting that the mere perception of an intrinsic partition between scientific modes is a characteristic of western thought, which is an unnecessarily divisive approach to human-environment relations, and one that historical ecology explicitly eschews. Thus, historical ecology offers the rare opportunity to encompass an array of theoretical considerations,

methodological applications, and multiple disciplinary trends within a single, albeit complex, comprehensive framework.

Political ecology is an approach that pays close attention to the critical role that social power and the political economy play in a cultural landscape (Greenberg and Park 1994; Zimmerer and Bassett 2003). Over the past several decades, anthropologists and geographers in particular have been advocating re-centering spatiality, temporality, and human agency within analyses of people-environment interactions (Crumley 1994; Scoones 1999). This perspective eschews an ostensibly objective or deterministic vision of human-environmental relationships and thus it is difficult to circumscribe political ecology to a concise definition (Neumann 2005). Political ecology as a theory encompasses a wide-range of concerns and research priorities, as demonstrated through the ongoing multiplication of proposals for what constitutes political ecology and what it entails (Escobar 1999; Peet and Watts 2004 ; Rocheleau, Thomas-Slayter and Wangari 1996). In a manner similar to historical ecology, political ecology is a heterogeneous approach that combines a variety of methodological and theoretical concerns.

The fundamental value of political ecology is that it provides a framework for understanding “the interaction between changing environment and the socio-economy, in which landscapes and the physiographic processes acting upon them are seen to have dialectical, historically derived and iterative relations with resource use and the socio-economic and political sets of relations which shape them” (Blaikie 1999: 132). By simultaneously accounting for local-, regional-, and transnational-level influences, political ecology improves our understanding of the dialectical relationships between humans and their environment. This analytical approach thus integrates environmental

and human processes - be they within or between different classes and social groups - and examines resource utilization and their impact on a multi-scalar cultural landscape.

The Commons

I refer in this dissertation to both common-pool resources and to Commons which needs some differentiation (Ostrom 1991). Common-pool resources are those materially-defined natural resources that may be subtracted from or extracted. Common-pool resources refer to a physical entity, such as pastures or forests, fisheries or national parks that may be shared and used collectively, rather than only by individual private owners. On the other hand, I refer to the Commons when referencing a larger set of ownership and user rules that are the social means for determining how common-pool resources are managed and collectively handled by a community. Research on Commons typically centers on issues pertaining to how common-pool resources are used, and the interactions and relationships between people mediated through governance and regulation of Commons. For the purposes of this dissertation, I argue that Commons are a particularly key for understanding the range of social relationships that shape how human groups utilize common-pool resources. I argue that in the Baigorri valley, the Commons are a socially produced space, a veritable cultural landscape, that provide a window for examining human agency and historical interactions within communities and between different groups of common-pool resources users.

Garrett Hardin's theory of the Commons rapidly caught the attention of agronomists, economists, geographers and anthropologists when he published his thesis

in 1968. In his seminal article, Hardin described a situation in which open access resources may be exhausted or destroyed by individuals who are tempted to pursue their own interests to the detriment of other users and the broader social world. Although Hardin's conclusion that freedom in the Commons brings ruin to all has been widely critiqued (Ostrom 1990), just like his conflation of open access regimes with common property regimes (Feeny et al. 1990), Hardin nevertheless provided scholars with a valuable theoretical framework where human cultural variables and environmental factors intersect. Analyses of the Common may also be problematic because there are few documented and detailed historical examples of Commons that have been effectively managed and endured over the long term, which would allow researchers to better ascertain the reciprocal influences between humans and the environment (Stevenson 1991).

Common-pool resources include "a class of resources for which exclusion is difficult and joint use involves subtractability" (Feeny, Berkes, McCay, and Acheson 1990: 4). In other words, control of access to common-pool resources can oftentimes be challenging if not impossible, and if a group of individuals exploits a same resource, they inevitably affect other users' potential to use that common-pool resource. Commons are normally found in situations where it is difficult to completely exclude a subset of individuals from utilizing a certain resource, such as a tract of graze land or a stand of timber (Ruttan 1998). First, control over common-pool resources must be endorsed by a government entity or by community consent. Second, there are also usually mechanisms or rules for accessing common-pool resources to curtail overexploitation and to manage their use. For this, a community collectively decides upon and implements rules to

prevent over-exploitation or depletion of these common-pool resources. In this sense, Commons do not entail the chaotic situation envisioned by Hardin, but a structured arrangement among members of a community wherein rules are established and developed. These rules are characteristically a set of social norms governing people's responsibilities and their use of common-pool resources, but may also include ways of enforcing these rules and sanctions for breaking them. In this fashion, institutions that govern and regulate the Commons can play a central role in community life not only by providing a foundation for economic and ecological well-being, but also because the rules provide a means to regulate social tensions and competition over shared resources.

In addition to the importance of rules governing use of common-pool resources, the role of socio-political institutions is also one of the focal points of historical and political ecology. Such institutions are central to the use of common-pool resources since these entities may sanction "the conventions that societies establish to define their members' relationships to resources" (Gibbs and Bromley 1989: 22). This is particularly true of institutions that are external or super-imposed onto an ecological or social system (Laerhoven & Ostrom 2007). Institutions that govern Commons are thus characterized by a set of accepted social norms and rules governing access and use of resources, including official sanctions set by the institutions for those who abuse these rules. This type of property regime demonstrates a capacity for dealing with disruptions and sudden changes, and it is likely to minimize disputes and competition over resources and decreases the chances of abuse (Baden and Noonan 1998). Research on the Commons, as well as the institutions and practices associated with them, must inevitably examine the

types of relationships that individuals have with particular common resources concerning their entitlements, responsibilities and obligations (Dietz, Ostrom, and Stern 2003).

Common-pool resources in the northern Basque region may be collectively owned by individual villages, such as in the province of Lapurdi. Or common-pool resources may be jointly-owned and managed by multiple communities that are oftentimes located within the same valley, such as is the case in the provinces of Baxe-Nafarroa and Zuberoa. In the latter scenario, common-pool resources frequently includes both mid-range graze lands in proximity to the villages, as well as higher altitude pastures for summer grazing, both landscape elements being crucial to farmers' success. However, the mountain pastures that are the principal common-pool resources for farmers can potentially place individuals' activities at odds with the interests of the local and national communities. In the following sections, I will examine some examples of how this has played out in the Baigorri valley in Lower-Navarre over the past several centuries, and how local institutions and other social actors mediate these tensions by devising rules to govern resource use, even today when the use of common-pool resources continues to pose novel challenges.

The Commons play central roles in local communities since not only do they provide a foundation for economic well being, but the rules that are often attached to common-pool resources also provide a means to regulate social tensions and competition. In the case of this dissertation, I argue that the historical use common-pool resources in the Baigorri valley regularly stressed relationships within and between local communities of users from both sides of the Pyrénées Mountains. Institutions that govern the Commons, such as the Cour Générale before the French Revolution and, since the 19th-

century, the Syndicat de la Vallée de Baigorri, managed these conflicts over the long-term by creating and enforcing rules that “govern resource use in a bounded and restricted area” (Knudsen 1995: 4).

State-making on the borders in Iparralde

The nation state is a “named human population sharing an historical territory, common myths and historical memories, a mass, public culture, a common economy and common legal rights and duties for all members” (Wintle 1996:17). From this description, I would stress that a nation state is an *imagined* community in that “members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their community” (Anderson 1983:6). Individuals in a nation state are able to recognize, although not invariably, the other individuals who belong to their nation state, and hence nation states become artifacts of an individual’s convictions, loyalties and solidarities to the very concept of nation state.

The state is a complex and varied entity, and relies on imagination more than empirical facts. By extension, state-making is also a process that relies on culture and consciousness, sentiment and perception, and ultimately the state’s ability to consolidate legitimacy and authority. However, state-making shouldn’t be understood as only a top-down phenomenon, since this also involves “ordinary” people – that is people whose sphere of influence may be peripheral relative to the official state apparatus. These people participate in a definition of their own local community, class, or ideological

group (e.g. identity) in relationship to the nation state, and consequently, “identity cannot be constructed solely from above. It is also necessary to have grass-roots or ‘bottom-up’ initiatives to complement or challenge the actions of government and external forces. Local movements, ethnic groups, minorities... all engage in a process of building their own identity by locating it within a larger perceived identity” (Wintle 1996:21).

The literature on borders and state-making in France is directly shaped by regionalist discourses and praxes and calls into question the sovereignty of a state (Habermas 1992). As a concept, sovereignty is focused around notions of centralized power and authority (Anderson 1983). Sovereignty is the “central building block in the wall of national identity [that] links people and state within a well-defined authority space, where people’s consent to be ruled is conditioned by the fact that they feel the rule and rulers to be their own” (Hedetoft 1994:17).

The Basque region presents a case in which divergences from the French and Spanish state highlight heterogeneity within the state itself, and challenges the concept of state sovereignty (Rogers 1991). To avoid the appearance of weakness in the states’ structural integrity, states may attempt to parry regionalist movements, such as those expressed by the Autonomous Basque Community in Spain or the push for a Basque *département* in France, even though these regionalist movements do not necessarily weaken the structural integrity within a state (Spiering 1999). I suggest that Basques situated at the borders of France experience state-making in a much more immediate and all-encompassing manner than France experiences the Basque region. By virtue of Iparralde’s location within the borders of France, its Basque communities must contend

with features of its state bureaucracy, such as the educational system, the French language, or its agricultural policies.

The French state often highlights its lengthy and sometimes illusory attachment to the rural landscape, and specifically to agriculture and its farmers. Wintle describes the state as a “subjective myth rather than objective reality. It is more a question of how strongly they are promoted and believed, than any inherent strength they may or may not have” (1996:19). This suggests that France may suffer from a mild case of a rural nostalgia, one tinged with a note of amnesia and which imagines the French countryside as homogeneous and uniform. However, the historical development of agro-pastoralism in the Baigorri valley that is presented in this dissertation raises the question to what extent the Basque case is an anomaly and what extent it is a reflection of the myriad of different experiences being negotiated across rural regions of France, such as Brittany (McDonald 1990, Sée 1977) or Corsica (Bernabéu-Casanova 1997, Jaffe 1999). In other words, is the example explored in this dissertation concerning the historical and contemporary relationship between Basque farmers and external state politics open the door to comparing Iparralde as *apart from* or as *a part of* broader regionalist processes at work in France?

State-making in 19th- and 20th-century France was dependent on the integration of a diverse rural population into the state through national institutions such as military service and public education (Rogers 1991). One effective manner of state-building is to use intermediaries, such as a national language, to uniformly spread the values and ideas of the state to peripheral and border regions (Weber 1974). In 19th- and 20th-century Iparralde however, farmers did not necessarily speak French, and many had limited

experiences with a market-oriented economy. However, this is not to essentialize relationships between the state and its border areas to a unidirectional set of interactions. Although state political institutions and economic factors certainly play an important role in shaping the lives of farmers in the Baigorri valley, neither of these should assume a superseding agency that operates outside of critical historical and cultural conjunctions. State-making at the borders of France has offered people in Iparralde an opportunity to position themselves, their interests and their discourses against the background of larger French, European and global processes.

For the purposes of this dissertation research, it is important to be mindful of the importance that borders represent in the diachronic processes of state-making. In this sense, borders can be seen as manifestations of relationships between the center and the periphery of a nation-state, and by extension, borders become privileged sites of state-making (Bray 2004). With the modern industrial expansion and the spread of urbanization since the 18th-century, the French state introduced new values that perturbed rural social and economic stability. The efforts to integrate peripheral regions into the state resulted in tensions between urban and the rural areas, namely between Paris and the rest of France (Weber 1974). This was also certainly a factor in some of the frictions that the Baigorri valley experienced during the consolidation and progression of French state-making.

Theoretical contributions and future directions

By linking the theories of historical and political ecology with the literature on the Commons, this dissertation provides a foundation for understanding continuity and

change in agro-pastoralism in the Baigorri valley. My anthropological research also intends to contribute to field of Basque studies and the area of border research. Building on the earlier work of cultural ecology, the diachronic aspects of historical ecology encourages the researcher to examine important transformative moments in the history of the institutions and practices in the Commons. These moments are particularly visible in the historical record during periods of radical social or demographic changes, profound economic or technological shifts, environmental or ecological perturbations, and moments of political upheaval and contestation.

This dissertation also attempts to highlight divergences in the visions that various stakeholders in the Commons have had over time. The approach of political ecology allows the researcher to be sensitive to the relationship between common-pool resources in the Baigorri valley and the power dynamics of and between the different groups and actors. These issues of power and social capital inevitably influence the differential access to resources.

By focusing on the local conditions of an agro-pastoral system that has persisted for centuries, and superimposing the institutional influences and outcomes at the local, national, and European levels, this dissertation contributes to the literature seeking to understand the resilience and sustainability of agricultural landscapes. In this sense, this research aims to integrate multi-scalar, temporal, and spatial approaches for analyzing and understanding the development of Commons over the long term. I intend for this dissertation to contribute to a much wider extant scholarship while providing a perspective of *longue durée* that is so often absent from other case studies of common-pool resources and common property regimes. Thus, this research contributes to the

common property literature by responding in part to Bonnie McCay's appeal for researchers to provide deeper historical context to the study of common property (McCay 2002). This research also intends to complement Elinor Ostrom's examination of the complex roles that local and extra-local institutions play in the use and management of commons (Ostrom 1992, 2003; Singleton and Taylor 1992).

Netting contended that smaller family farms mobilize the knowledge and necessary skills to be just as successful as, and arguably even more so than large scale farms (1981). In developing economies, for example, manual labor is not automatically inferior to mechanization in terms of the energy input and output (Escobar 1995, Netting 1993). That is, the energy and capital requirements to fuel mechanized agriculture did not offer invariably superior advantages. Furthermore, small family farms have the potential at least be as comparatively economically successful as larger, labor- and capital-intensive farms in terms of the knowledge they are able to deploy (Crumley 2000, Lansing 1990, Suzuki and Dresell 2002, McKibben 2005).

The sustainability of certain agricultural practices is a pressing question engaging natural and social scientists alike. This issue is part and parcel of a larger set of uncertainties that the human species faces in the face of change, risk, vulnerability, and the distinctly sobering possibility of systemic collapse (Hornberg and Crumley 2007). The notion of sustainability itself, and the factors, behaviors and practices that constitute short- and long-term sustainability, remains very much in debate.

My research in the Baigorri valley permits us to follow the persistence and changes in agro-pastoral practices and institutions over the long-term. Over the course of several centuries that witnessed profound social, economic, and political change in both

local and external polities, the farmers in this research area demonstrated the ability to successfully adapt to new realities. The persistence of small family farms in the Baigorri valley intimates that these agro-pastoral practices are sustainable. However, I question whether the social and economic realities of the past several decades, and particularly since the emergence of the European Union's Common Agricultural Policy, will continue to allow farmers in the Baigorri valley to adequately meet their current needs while ensuring the availability of common-pool resources for future generations. In this sense, the perspective of historical ecology of the Commons that I evoke in this dissertation research interrogates the sustainability current and future developments, but remains firmly rooted in the past.

CHAPTER 3

FRAMING THE ACTIVITIES, FRAMING THE SETTING

Environmental context of the Baigorri valley

Geography

The Baigorri valley is located in the Pyrénées Mountains, approximately 50 kilometers inland from the Atlantic coast. The geographical configuration of the Baigorri valley is emblematic of its complexity. The physical space itself is extremely confined and narrow, which renders both access to and movement within the valley difficult. By extension, external polities such as the Roman Empire or the French feudal state for example, had difficulties in imposing their control and exerting their authority in this region, which was common in peripheral montane areas. I argue that a form of seclusion and resistance to external forces is a reoccurring theme in the Baigorri valley, and has arguably morphed into one of its historical characteristics. However, I certainly do not intend to equate these traits with close-mindedness or isolation. Rather, citizens of the Baigorri valley over time demonstrated a strong attachment to their individual freedoms, to persistent and enduring elements of equality, and to homegrown forms of incipient democracy. These attributes coalesced in complementary institutional forms, such as the *berrogain* and the Cour Générale that are discussed in the next chapter, and in practices,

such as primogeniture and *franc-alleu*. These social and political features made the Baigorri valley and much of the Basque region exceptions to the feudal system that was present throughout much of Europe. As we will see in a later part of this dissertation, the legacies of many of these practices and beliefs still persist in various forms today and are relevant for understanding the contemporary political economy of the Baigorri valley.

The importance of physical geography in the Baigorri valley is readily apparent on many historical cartographical representations and is certainly visible on all modern maps of the area. The valley proper is circumscribed to the north by the Pays de Cize and on its other three sides by multiple valleys on the southern slopes of the Pyrénées Mountains: Esteribar directly south of the Baigorri valley, Erro, Roncesvalles, and Valcarlos on the eastern side, and Baztán on its western flanks.

From a bird's eye view, the contour of the Baigorri valley is shaped like the letter U, in a place where the Pyrénées briefly depart from their east-west axis and dip southwards into the Iberian Peninsula (see illustration 5). The valley itself is quite narrow at its northern-most part, where the river forms a gorge along the 3 kilometers nearest to the village of St. Étienne-de-Baigorry (from which the valley receives its name).

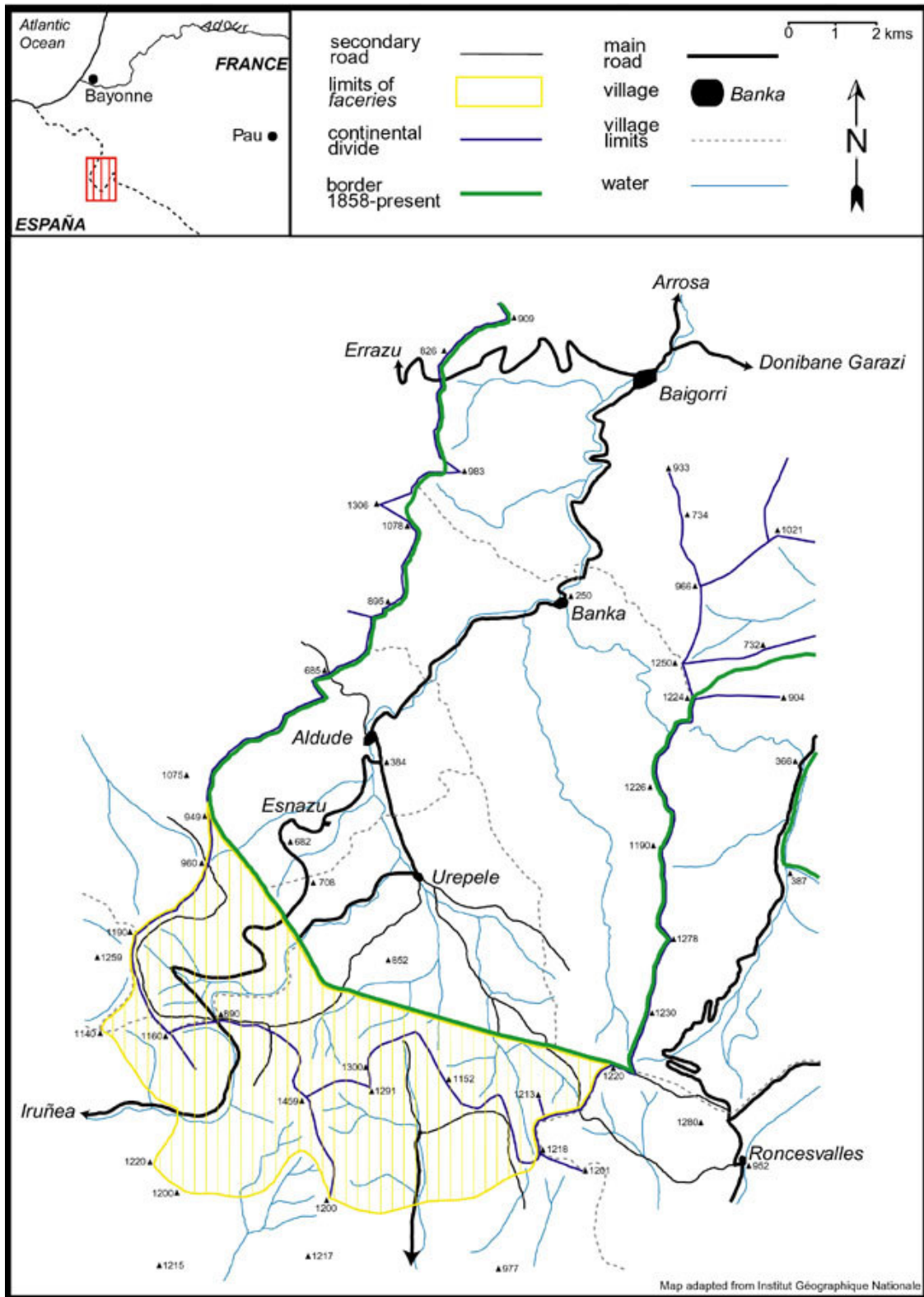


Illustration 5. Map of the Baigorri valley with main topographical features

Heading southward into the mountains proper, the Baigorri valley actually splits into two valleys: to the east, a very narrow and practically uninhabited valley running north-south, with steep slopes and where the dense forest of Haira spreads all the way to border at the Lindus pass. The second valley runs parallel to the west, from the Ispegui pass all the way to the southern border at Ichterbegui peak. This valley is much wider and less wooded here, and is the largest settled area, with the most inhabitants of the Baigorri valley. Proceeding southward from the mouth of the valley, the terrain steadily rises, with the highest elevation in the Baigorri valley at its southern-most edge.



Illustration 6. Photograph of Lindus Mountain and upland pastures in the Commons called Kintoa, on border between Urepele and Roncevalles, taken by author, May 2000

In the Baigorri valley today, the boundary between the French and Spanish states roughly follows the continental divide (between Mediterranean and Atlantic watersheds)

along the mountain ridges. However, the border departs from this pattern along the valley's southern-most flanks, forming a direct line between Ichterbeguy and Lindus (see illustration 6). This is also where the two sub-valleys join together again along the flanks of Sorogain, which is a vast upland pasture area that will be the subject of discussion in a latter section of this dissertation. Furthermore, the southern border of the valley joins with the Kintoa, another extensive graze land with its own special legal status that also will be examined. These upland parts of the Baigorri valley are not only historically central to the livelihood of transhumant shepherds, but that have also been spaces of contention and contestations between farmers from neighboring villages. As a matter of fact, these are precisely the locations that were points of emphasis in the negotiations between France and Spain leading up to the 1785 and 1856-58 treaties (Cuzacq 1938a, 1938b; Descheemaeker 1950).

In legal terms as well as through historical, customary convention, the villages considered part of the Baigorri valley are Lasse, Ascarat, Anhau, and La Bastide. These are not actually in the Baigorri valley, but rather are situated in the rolling hills to the north of the village of St. Étienne-de-Baigorry. Three villages in the Baigorri valley proper, Banka, Aldude, and Urepele, were not among the original communities of Baigorri since they were not legally recognized until much later, in a process of demographic migration and resettlement that we will explore at a later point in this dissertation.

It is important to highlight the geographical differences conferred by location, since those communities in lower areas have less available pasturage in terms of surface area, but that which they do have is available year round since snow is much less frequent

at the lower altitudes of the Basque region than it is in the higher elevations in the Baigorri valley. This means that the overall area provides distinct yet complementary ecotones and ecological resources which historically allowed farmers to maximize their chances of success. Furthermore, the steep slope incline along the southern portion of the valley made access easier for shepherds coming from the entrance of the valley in the north, and more difficult for those coming from the valleys on the southern flanks of the Pyrénées who would have to cross the high mountain passes to access the best upland pastures.

There are five geographical factors that impose serious economic constraints on agricultural activities in the Baigorri valley. First the limited number of fields that are suitable for cultivation and the area available for winter grazing of animals is confined to the lowland parts of the Baigorri valley. Second, the pastures in the upland areas were historically relatively difficult to access, and were not solely utilized by farmers from the Baigorri valley. Third, farmers from the Baigorri valley could not utilize resources to the north since these were already claimed and used by farmers for the Pays de Cize. Fourth, the physical split into two separate valleys further decrease the amount of land available for use. And finally, the expansive Haira forests further limited the amount of pasturage available to pastoralists and their animals. Furthermore, the timber was also utilized to fuel the forges in Banka which multiplied the number of resource users.

Ultimately, the geographical configuration of the Baigorri valley only partially explains the competition and conflicts over its resources that came to characterize several centuries of intra-local relations. In addition, the creation of an international border implied that the French and Spanish states also had stakes in the Baigorri valley, and this

border issue is clearly relevant when discussing farming practices in the Baigorri valley. The construction and creation of the border in the Pyrénées and in the Basque region has previously been addressed by other scholars (Bray 2004, Sahlins 1989, Sermet 1956). But in addition to this important dimension of the political economy, there are nevertheless geographical, material limitations to what farmers could and could not do within this space.

Climate

It is precipitation rather than temperature that is the most significant climatic variable in the Baigorri valley. Under the predominant influence of the Atlantic Ocean, the climate of the Baigorri valley is mild and wet. Winter typically begins in late November, and freezing temperatures are rare but not unheard of prior to this date. Winter temperatures rarely drop below -7°C , but this period is generally wet with the exception of February and early March (Manterola 2000). Spring is a time of abundant and, some shepherds say, incessant raining. From March until June, it rains on average 24 days a month (Goyheneche 1979). When summer arrives in late June, temperatures warm to as much as 35°C while the rain decreases, making for long, sunny days. These summerlike conditions often mark the weather systems until mid-October in the Baigorri valley, in part because of dominant dry southerly wind during the fall season. At least from the perspective of climate, the valley bottom makes for a much more attractive place to build houses since it offers some protection from winds, while still benefiting from sunlight and rainfall (Gómez Piñeiro et al. 1979).

With regards to the climatology of Iparralde, the proximity of the Atlantic Ocean to the west creates temperate and oceanic conditions, characterized by a relatively low

annual range of temperatures and abundant precipitation, except during the summer. The two principal weather systems effecting Iparralde are the Azores high-pressure zone centered in the Atlantic off of the coast of Africa, and the European continental low-pressure system that emanates from the northeast (Gómez Piñeiro et al. 1982). This oceanic influence is a crucial factor in Basque shepherds' choice of transhumance as a rational and effective means of adapting their patterns of behavior and subsistence strategies within the confines of their environment.

Vegetation

The Baigorri valley encompasses both lowland vegetation features such as small fields, heaths, and stand of beech trees, as well as higher mountain meadows. The north-south configuration of the Baigorri valley exposes slopes to sunlight throughout the year. This in turn creates an even distribution of vegetation patterns on both slopes of the valley. Because of the overall narrowness of the Baigorri valley, vast sub-alpine pastures lie within 3 kilometers of all valley villages and these fields, where the common property lies, can be readily used for seasonal grazing of livestock. Because of the small distances between ecotones here, the settlements along the valley bottom are situated relatively close to mountain pastures, so that households settled along the valley's bottom could easily transition and utilize different vegetation communities according to seasonal needs (Puigdefábregas and Fillat 1986).

The Western gorse bush (*Ulex gallii*) can quite literally be a thorn in the side of farmers. The gorse is a hardy, invasive evergreen shrub, native to Western Europe, with small green stems and long spiny leaves (Stace 1991: 496). The Western gorse species that is found in the Baigorri valley is common throughout the coastal Pyrénées

Mountains, and Western gorse flourishes particularly well in sunny, exposed environments. The mature gorse may grow to one-meter in height, making it excruciatingly painful to walk through and often forcing a person on foot to circumnavigate the plants.



Illustration 7. Photograph of fire burning in the Commons, east of Urepele, taken by author, May 2002



Illustration 8. Photograph after a fire in the Commons, Urepele, taken by author, May 2002



Illustration 9. Photograph of soil profile and its contrast after fire, Urepele, taken by author, May 2000

Gorse is a fire-climax plant; that is to say that while it has a highly flammable biomass, gorse quickly regenerates and re-grows from the roots after fire events. Also, the seed pods germinate after being exposed to fire (Stace 1991). When farmers burn back the vegetation in the upland pastures during the early spring, the ashes of burned gorse bushes provide valuable fertilizer (see illustrations 7, 8, 9 and 10). When the gorse first begins to grow during the spring, its young supple shoots can be eaten by grazing sheep. By early summer, however, gorse leaves have become hardened and spiny, effectively rendering them useless as animal fodder. During the autumn, when birds migrate in large numbers southwards across the Pyrénées Mountains (particularly the woodpigeons that hunters are so fond of pursuing), the now substantially larger gorse bushes offer excellent cover for game.



Illustration 10. Photograph of re-growth after fire, Urepele, taken by author, May 2000

Historical and contemporary economic activities in the Baigorri valley

In addition to forestry, agro-pastoralism has historically been the central component of economic activity in the Baigorri valley. The importance of agro-pastoralism is clearly visible in the historical archives when correspondence and litigations pertained to issues of cattle and sheep husbandry. These animals were multi-functional: their manure served as fertilizers for the fields, their milk and meat provided food sources, cattle could be used as traction for plowing or for transportation, and when sold at market, the animals also provided money to purchase goods or pay taxes. As documented in archival materials from the late 18th century, inhabitants of Baigorri typically only claim to own a limited number of animals (see appendix 8). However, it is difficult to confirm or reject the claims by inhabitants of Baigorri to only have a trivial number of animals.

For some scholars, the different treaties and *faceries*, e.g., historical land use agreements between local communities, during this period suggest that farmers in the Baigorri valley owned significant numbers of animals, since these documents explicitly address pastoral activities and the movement of herds (Curutcharry 1991; Etcheverry-Aïnchart 1947, 1956b, 1956c; Viers 1951). This analysis is further reiterated in documents from 1800 where Baigorri farmers admitting that they had more sheep than they officially acknowledge and more sheep than their counterparts from Erro (see appendix 13). It is also interesting to note here that article 21 in the 1704 Statutes of the valley limited usufruct rights of common-pool resources, such as the upland pastures, to farmers born and living in the Baigorri valley (see appendix 1). This condition would

explicitly exclude non-resident farmers (who were more likely to be wealthier individuals with large animal herds who could afford to hire farm workers), as well as people not originally from the valley but who had purchased homes there in more recent years (Arvizu 1990). This last point provides an interesting parallel to the growth of the neo-rural population in the Baigorri valley and secondary-home ownership since 1990s.

Agro-pastoralism

Because agro-pastoralism is the main economic activity of the people and places that I discuss in this dissertation, I believe that it is relevant to outline some of the general parameters facing farmers. In this dissertation, I often use the term “farmer” and “shepherd” interchangeably, even though I recognize that these are not perfect synonyms. However, in the Baigorri valley that is the geographical focus of this dissertation, practically all farmers are shepherds, that is, farmers who raise sheep as livestock. Many of the following remarks and observations stem in large part from my first-hand observation during my fieldwork. As such, they reflect snapshots of a relatively recent moment in time that may not be representative of the issues that have historically faced shepherds. At the very least, mechanization, modern farming techniques and sophisticated mechanized farm equipment have undoubtedly changed the working conditions for many if not all farmers over the past half-century.

First of all, it is important to realize that sheep in this area are not currently raised for either their wool or their meat, but for their milk production in order to manufacture cheeses. Historically, farmers did indeed raise sheep in order to shear and sell the wool. But the market for wool has dramatically shrunk since the advent and commercialization of synthetic fibers in the textile industry, and wool production has long since collapsed in

the Basque region (Ryder 1983). Furthermore, the quality of the wool produced by the main breed of sheep raised in the Baigorri valley, the Manex, is recognized by shepherds and others to be vastly inferior to that of other sheep breeds. Their wool is inferior enough to the point that some farmers prefer to burn the wool sheared from their livestock in early summer prior to transhumance, rather than attempt to sell or otherwise dispose of it, considering that it takes too much time or effort than the wool itself is worth (personal communication, Gérard Antchagno, June 5, 2000). This serves to illustrate the extent to which milk production is the sheep's primary remunerative value to farmers.

The consequences of a farmer's animal breeding program are critical to both short and longer term success, and have the potential to either dramatically facilitate or complicate the work of a shepherd. In order to make their work easier and more consistent, the objectives of sheep breeding are to make the breeding period, the lambing season, and the maturation rates of animals in a herd as uniform or as proximate as possible. In essence, this can be best accomplished by keeping the lambing season as short as possible and thus minimizing the spacing between the oldest and youngest lambs born each year. When a farmer manages to control all of these factors, they have an easier time in the comparative selection of which lambs to keep and which to sell or slaughter, in managing the quantities of food disbursed daily, and in coordinating important benchmarks such as the timing of transhumance, shearing of wool, or visits by a veterinary doctor or animal health inspector to the farm.

The selection of good quality rams is important since this directly impacts the reproductive success of ewes in producing healthy lambs; obviously, farmers want the best possible ram that they can acquire. When selecting rams, different shepherds look at

different criteria: the most desirable trait is conformation or proportionality. That is, shepherds select rams that have well-proportioned bodies, in terms of their height, length, and breadth (of either fore- or hindquarters). Some shepherds may even look for a symmetric curvature of the ram's horns as an indication of their overall health. However, more infrequently, some shepherds eschew proportionality in their selection of rams altogether, opting instead to purchase rams based solely on the animal's lineage.

Although most ewes will have their first lamb in their very first breeding year, some will not have their first lamb until they are 2-years old, when the rate of multiple, concurrent births also increases (Smith, Aseltine and Kennedy 1997). The first lambing experience is typically frustrating and difficult for the ewe. Many ewes require the guidance and assistance of the farmer to begin feeding their newborn lambs. The normal reproductive life of a ewe is 6-8 years, when most shepherds will cull a majority of their animals. By this age, ewes more frequently have problems with their udders and/or milk production, difficulty feeding themselves because of problems with their teeth, or they are no longer capable of reproducing.

Most farmers gauge the value of a ewe by the number of lambs that they produce each year, as well as the lambs' health. This aspect of herd management is crucial to the farm's annual profitability since not only does a herd need regular replenishment, but the surplus livestock will also be sent to slaughter. To improve a ewe's reproductive efficiency, shepherds can either increase the number of lambings that each ewe has in a year, or increase the number of lambs that a ewe has during each lambing. Within the context of transhumance in the Baigorri valley, it is simply not practical for shepherds to have multiple lambings in a same year since the animals are away from the farm during

the summer months, which complicates the regular monitoring of animals, even when they're not in lambing season. Multiple, consecutive pregnancies can also put the ewe and still-nursing lamb under undue physiological stress. Instead, it is easier in terms of labor and herd management for a shepherd to have a single, annual lambing season when ewes' may have multiple births. Increasing the likelihood of multiple births is achieved by tightly controlling the genetic selection of rams and ewes, and by delaying the breeding season somewhat so that a ewe has already ovulated several times before she is paired with a breeding ram, thus increasing her chances of producing more than one lamb (Smith, Aseltine, and Kennedy 1997).

In the Baigorri valley, as in most of the mountainous parts of the Basque region, farmers attempt to schedule the breeding period during September or October, so that the lambing season lasts from January through March. The gestation period for lambs is 21 weeks. This target date then allows lambs to be raised, weaned if desired, and then sent to market in May. Having the lambing season during the middle- to late-winter months is an optimal time for shepherds since there is not as much other work on the farm that can be accomplished during this period. On the other hand, if the lambing season occurs during the winter months, farmers must plan to have sufficient quantities of fodder on hand to feed their animals while they are stabled and unable to graze outdoors on pasture.

Shepherds in the Baigorri valley attempt to restrict the breeding period of their herds to a couple of months, which in turn means that lambs may be birthed over a span of several months. The objective here is to stagger births so that not all of the ewes drop their lambs simultaneously, thus creating a herculean, unmanageable workload for an individual farmer. On the other hand, shepherds don't want to have their lambs born over

the course of three or four months since, as previously explained, this complicates the comparative selection of which lambs to keep and which lambs to sale to market. And as any new parent will attest, it is also quite exhausting for the shepherd to have to wake up every couple of hours to check on ewes in the stable that are ready to drop their lamb(s), or spend the occasional sleepless night when the inevitable complications with lambing occur. While this pattern is unavoidable at some point in the process, it is much more bearable to do this for one or two months, rather than for three or four.

The normal, healthy ewe may be in active labor for up to several hours, but they should be able to deliver and care for her lamb without the farmer's assistance. The shepherd usually intervenes during delivery if the ewe has never lambed before, if the lamb presents as breeched, or if there are multiple lambs being born. But even if the birth itself goes smoothly, soon after delivery the shepherd needs to move the ewe and lamb together in a pen separate from the rest of the herd, the lamb's navel cord needs to be trimmed and disinfected with iodine, the lamb must be tagged with an identifying mark (most often an ear tag) and the ewe's udders need to be checked to ensure that she is producing milk. In other words, even in the best of delivery scenarios, the shepherd still has to regularly monitor and assist the animals during the lambing season.

There are several different techniques for controlling the timing of the breeding season. As previously stated, one strategy is to delay the exposure of ewes to breeding rams for several weeks to a month, and as ewes are in estrus approximately every two weeks, this allows ewes to ovulate one or more times prior to conception. A ewe's estrus cycle is influenced by the decrease in amount of daylight (less than 14 hours per day), as well as by a drop in daily average temperatures. In the Baigorri valley, the convergence

of these environmental factors translates to the onset of a ewe's estrus cycle occurring between late-August and mid-September each year in the Baigorri valley (Manterola 2000).

In the weeks prior to the onset of estrus and the mating of ewes with breeding rams, the animals are moved to the best available pastures so as to increase their strength and overall health. If necessary, a ewe's wool may be sheared or trimmed again, particularly around their vulva, which is helpful both for mating and for later identifying signs of lambing. Rams are often penned or corralled near the ewes for a few weeks prior to breeding, which may help synchronize bringing the ewes into heat. Rams are marked with a greasy, color paint brush so that there will be a visible trace for the farmers to note which ewes have been mounted by a ram. If a ewe is not marked during this period, then the shepherd will keep her with the rams for one or two more estrus cycles until she is marked. Those ewes that are never marked, and who thus are assumed to not have been inseminated, are typically culled and sold at market, rather than keeping them through a lambing season when they will not produce an offspring.

It is not easy for a shepherd, regardless of how experienced they may be, to predict the breeding and nursing capabilities of a ewe over her lifetime. Nor can any shepherd prevent the occasional losses of a few lambs shortly after birth. Most shepherds assume that they will have several unexplained, baffling deaths during each lambing season, regardless of how much attention or care the lambs receive. But shepherds nevertheless aim to limit their livestock losses with careful planning, regular monitoring, and the proper equipment and infrastructure. In general, shepherds today in the Baigorri valley must be able to successfully manage more than 200 adult sheep (rams and ewes),

and an equal number of newborn lambs during the peak of the lambing season (in late winter) which indeed presents a formidable workload.

The vast majority of the land holdings currently managed by the syndicat of the Baigorri valley are open, grassy meadows located in upland areas. These areas are the primary sites of transhumance in the Baigorri valley. Nearly 80% or 6,546 ha of the 8,254 ha overseen by the syndicat are pastures, while most of the remaining surface area covered in forests (Petoteguy 1972). Not all of the remaining space 20% is forested since the topography also includes bare rock outcrops, ravines, and streams. Livestock, mostly sheep, do not only graze in open pastures but also underneath the forest canopy. Although the syndicat harvests timber and reaps the benefit from its sale, forests located in the Commons are also surveyed and monitored by the Office National des Forêts (ONF, or the French National Forestry Service). Thus, even though individual tracts of forest are managed on a day-to-day basis by the syndicat, the ONF must be regularly and systematically consulted, and the ONF must give their approval for transhumance and grazing of livestock, even if this may be just a simple administrative formality.

As early as the 1960s, the ONF issued authorization to the syndicat to utilize the forest for grazing every five years, renewable upon request (Candau et al. 1989). Farmers were also permitted to legally graze their sheep in forests as they transhume with their herds to the upland pastures. The ONF's role was rather negligible in the decisions concerning the sites of transhumance in the Baigorri valley, and was largely relegated to symbolic acquiescence. Nevertheless, this bureaucratic presence of the national

government is emblematic of the French government's high level of involvement in agro-pastoralism, particularly as it pertained to both economic and ecological dimensions.

Each farmer who sends livestock to the upland pastures in the Commons of the Baigorri valley during transhumance had to pay a set fee per head of livestock. All individual farmers who lived in one of the eight villages that comprise the Syndicat de la Vallée de Baigorri is allowed to transhumance their livestock in the upland Common pastures during the summer. This fee was determined by the total herd size sent by a farmer, who either paid 6 francs per head for herds of up to 200 sheep, or 9 francs per head for herds of 200-300 sheep, which the maximum allowable herd size in the upland Commons (personal communication, Dominique Arrambide, August 24, 2001). It is important to note that many farmers in the Baigorri valley (and presumably this is not unique to this particular area) continue to refer to certain expenditures in francs rather than in Euros. This is particularly true for those costs which are paid less frequently, such as these annual user fees.

The money is collected by the syndicat by these user fees go towards its annual operational budget, which includes construction and maintenance of infrastructure such as roads or watering troughs in the mountains. Although there is no written, formal designation of the precise location in the upland pastures of the Commons where each shepherd can graze their animals during transhumance, farmers typically utilize the same run each year (referred to by farmers in French as "parcours"). These customary practices are often quite well established, and it is not unusual for specific runs to have been used by farmers from the same family and the same house or household, referred to in Euskera as the *etxe*, for several generations.

One young couple, Miren and Paxkal, had only been shepherding for two years when I first met them in 2000. The eldest child born to a well-known family of farmers and raised in Urepele, Miren had left the village to attend high school in Donibane Garazi, or St. Jean Pied de Port, just like all other adolescents. When she finished her degree, she decided to attend university so that she could study to be a teacher. This meant moving to Bayonne, the city with the nearest institution of higher learning, some fifty kilometers away from the Baigorri valley on the coast. After several years, she met another young university student from Baxe-Nafarroa, Paxkal, and together they decided to stop their studies and return to the Baigorri valley to raise sheep.

However, there is very little agricultural real estate available in the Baigorri valley, since most land is not sold but transmitted and kept within a same family (see chapter four). When Miren and Paxkal decided to quit university and start farming, her own father was still farming and had precious little land to spare for additional livestock. So although Miren's family had lived in Urepele and utilized the common-pool resources of the Baigorri valley for generations, the two young people were initially unable to find a farmstead in the valley. Instead, they were obligated to rent pastures and a barn in a village some forty kilometers away from September to June (personal communication, Miren Aire, August 8, 2000).

However, since Miren was a native of Urepele and as she was the oldest child who stood to eventually inherit her family's estate, she was able presumptively stake a claim to her family's *etxe*. Thus, the leadership of syndicat of the Baigorri valley consented to allow Miren and her partner Paxkal to utilize her family's customary "parcours" in the upland Commons for grazing their livestock during the summer months

of transhumance. They were also permitted to use the small abandoned cabin, called a *borda* in Euskera, which Miren's deceased grandfather had built in the Commons and that had been neglected for nearly a decade. It is not uncommon for a cabin to have been built in the past in the upland Commons, with the tacit or explicit accord of the Syndicat. As of 2005, there was a total of 90 these cabins, or *borda*, built on land managed by the Syndicat of the Baigorri valley (see illustration 11). Ultimately, the syndicat decided that this anomalous situation would not last for very long, that Miren would inherit her family's farm when her parents retired, and that this was a short term solution that would permit a young family of farmers to establish a toehold in a challenging profession.



Illustration 11. Photograph of borda on southeastern side of Sorogain Mountain, in the Commons south of Urepele, taken by author, August 2001

Membership in the syndicat of the Baigorri valley was critical to farmers' livelihood since membership has its privileges, namely granting right of access to and use of the all-important common-pool resources. Historically, membership in the syndicat was rather ubiquitous since it was conferred by place of residence, and in principle, all livestock owners were authorized to use the common-pool resources that it managed. For the first century of its existence, this essentially meant that the syndicat distinguished between those who live in one of the eight villages that compose the syndicat of the Baigorri valley, and those farmers who did not and who were thus considered outsiders.

In more recent decades this notion of membership in the Syndicat, along with the rights and responsibilities that such membership implies, has become increasingly problematic. By the early 1960s, differing notions of what formally constituted membership had prompted discussion among the leadership of the syndicat of the Baigorri valley, eventually leading to a more elaborate, precise definition of the prior criteria which was based on residence. This was referred to as "feu," or literally hearth, in the original 1839 documents, but homestead is the connotation there. After deliberation, the syndicat declared that:

A homestead is a house or farm that must be inhabited and utilized the resident owner or farming tenant. This homestead must be able to provision three cattle, and the homesteader must be able to justify at least two hectares of their own pasturage. Cases that do not meet these requirements, but that have been tolerated until the present time, will continue to benefit from indulgence. However, cases such as these will not be indefinitely permitted, and will effectively be terminated as soon as those individuals currently benefiting from these circumstances will have either abandoned or ceded their holdings. Only a direct, surviving descendent inhabiting the same precise

homestead as his or her predecessors may continue to benefit from these concessions (...) The Syndicat of the Baigorri Valley accepts no foreign livestock on its territory (minutes from the meeting of the Commission Syndicale, August 5, 1964).

The reasons for the complication over proper membership in the syndicat were not necessarily new; however, its implication in terms of changing notions of membership in the syndicat warrants further elaboration here. Individuals had frequently moved to urban areas from rural areas such as Baxe-Nafarroa for employment opportunities, and then would return to their natal villages at the end of their career. With the modernization of agriculture and the concurrent decline and aging of the agricultural population, a small but increasing number of farmsteads in the Baigorri valley were either no longer being utilized full time, or farming was no longer the primary source of income for the family. This economic diversification and its implications for agro-pastoralism in the Baigorri valley are a subject of discussion in the following chapter.

From the text cited above, it is clear that the leadership of the syndicat was concerned by the rise in absentee property owners. Even as this definition attempted to circumscribe membership and to curtail the number and extent of outsiders who might use their common-pool resources, the syndicat acknowledged the right of survivorship and transmission of property within the *etxe*, which to a certain extent helps validate the aforementioned permission that the syndicat granted to Miren Aire. As examined in more detail in Chapter 4, the *etxe* has long been a central and paradigmatic feature of rural Basque social organization, so it perfectly reasonable that this was a central provision in the redefinition of membership in the syndicat of the Baigorri valley. In actuality, the redefinition of membership in the syndicat, that is, of who belonged and which

individuals were excluded, was largely prompted by demographic shifts and changes in agricultural practices. The potential consequences to a farmer of exclusion from utilizing the common-pool resources managed by the syndicat would be tantamount to certain economic failure. Indeed, the limited ecological resources in this circumscribed geographical area, coupled with the limited amount of agricultural real estate that is available to sheep farmers, accentuate the importance that common-pool resources represent in the Baigorri valley. In this sense, membership in the syndicat is a marker of belonging to the local community and to a group of farmers, as well as enables an individual's endeavors to be economically viable.

Transhumance

Basque shepherds in the provinces of Iparralde in southwestern France practice a form of pastoralism known as transhumance, in which animal herds are seasonally relocated between lowland and highland pastures. Although it is a distinctive activity, pastoralism is often intrinsically linked to agriculture, since even those farmers who specialize in raising animals depend to some extent on agricultural production. However, this is not to say that transhumance is unique to the Baigorri valley, to the Basque region, nor to the Pyrénées, and in this sense, transhumance should not be understood as an activity that is either characteristic of, or unique to, Basque farmers. Indeed, there are examples of transhumance among farming societies across the world and since the domestication of livestock (Lewthwaite 1981). Today in France, the nuances made about pastoralism largely reflect the pastoralists' integration into the market economy, or their degree of economic specialization or diversification. Another distinction about

pastoralism concerns the degree of mobility (Galaty and Johnson 1990). Transhumance is the regular movement of flocks or herds between summer and winter pastures. Although is sometimes described as a displacement between climatic zones, transhumance may also be more simply viewed as a temporary shift in altitudinal sectors (Carrier 1932). Specifically, transhumance is the “seasonal movement of livestock between upland and lowland pastures” (Bates and Plog 1991: 89). For pastoralists such as those in Iparralde, their transhumance follows a defined, repeated route, and, more importantly, involves a fixed and permanent residence (Ryder 1983). Each year to occupy lowland pastures from October to May, and then to move their herds to mountain ranges during the summer (see illustrations 12 and 13). The choice of transhumance as a land use strategy by pastoralists is typically framed as an adaptation to local ecological constraints and opportunities. Indeed, in the case of Iparralde, seasonal patchiness in available graze land, which can be attributed to topographical conditions, vegetation, and regional climatic fluctuations, in part explains the reasons behind transhumance.

Normal transhumance describes herds that stay in the mountains during the summer and spend winters in the lowlands, which serve as the group’s permanent home. This contrasts with inverse transhumance, where the summer mountain ranges are the fixed home bases and, pressured by lack of pasture, the flocks graze in the valleys during the winter. Thus, transhumance in the Baigorri valley may be defined as following a normal pattern since livestock vacillates between upland summer pastures and winter lowland bases.



Illustration 12. Photograph of transhumant sheep herds in the Commons on Adi Mountain, south of Urepele, taken by author, July 2001



Illustration 13. Photograph of farmer moving sheep in Banka, taken by author, May 2000

The word ‘transhumance’ comes from the Latin *trans* (across) and *humus* (land). Originally coined by French geographers, transhumance described the movements of the Mesta’s herds in Spain, which was a state-sponsored cooperative that produced Merino wool during the 13th-19th centuries (Braudel 1990). Transhumance is historically rooted in the peasant farming system of the Basque region, and to a larger extent, of southwestern Europe (Cleary and Delano-Smith 1990). The number of transhumant sheep peaked in France in 1914 at 2.5 million heads (Ryder 1983). The preponderance of transhumance in France declined until 1970, although the numbers of transhumant livestock have since significantly rebounded (Cleary 1987).

In Baxe-Nafarroa, most of the livestock are either black- or red-headed Manex sheep (see illustration 14 and 15), which are preferred breeds since they are particularly well-adapted to transhumance across mountainous terrain and produce high quality milk (Roue 1986). However, as is discussed in chapter 7 of this dissertation, the prevalence of the Manex breed has diminished in recent decades since the introduction of the more sedentary Lacaune breed.



Illustration 14. Photograph of red-headed Manex sheep, St. Étienne-de-Baigorry, taken by author, June 2000

Lacaune is a breed of sheep that were originally raised south-central France, produced significant quantities of milk, but was not required to transhume. Although the average Lacaune sheep may on average produce more milk per year than the Manex breeds, it also logically requires more fodder. However, since the Lacaune is not well-adapted to long-term, long distance transhumance in mountains, this breed of sheep can not be taken to the high mountain pastures to graze on the common-pool resources that are typically available to farmers in this area. Overall, the Lacaune breed may appear more attractive in the short-term since it absolute terms it is capable of producing more milk. But in the medium- to long-term, those farmers in the Baigorri valley who have selected to raise the Lacaune breed are forced to purchase more supplemental fodder than before, and are less able to utilize the grazing resources of the Commons.



Illustration 15. Photograph of black-headed Manex sheep herd in lowland pasture in Urepele, taken by author, April 2004

Transhumance continues to be an important economic strategy in the Basque region. The milk and cheese produced by sheep and, to a much lesser extent, meat, provide the near-entirety of Basque shepherds income. Additionally, transhumance is a successful manner in which farmers balance their livestock within the confines of the area's environmental carrying capacity (Cavaillès 1931a, 1931b; Gilbert 1975). The mere fact that transhumance exists in a region of intensive agricultural exploitation indicates the ecological and economic niche that transhumance has carved out for itself over the centuries (Cleary 1987, Gomez-Ibáñez 1975). But the specific practices, customs and traditions associated with transhumant Basque pastoralists have eroded due to a combination of demographic, social, economic and geographical factors: village

desertion, flight from rural areas, population decline and the commercialization of conventional farming systems and technology (Cleary 1987, Gómez-Ibáñez 1975, Metailie 1986, Roue 1986). While transhumance provides a rational means of adapting economic and subsistence needs within the confines of an ecological niche, Basque agro-pastoralism can not be divorced from the concept of cooperation. The very notion of transhumance connotes some amount of cooperation, most immediately that between animal and human. A symbiotic relationship exists between the farmer and their livestock, forged by longevity, proximity and mutual dependence. However, this cooperation also characterizes the historical relationships within and among household, the *etxe*, and transhumance was an activity that mobilized multiple households in the Baigorri valley to collaborate in a system called *auzolan*. I return to both of these points in more detail in chapters 4 and 7 of this dissertation.

Sylviculture

The economy of the Baigorri valley has long been dominated by farming activities, namely agro-pastoralism, and to a lesser extent, sylviculture (Etcheverry-Aínchart 1964). To a certain extent, the root of conflicts in the Baigorri valley during the 17th-19th centuries are economic in nature; that is, the issue is competition over access to and use of ecological resources. Farmers' access to the upland pastures was what drove competition between communities, rather than issues of sovereignty in the border areas. To a somewhat lesser extent, timber harvests also heightened pressure over common-pool resources in the Baigorri valley, particularly during the periods when the forges of Banka,

which were partially owned by the vice-count of Etchauz (see next chapter for further details on this point), were in operation, and when demographic pressures led to encroachment of new homesteaders in the Baigorri valley who would clear tracts of forests for their farms. While undoubtedly at least dating back to the Middle Age, the historical land use agreements between localities - known as *faceries* - which addressed the use and oversight of the Baigorri valley and its resources were not written down until 1570, although no copies still exist of this document. Faceries are local agreements between two or more communities that gave usufruct rights that allowed livestock owned by one community to graze on the pastures of another community, but without being allowed to make any permanent modifications or buildings. The oldest surviving texts pertaining to the Statutes of the Baigorri valley date back to 1704, several copies of which are deposited in the Archives Départementales des Pyrénées-Atlantiques in Pau (see Appendix 1). Although these statutes deal with a variety of economic, legal, and administrative issues, several articles deal with the illegal use of common-pool resources in the Baigorri valley, including the illegal expropriation and sale of timber. In article 39, for example, the Statutes expressly “forbids all inhabitants to sale wood for the Commons to people from outside of the valley, under penalty of having said wood and carts confiscated, and fined 10 ducats.”

Since most inhabitants of the Baigorri valley were farmers and depended on the maintenance of pastures for their livelihood, deforestation was a concern to the Cour Générale, which was reflected in the number of articles in the 1704 Statutes that dealt with forestry. The Cour Générale was a local institution in the Baigorri valley which dealt with governance of the Commons and other issues of public concern, but which was

discontinued after 1789 French Revolution. Deforestation was a phenomenon driven in particular by the aforementioned increase in overall inhabitants of the valley, whether or not their homestead was legally recognized. Article 23, for example, encouraged farmers to plant 100 trees around their farmstead. Cutting or even pruning trees was expressly forbidden under the 1704 Statutes, and the only permissible form of deforestation was through annual burn-clearings which burned back shrubs, particularly the invasive thorny Gorse bush, and produced ash to fertilize the graze land. These limitations were reiterated in the 1717 Treaty which expressly forbade cutting trees for commercial purposes, although it was permitted for domestic fuel consumption, and then only if a replacement sapling was planted and the Cour Générale notified of this act (see Appendix 3).

As an indication of local concern over deforestation in the Baigorri valley, Arvizu cites an unsuccessful proposal in 1753 that would have created a royal decree mandating the annual planting of oak, beech and chestnut trees, would have banned all timber cutting in the Haira forest, and would have imposed a 50 *livre* fine for each illegally-cut tree. Furthermore, there was some discussion of creating a preserve where neither timber extraction nor pastoralism could take place. None of these proposals saw the light of day because, as argues, the French Minister of Justice believed that a decree should be formulated for a wider area and not just for the Baigorri valley (Castaingts-Beretervide 1993). On the other hand, there are historical instances when local inhabitants of Baigorri seem relatively unconcerned by deforestation. One such example was in 1779 when, following the *jurats*' meeting in *berrogain*, which was the assembly of households in each neighborhood of the Baigorri valley issues of public concerns were debated prior to the meeting of the Cour Générale, the *jurats* inform the Cour Générale that they had

authorized the harvest of beech trees at two different locations in the valley (Arvizu 1990).

Since the 19th-century, the Office National des Forêts (ONF) has ostensibly been responsible for forest service and management in the Baigorri valley, but it only had a limited influence over the syndicat's decision-making and actions. This is not surprising considering that, overall, economic activities in the Baigorri valley are predicated more on agro-pastoralism than silviculture. In practical terms, this means that deforestation has been a persistent possibility given that reforestation initiatives in the Commons were practically nonexistent through the middle of the 20th century (Association départementale d'économie rurale des Basses-Pyrénées n.d., Sulzlée 1945). For example, between 1960 and 1969, the syndicat of the Baigorri valley only replanted three to four hectares per year in the Haira forest (Gómez-Ibáñez 1975:130). Given that the ONF had designed plans for the annual logging of forests, the ONF agents attempted to limit the grazing of sheep in and around stands of trees, although the ONF was never able to fully convince the syndicats of the Baigorri valley of the utility, nor prevent shepherds from utilizing the undergrowth of forests for grazing livestock. Consequently, it was difficult for forests to regenerate and grow in the Baigorri valley because of regular grazing, but also because of the unintended forest fires that occasionally occurred when farmers proceeded with their annual burning of upland pastures.

The overall environmental context of the Baigorri valley has been historically conducive to agro-pastoralism and for the practice for transhumance. The topographical and spatial configuration makes extensive, large-scale farming impractical. The geography and ecology of the Baigorri makes this area suited for small-scale family

farms. The persist balance between silviculture and agro-pastoralism suggests that both elements are important component pieces of the local economy, and allow farmers a certain amount of economic diversification. In the following chapter, we will examine some of the historical Basque institutions that have abetted the governance of these common-pool resources over time, and begin to interrogate evolution in the nature of the relationships between local and external polities.

CHAPTER 4

COMMUNITY AND UNITY: HISTORICAL BASQUE INSTITUTIONS OF THE BAIGORRI VALLEY

The Commons in the Baigorri valley were shaped by local and extra-local institutions over time. Until the French Revolution, local families and institutions had to contend with the actions and decisions of the French crown and its regional representatives. The interactions between these different levels of power and decision-making created overlapping spheres of influence, so it is challenging to examine the role of one without automatically considering the role of another level. Treaties made by the French king, with his Spanish counterpart for example, affected land use in the Baigorri valley by altering the political boundaries between the two states. On yet another level, regional representatives of the monarchies also played a part in shaping local institutions and the Commons, since they could serve as important mediators between the Baigorri valley and the king, that is, between extra-local and local levels of decision-making. Finally, the local level of power and decision-making, which figures prominently in this dissertation, may well be the most dynamic and vivacious. To a certain degree, decisions made at higher levels, such as when the two kingdoms established their political boundary in the Pyrénées, produce material ramifications at the local level that are arguably more readily felt and noticeable in the lives of people. Decisions concerning

property, such the Commons, affect resources that were (and still are) central to people's livelihoods and economic survival in the Baigorri valley. But decisions and actions at the local level could potentially affect higher level of power, such as when common-pool resource use led to disputes among local populations from opposite sides of the border, thus risking an internationalization of the conflict. None of these levels of actions and decision-making can fully be understand without considering the dialectical relationship between them.

In this chapter, I present different factors to account for the historical development and maintenance of Commons in the Baigorri valley of Baxe-Nafarroa. I first discuss the importance of the house and household (the *etxe*) the historical institutions in the Baigorri valley and to the Commons. I begin this section by discussing the material and political importance of the *etxe* in the Basque society, as well as its practical and legal dimensions. I explore the role that the *etxe* played in the transmission of real estate, and the consequences that this had on migration and long-term settlement patterns in Iparralde. The transmission of patrimony in Iparralde was based on the principal of primogeniture, which is when the eldest offspring inherits the house as well as all associated property and equipment. As population progressively increased in the Baigorri valley over several centuries, I posit that this inheritance system created a veritable real estate crisis. Those who were not first-born children had no possibility of inheriting the *etxe or* property of their own. Since significant tracts of unsettled land was available nearby, namely in the higher parts of the Baigorri valley, people progressively moved into the previously unsettled Commons during the 17th-19th centuries. As the overflow from demographic pressure was released from the lower parts of the Baigorri

valley into the uplands, this inevitably led to an increase in overall number of resource users and in turn, this also logically increased competition over resources in the Commons.

In the subsequent two sections of this chapter, I present the institutions of the *berrogain* and Cour Générale in the Baigorri valley. I discuss their historical importance in the development of intra-local decision-making and suggest that these bodies not only provided a medium for consensus-building and governance, but were also essential for channeling and, to a certain extent circumscribing the influence of external polities such as the feudal French state. The next section contextualizes the question of the historical land use agreements between localities known as *faceries* or *fors* in Iparralde. Since at least the Middle Ages, these agreements formed the basis of the political and social institutions of Iparralde and were central in shaping the use of Commons. I argue that this historical structure of land tenure and land use system minimized the control and input of the nobility, and instead privileged local control and governance. In this system, known more commonly in French as *franc-alleu* (or allodium, that is, land not owned nor subject to the tenurial rights of a nobleperson), all property owners benefitted from the same land use rights and privileges, regardless of their class, wealth, or status (Haristoy 1977). The Basque *faceries* and *fors*, along with the system of *franc-alleu* in turn form a dynamic complement to the concept of “collective nobility,” which was given common currency throughout much of the northern and southern Basque Provinces (Jacob 1994).

In order to understand the nature of intra- and extra-local relationships, as well as the different mechanisms for holding individuals responsible and accountable, we need to distinguish the separate institutional levels that pertain to the Baigorri valley. Indeed, it is

fair to ask which elements even justify our selection of the Baigorri valley as a unit of study. As previously described and its very name implies, the perimeter of the valley itself is the continental divide, which separates the Atlantic and Mediterranean watersheds and thus creates an ecologically-distinct and topologically-bounded spatial unit of analysis. In this sense, the valley is a relatively distinguishable entity and in many historical instances, this was explicitly recognized.

However, the Baigorri valley was not just a discrete ecological unit; it was also a historically-recognized legal entity ruled over by the king of Navarra. As early as 1200, norms for use of the resources in the Baigorri valley were laid out in *Fors et Costumes du Royaume de Navarre* (Cavaillès 1910). This document posited the rights and responsibilities of local inhabitants under the Kingdom of Navarra, explicitly referred to the different valleys and the Cour Générale that was supposed to deal with matters of public or common interests. These rights and relationships were subsequently stated and reproduced by the King of Navarra in 1327 (Arvizu 1990: 99).

It is equally important for us to envision and understand the valley as a set of social and political relations between and among the individuals residing there (Bidart 1977). They are partly bound together through their economic dependence on similar ecological resources for farming, and by virtue of their shared allegiance to the king (Descheemaeker 1947). But the valley is also united through the representation that each household is entitled to within the local decision-making assemblies, the *berrogain* and the Cour Générale. Indeed, each household would send a person, typically either the male head-of-household (*etxeko-jaur*) or the future adult inheritor of the *etxe*³, to meet with

³ The word *etxeko-jaur* in Euskera literally translates into the undeniably masculine “lord of the house.” As previously stated, the Basque practice of primogeniture in the Baigorri valley permitted the transmission of

their four or five immediate neighbors. They would then designate a *jurat* from amongst themselves to represent all of these *etxe* at the *berrogain* and the Cour Générale, which was assembly of *jurats* from different *berrogain* in the valley. These different levels of governance and administrative bodies were additional means for unified and organizing the valley into a coherent social whole.

The individuals, households, and assemblies of the valley of Baigorri were also bound together through their historical extra-local relationships, most notably through the *faceries* with neighboring villages that addressed the use of land and other resources. I would argue that merely having the right, conceded by the king, to negotiate and establish *faceries* was an explicit recognition of the Baigorri valley as a potent and identifiable entity. Granted, these *faceries* pertained primarily to the use of pastures, woods, and water sources, which were most likely not the most pressing issues for the kingdoms of Navarra, France or Spain. But when these *faceries* occurred between neighboring communities or valleys in different kingdoms, then these were indeed international legal issues very much of concern to the monarchies (Strauss 2004). Thus, if disagreements or conflicts between neighboring valleys from different nations erupted, it is easy to understand how kingdoms and subsequently state governments became involved in dispute settlements, or why these extra-local polities drew up treaties to address these conflicts over resources. By extension, and we will address this issue in a later section, the valley's ability to establish international *faceries*, e.g., with neighboring valleys across international borders, was a right that was explicitly revoked by article 4 of the 1785 Treaty, which was subsequently a loss vehemently contested by the inhabitants of

the *etxe* to either male or female first-born child. However, there are very few instances in the archival materials that I examined where the household *jurat* at an assembly or *berrogain* was a woman, thus raising a question about the visibility or recognition of women as heads of household.

Baigorri in following years. This valley's opposition to the loss of some of their legal rights is an additional way that the Baigorri valley community was bound together.

The *etxe*: property and principal

It is necessary to address the concept of *etxe* since this was historically the center of daily activities and by extension, of social and political power. In the Baigorri valley as elsewhere in the Basque region, the *etxe* was, and to a certain remains, the vehicle for filtering social, political and economic relationships between individuals, families, and the broader community. For Maïté Lafourcade, a preeminent Basque legal historian, the historical indivisibility of property inheritances and primogeniture are the two principal concepts that shaped legal power in Iparralde (1994). Within the Baigorri valley, the *etxe* connected household members to the larger village community, and was the means for legitimizing their access and use of common-pool resources. In this sense, the *etxe* is an economic unit of production and subsistence, but also the basis for social and political interrelationships within rural Basque communities.

The Basque word *etxe* signifies much more than the house as mere physical structure, because it connotes both "house" and "household". In this sense, the *etxe* represents the family unit as a set of individuals connected by birth or marriage. The *etxe* is also an economic entity since it is embedded within a patterned system of reciprocal relations between neighbors (called *auzolan*). In this sense, the *etxe* is both the literally and metaphorical nexus of domestic and social relationships. While some features of the *etxe* remain unchanged over time, specifically the physical configuration of houses

within the community, other social and political features of the *etxe* from past practices have dramatically changed. I return to analyze the nature of these changes in chapter 7 of this dissertation, particularly in terms of how relationships between neighbors have evolved with the transformation and modernization of agro-pastoralism over the past fifty year, particularly in terms of the traditional networks for mutual assistance for farm labor, know in Euskera as *auzolan*.



Illustration 16. Photograph of Martinchoénea, the house where author lived in Urepele during summers 2000, 2001 and 2002, taken by author, August 2002

Houses in the Baigorri valley are typically cavernous two- or three-story structures, with red-tile-roofed occupied by a single household (see illustration 16). It is not uncommon for the surface living area in one of these houses to exceed 300 square meters (or 3200 square feet). Nowadays, these large houses are frequently sub-divided

into apartments that may be separately occupied by unrelated families, or by different generations of a family.

Historically, the *etxe* sheltered both the family and their domesticated livestock (mostly sheep and cattle). The largest space in the house was a large open area located on the ground floor that served as the stable. The entrance to the main room of the structure (or *ezkaratz*) also has a large staircase which provides access to second-floor living areas. The second floor is typically divided into two or three bedrooms, and possibly a granary or loft. Since the early 20th -century, animals have been kept outside of the house, in an adjacent barn nearby. Households have in turn expanded their living quarters on the ground floor into the former stable, often remodeling and converted this space into kitchen and dining areas (Aguerre 2003).

Each physical house in Basque villages has a name, and those in the Baigorri valley are no exception. The extended family unit living in a particular *etxe* may even have taken the house's name as their last name. Over centuries, this practice has led many house names and family names to be conflated in certain villages (Bidart 1997). Ethnohistorical evidence suggests that these house names remain unchanged from generation to generation, sometimes regardless of if the ownership of the house has passed on to a new family. In most cases, houses received the last name of their first owner (the *nagusi*), although the number of Basques who have attached the suffix *etxe* to their last name obfuscates the origin of this practice. Sandra Ott argues that the house name is used in establishing the social identity of individual households who are often referred to by their house name (1981), a practice common to other parts of the Pyrénées Mountains as well (Bourdieu 1962). In many instances, the date in which the house was

built is engraved on the lintel above the main house door, although it is not always clear if this is the original construction date or if lintels are reused when houses are destroyed or, more infrequently, abandoned.

In the Basque region, the indivisibility of property is a characteristic feature of the traditional Basque legal system. The house, the furnishings and all of the property associated with it are kept intact and transmitted to an inheritor, either male or female. The transmission of property from one generation to the next, most commonly from parent to child, normally occurs before the death of the older family member. So for a period of time, be it several months or a handful of years, there is an apprenticeship of sorts that occurs during which the new head-of-household (or *etxeko-jaur*, literally ‘master of the house’), is responsible for the *etxe*, all while remaining under the tutelage and supervision of their senior. In the Baigorri valley, inheritance of property follows the principles of primogeniture, meaning that property is not equally divided among multiple potential inheritors, but is instead conserved as a single unit. In practice, this means that only one child inherits the *etxe* and all of its possessions.

The *etxeko-jaur* is responsible for the preservation and upkeep of the *etxe* and its subsequent transmission to the next person. Furthermore, under this system of ownership, neither house nor household possessions could be sold, bequeathed, or borrowed against without the explicit consent of the *etxeko-jaur* and the *etxe*’s future inheritor. Although inheritor might be the correct legal designation, the notion of ‘caretaker’ may more accurately capture the social implications behind this form of primogeniture (Lafourcade 1994: 75). A conventional, normative concept of ownership, while technically accurate here, seems inappropriate in this Basque context since responsibility for the *etxe* revolves

around its stewardship and ensuring its persistence and transmission to future generations. And in this sense, the *etxeko-jaun*'s stewardship of the *etxe* is fundamentally a social engagement that extends across time, transcending the individual.

Maintaining the unity and integrity of property during its transmission is of pivotal importance for understanding the long-term use of the Commons in the Baigorri valley. Since the average size of each *etxe*'s property ranged between 9 and 12 hectares over the past three hundred years, it is difficult to imagine how a farm could be viable after several generations if its property was continually sub-divided and distributed equally among all children (Arvizu 1990: 59). Although this situation was not unique to the Basque region, one can imagine that the property of each *etxe*, already rather limited in extent, would have rapidly dwindled without the practice of primogeniture. However, one of the inevitable consequences of primogeniture is that younger members of the *etxe* were invariably left without property of their own. This did not mean that these younger siblings were expelled from the home; on the contrary, many remained and continued to work and farm alongside of their relatives (Bidart 1977). But it did imply that they had fewer chances to accumulate their own wealth and possessions (Etcheverry-Aïnchart 1965). Consequently, individuals who were not the eldest children and the future *etxeko-jaun* would seek their fortunes by leaving the Baigorri valley and moving elsewhere, to destinations both near and far as we will see in the following section.

Even into the late 20th-century, individuals and families go to great lengths in order to preserve the integrity of the *etxe*. "Basque farmers, thanks in part to the skills of local public notaries, draw upon numerous technical procedures in order to keep the *etxe* intact and transmit it to a single inheritor. The other children renounce their rights in

order to privilege the inheritor. When the time comes for dividing household possessions, the co-inheritors instead immediately turn their share of the *etxe* over to the designated inheritor of the house, preferring to give up their claim rather than compromise the preservation of their ancestral home” (Personal communication, Professor Josette Pontet, 29 May 2004). The individual designated as the inheritor of the *etxe*, typically the eldest child, was referred to as the *etxerakoa* (the one of the house) in Euskera (Lafourcade 2004).

***Berrogain* and social relationships**

As previously described, an *etxeko-jaun* represented each household, or *etxe*, in the Baigorri valley, which was also commonplace in many other parts of the Basque region. All of the *etxeko-jaun* in each neighborhood or hamlet, oftentimes from just four or five houses, would meet to elect a *jurat* (Cuzacq 1932: 439). The *jurat* would then be the voice of those neighbors who elected him, or much less frequently, her, and represent their collective interests in the community.

In the Baigorri valley, the *jurats* would regularly meet together in small assemblies called *berrogain*. The *berrogain* was an assembly of heads-of-households that was held in each neighborhood of the Baigorri valley, and when issues of public concerns were debated in advance of meetings of the Cour Générale, which was the decision-making and governance body for the wider community. Unlike those institutions that are discussed in the following section, these *berrogain* were only expected to resolve issues of minor importance. Instead, these bodies were a place for debating issues that were then

forwarded to the Cour Générale, or conversely, for deliberating on matters that were passed down from the Cour Générale for the *berrogain* assemblies to discuss and report back on. *Jurats* were fully expected to attend and participate in the *berrogain*, and fines could be imposed on those absent (Bidart 1974: 180).

Although Arvizu argues that *jurats* were not expected to make decisions about anything other than minor issues, it is unclear what issues the *jurats* of the *berrogain* considered “minor” (1990:46). In some instances, complaints or issues are forwarded to the Cour Générale, asking for a decision about what actions, if any, to take or what fines to impose. On another occasion, the *jurats* appeared willing to meet in *berrogain*, but refused to meet in Cour Générale, which effectively suspended any decision-making and delayed the valley’s response to a letter from the French court in 1767 (see appendix 5). In yet another case, the *jurats* of the *berrogain* convene and decided to retaliate against shepherds from the southern valleys of Erro or Baztan who had been caught by farmers from Baigorri encroaching on common-pool resources in the upland pastures (see appendix 6). In this instance, the *jurats* acted without consulting the higher level of governance of the Cour Générale.

As opposed to the powers vested in the Cour Générale, which is the focus of the following section, the authority of the *berrogain* is not explicitly stated to us, at least not in the existing historical documents. It is quite plausible that the historical decision-making capacity and authority of the *berrogain* was very much situational, depending on the context and the issue at hand. Nevertheless, the historical records prior to the 1789 French Revolution demonstrate that the issues that came before the *berrogain* most often dealt with the use or misuse of common-pool resources in the mountains.

In comparison with other provinces of the northern Basque region, there is no historical written documentation for an administrative body in the Baigorri valley that would have served as a village-level intermediary between the neighborhood *berrogain* and the valley-wide Cour Générale. In provinces other than Baxe-Nafarroa where the Baigorri valley is located, most notably to the west in the province of Lapurdi, these village-wide assemblies, called biltzar (‘gathering’ or ‘assembly’), were historically important decision-making bodies (Duvert 2004). However, it is reasonable to expect there to have been an assembly of the different neighborhoods’ *berrogain* in the Baigorri valleys, they do not appear to have been invested with an authority for mediation between local and extra-local administrations. I suggest that in this part of Baxe-Nafarroa, biltzars may be absent from the written record because the upper-portions of the Baigorri valley were only gradually settled. The slow but steady pace at which neighborhoods expanded and, over the course of decades or arguably even centuries, reached a sufficient number of households to actually constitute a village explains the absence or at least minimal historical importance of biltzars in the Baigorri valley. Thus, in both administrative and practical terms, the progressive settlement of the Baigorri valley emphasized the primacy of relationships among *etxe* and the *auzolan* between close neighbors.

Cour Générale: decision-making and political power

The Cour Générale was historically the main decision-making institution of the Baigorri valley and was the main arbitrator for issues that concerned the wider community of inhabitants. The Cour Générale existed at least by the late 16th-century,

since it was explicitly mentioned as a previously existing institution in 1611 (Bidart 1977). The other various bodies previously discussed - the *jurats*, the *berrogain*, or even the *biltzar* - were not endowed with the political weight and authority of the Cour Générale. Even though the authority of the Cour Générale was paramount in the Baigorri valley and the power of *jurats* or the *berrogain* were subordinate to it, the Cour Générale was not often in session, typically only once or twice a year. So by default, the *jurats* and *berrogain* were permitted to take certain preemptive actions or decisions that were too pressing and could not wait for the assembly and collective decision-making capacity of the Cour Générale. In this case, however, the actions and decisions of *jurats* and *berrogain* were always subject to retroactive review by the Cour Générale at its next meeting (Arvizu 1990).

The three most important functions of the Cour Générale were to: 1) appoint the individuals who would represent the Baigorri valley at the regional parliament of the États de Navarre, which was originally held in Baxe-Nafarroa in the nearby town of Donapaleu (or St-Palais in French) and subsequently further away in the city of Pau, the historic capital of the Béarn region and today the administrative seat of the Pyrénées-Atlantiques department; 2) collect taxes; and perhaps most importantly for the purposes of this study, 3) establish, verify and enforce the *fors* and other land use agreements that the Baigorri had in place with neighboring communities.

Even though it did not meet often, the assembly of the Cour Générale appears as a significant historical event in the political and social life of the Baigorri valley. The meetings of Cour Générale were often either held next to the church in the village of St. Étienne-de-Baigorry, or at a place called “Lau-herrieta” (the four counties). Different

authors note on multiple occasions that the deliberations and debates during the meetings of Cour Générale were in Euskera, and that only the meeting minutes and correspondence were transcribed in French (Arvizu 1990, Bidart 1977, Goyhenetche 1974). Indeed, in my research, I came across no archival documents prior to the 19th-century that contained more than one or two fragmentary sentences in Euskera, the quasi-totality of the historical documentation for this period being written in either French or Spanish. Prior to the spread of education, the rise of literacy, and the infiltration of the French language into daily life, this distinction between the language of debate and the language of record would not have been uncommon in rural areas such as the Basque region. Indeed, in his thorough insightful examination of France during the Third Republic, Eugen Weber suggests that this was the case across much of France throughout the Ancien Régime and well into the 20th-century (1976).

The power and decision-making capacity of the Cour Générale was relatively expansive, particularly when it comes to matters related to land and resource use in the Baigorri valley. This is not to say that the Cour Générale was not aware of its allegiances, obligations and commitments to the French monarchy. This is clearly evidenced through its regular correspondence with the Court in Versailles or the King's regional and local representatives, typically the Intendant (or steward), who either lived in the coastal city of Bayonne or in the nearby town of St. Jean Pied de Port. But nevertheless, it is notable that the Cour Générale took many initiatives on its own, in terms of the rules and regulations that it proclaimed following deliberations among the *jurats*, but also in terms of the negotiation and arbitration of *fors* with neighboring communities. Again, this type of political power to establish what essentially were international grazing agreements, even

if these only pertain to small tracts of land overall or only affected a small number of farmers, was an extraordinary authority for what was a local, or at best regional, representative body.

Together, the Cour Générale in Baxe-Nafarroa, the Silviet in the neighboring Province of Zuberoa and the Biltzar in the western Province of Lapurdi formed a rather unique historical system of local and regional governance. The legal historian Maïté Lafourcade argues that the Basque region was not modeled on Roman law, which profoundly transformed notions of ownership elsewhere in Europe, particularly vis-à-vis the concept of private property (Lafourcade 1998). No single household's vote on matters of relevance to the community intrinsically held any more weight or sway than another, since individuals in Basque villages were not ranked by social class or standing. Unlike in the rest of France, the nobility had no particularly privileged voice in the Cour Générale. Basque households thus embraced a representative, democratic system of self-governance, and rejected the concept of sovereign royal ruler (Lafourcade 2005). This traditional Basque system of representation and decision-making was swept aside by the French Revolution, supplanted by French common law and then the Napoleonic Code several decades later.

Fors in Iparralde as incipient international relations

The Basques Provinces of Iparralde were distinct from much of the kingdom of France because the feudal system was not as strongly anchored here. This meant that the presence and power of the nobility was not as deeply rooted and pervasive as it was in

other parts of France. Prior to the French Revolution, this was note-worthy since the limited influence of the nobility opened the door for the local political bodies described in this chapter to exert more control over their own affairs and shape the institutions that governed their daily lives. The nature and extent of local institutional controls is most clearly discernible through the customary laws called *fors* in French (or *fueros* in Spanish), which were historically of central importance to Basque communities.

Fors were originally verbal agreements pertaining to a wide array of practices that were subsequently written into law. In southern France and northern Spain, *fors* originated as early as the 11th-century, and regulated many socio-economic activities, including farming practices, until the late-18th century. The focus and content of each of these *fors* varied by area, and there were oftentimes supplemental *fors* that were established between individual valleys or communities in each Basque Province. In essence, these *fors* guaranteed certain rights and responsibilities for Basques, first under the kingdom of Navarra and later under the French monarchy, until the Revolution of 1789⁴.

In regards to agro-pastoralism, the *fors* were particularly important in establishing and maintaining principles of *franc-allevu*, which was a land tenure system that ensured people's access to certain resources regardless of their social rank. The *fors* also established faceries, the aforementioned land use agreements between neighboring communities or valleys on both sides of the border, pertaining in particular to movement of livestock, pasturage and water use in the Commons in the Pyrénées Mountains. Thus, *fors* historically extended rights of access to numerous households and thereby

⁴ *Fors* were also key facets of social and political life in the southern Basque Provinces in Spain, and were of central importance in the Carlist Wars of the 19th-century, as well as during the 1936-39 Spanish Civil War (Watson 2003). However, these aspects are beyond the scope of the present study.

encouraged Basque communities to cooperate in order to determine individuals' rights and responsibilities in their use of the Commons. The privileges and rights offered via the *fors* may have distinguished the situation in the Basque region from much of the rest of France, but the concept of what Jim Jacob has called "collective nobility" is arguably an idiosyncrasy that further accentuated this situation (1994).

There are conflicting scholarly interpretations about the concept of "collective nobility" in the Basque region, and even of its utility. The concept of "collective nobility" is intended to explain the fact that there was practically no feudal nobility in the Basque region by claiming that all families were considered noble (although there were a few notable exceptions, one of which, the Etchauz family, I examine in the next section). The potency of "collective nobility" as a concept rests on two assumptions. First, the *fors* extended to all Basques the same privileges as the nobility, including the right to own personal property. Secondly, this concept evoked an idea of Basque ethnic distinctiveness, a notion that was much less developed at the time of the Revolution than a century later when Sabino Arana Goiri made his argument about ethnicity and language a central part of a pan-Basque political platform, in what was the birth of modern Basque nationalism (Arana Goiri 1980). Jacob argues that, in sum, "the problem is a complex one, turning as much on the [Basque] province involved as on the period, and greatly complicated by the differing perceptions of the Basque and the crown and its agents. (...) On the eve of the Revolution, [there is] a proto-nationalistic ethnic pride occasionally expressed as a belied in the nobility of the Basques" (1994:8).

To a certain extent, Jacob's notion of "collective nobility" may be a bit misleading since it appears to conflate the situation in Iparralde described above with that

in the rest of feudal France. But this overlap is in name alone, rather than in substance. Certainly the land use rights and privileges afforded to Basque farmers under the *fors* and *faceries* offered a far more widely-ranging set of freedoms than in other parts of the French kingdom, particularly in terms of individuals' usufruct rights of common-pool resources (Vivier 1998). But the *fors* of Iparralde were not unique since similar scenarios existed elsewhere in the Pyrénées, most notably in the Béarn region immediately to the east of Iparralde (Desplat 1993, Sahlins 1989).

Shadows of feudal France: the Etchauz family in the Baigorri valley

In spite of this widely-recognized notion of collective nobility, or perhaps as a complement to it, there were nevertheless a handful of noble families in Iparralde prior to the French Revolution. Like other parts of the French kingdom, the nobility was landed and was comparatively wealthy. And while nobles in the Baigorri valley played a non-negligible role in local political life, they did not benefit from the ubiquitous privileges and uncontested sway over local affairs enjoyed by their contemporaries elsewhere in feudal France.

In the Baigorri valley, the family and estate of the Viscount of Etchauz played a role in the historical development of political institutions in the Baigorri valley. This noble family is mentioned as early as the 1400 in the *facerie* between the Erro and Baigorri valleys (Arvizu 1983; Descheemaker 1941; Humboldt 1866). There were not many noble families in this part of Baxe-Nafarroa, and certainly the Etchauz was one of

just a handful in and around the Baigorri valley. They are more than likely also the oldest of these families to have received noble entitlements from the King of France.

The Etchauz family had a large manor in the village of St. Étienne-de-Baigorry and was probably the wealthiest family in the area (see illustration 17). They had stakes in local industry, since they had owned mines and forges in the Baigorri valley ever since being granted permission by the king to establish these in 1640 (Castaingts-Beretervide 1993, Cuzacq 1932b). The mining industry was centered in the village known today as Banka (then La Fonderie) where it had several hundred employees. The forges were powered by charcoal and wood fuels and this generated ancillary economic activities in the logging, especially in the surrounding Haira forest.

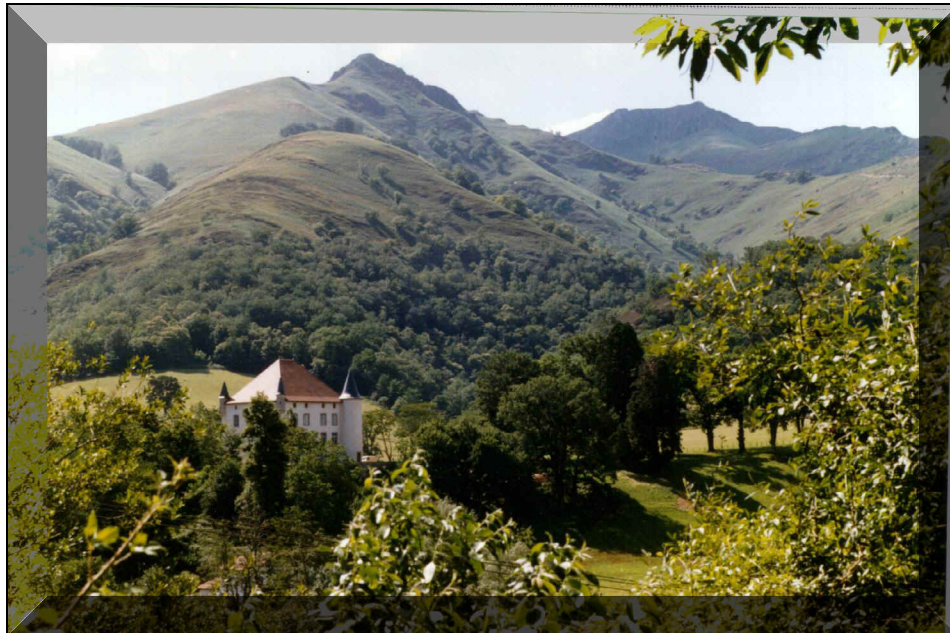


Illustration 17. Photograph of the Chateau of Etchauz, St. Étienne-de-Baigorry, taken by author, July 2000

Furthermore, the Etchaz family played an important role in the Baigorri valley by serving as intermediaries with the French monarchy (Chabagno 2000a; Cuzacq 1933a, 1933b). The Etchaz family figured prominently in the negotiations leading up to the 1614 Capitulations between France and Spain. This document determined which pastures each village was allowed use, what grazing rights were associated with them certain places, and overall, this Capitulations formalized both kingdoms' recognition of the status of the Baigorri valley as Commons (Descheemaeker 1947, Strauss 2004). The Viscount of Etchaz was also a signatory to the 1717 Treaty between France and Spain which laid out the conditions for use of Baigorri valley by farmers from Erro, Baztán, Valcarlos, Roncevalles and Burgete (see appendix 3). In a later treaty between the two states in 1785, the Count of Ornano, who was related to the Etchaz family by marriage, negotiated the accord on behalf of the French crown (Arvizu 1990).

Perhaps the most pertinent element to highlight, at least in terms of this dissertation, is the role that the Etchaz family repeatedly played in mediating disputes pertaining to the Commons, and in reprisals between the Baigorri valley and its neighboring communities (Etcheverry-Aïnchart 1947). For example, in 1612 the Viscount of Etchaz wrote to the Duke de la Force at the court of Louis XIII to complain that the Vice-Roy of Navarra was inappropriately interfering in the affairs between the inhabitants of the Baigorri valley and the valley Erro (Arvizu 1990:299). The Viscount of Etchaz appealed to the French king to intercede with his Spanish counterpart to enjoin the inhabitants of Erro to cease raiding and stealing livestock in the Commons. This correspondence was part of a long series of exchanges between both of these local noble

families and their respective monarchs, which eventually led up to the pronouncement of the 1614 Capitulations.

In 1738, during yet another dispute over livestock and pasturage in the Commons, representatives of the valleys of Erro and Baztán wrote to complain to the Spanish King that the Viscount of Etchauz had unfairly “interceded on behalf of the interests of the inhabitants of Baigorri” during mediation of the dispute (Arvizu 1983:23). Arvizu suggests that the inhabitants of Erro and Baztán saw the Viscount of Etchauz as a proxy of the French king, and apparently feared that the French monarch had the intention of circumscribing use of the Commons for the exclusive use of his subjects, to the detriment of inhabitants of the Spanish kingdom. While this notion can not be discredited, the reign of Louis XVI during this time certainly was not disruptive or expansionist, and indeed, the first half of the 18th-century was relatively peaceful and prosperous (Bluche 2000).

Jean Sermet suggests that the Etchauz family played a central role in the occupation of the upland portions of the Baigorri valley during the course of the 18th-century (Sermet 1983:230). However, the historical documentation that I examined does not substantiate this claim, nor to my knowledge, have any other scholars of the Basque region offered corroboration to Sermet’s argument. It seems unlikely that the Etchauz family could have exerted any genuine coercion on where people settled in the Baigorri valley since under the system of *franc-alleu* that I previously evoked, this noble family had no explicit rights or real control over the Commons. This is not to deny the historical importance of the Etchauz family as political actors in the Baigorri valley, but rather to

emphasize the challenge in ascertaining the historical dynamics of how the Commons in the Baigorri valley were utilized, encroached upon, and surreptitiously settled.

During the 17th- and 18th-centuries, the Etchaz estate kept overall good relations with both its lieges and the inhabitants of the Baigorri valley. Local institutions and actors had a vested interest in maintaining positive interactions with the Etchaz family since in their capacity as nobles they could more easily gain the ear and attention of the French king and other powerful regional and state actors. In this sense, the Etchaz estate served the role of gatekeeper within a feudal system.

Although the Etchaz family played a historically important role in shaping the political institutions of the Baigorri valley and their dealings with external polities, I argue that the democratic nature of bodies that I have described, such as the *berrogain* or the Cour Générale, limited the extent of the control and authority of the Etchaz within the valley itself. This is why, for example, the Cour Générale was able to successfully resist the Etchaz estate's attempts in 1764 to persuade the French monarchy to grant them gain exclusive rights to operate a grain mill in the Baigorri valley⁵. Presumably if the Etchaz had succeeded in abrogating this right, then this certainly would present more parallels to the classic rights and conventional privileges of the nobility in the feudal system prevailing throughout France at the time. But as it stands, the Etchaz family certainly played a privileged role in the Baigorri valley prior to the 1789 Revolution, characterized by their ongoing mediation between the interests that local parties and external polities had in the Commons, which is the focus of the following chapter.

⁵ Archives Départementales des Pyrénées Atlantique C 4.

CHAPTER 5

COMMONS IN CONFLICT: EXTERNAL POLITICS AND THE BAIGORRI VALLEY PRIOR TO 1789

Royal Capitulations of 1614

Under the reign of Henri IV (1553-1610), king of Navarra and of France, at least two unsuccessful attempts were made to claim the Baigorri valley as feudal fiefdom and enclose its Commons. These moves were reportedly so fiercely resisted by the Cour Générale and the États of Navarre that the king completely abandoned the project and decreed that the Baigorri valley and its Commons were not to be settled (Bidart 1977). This in effect provided early royal authorization of the Commons. This endorsement was no longer explicit after 1620 when Baxe-Nafarroa was incorporated by Louis XIII into the French kingdom, but for all practical intents and purposes, it seems that the Commons of the Baigorri valley remained intact during the 17th-century.

The Capitulations of 1614¹ were an agreement between the Kings of France and Spain, negotiated and settled over the course of six years (1610-1615). Their principal

⁶ The full title of the 1614 Capitulations, that has been shortened here, is “Negotiation and Treaty between the King [of France] and the King of Spain dealing with the disagreement over the pastures of the Aldude valley, between the inhabitants of Baigorri in Lower Navarra and the inhabitants of the valleys of Erro, Valcarlos, Roncevaux and other in Upper Navarra in the years 1610, 1611, 1612, 1613, 1614, and 1615.”

objective was to resolve the contested issue of grazing rights in the Baigorri valley. These were disputed between the inhabitants of Baigorri, Erro, Baztán, and Valcarlos.

Negotiations between the two states led to the delineation of a boundary line to establish where the livestock of each community could or could not graze (see illustration 18).

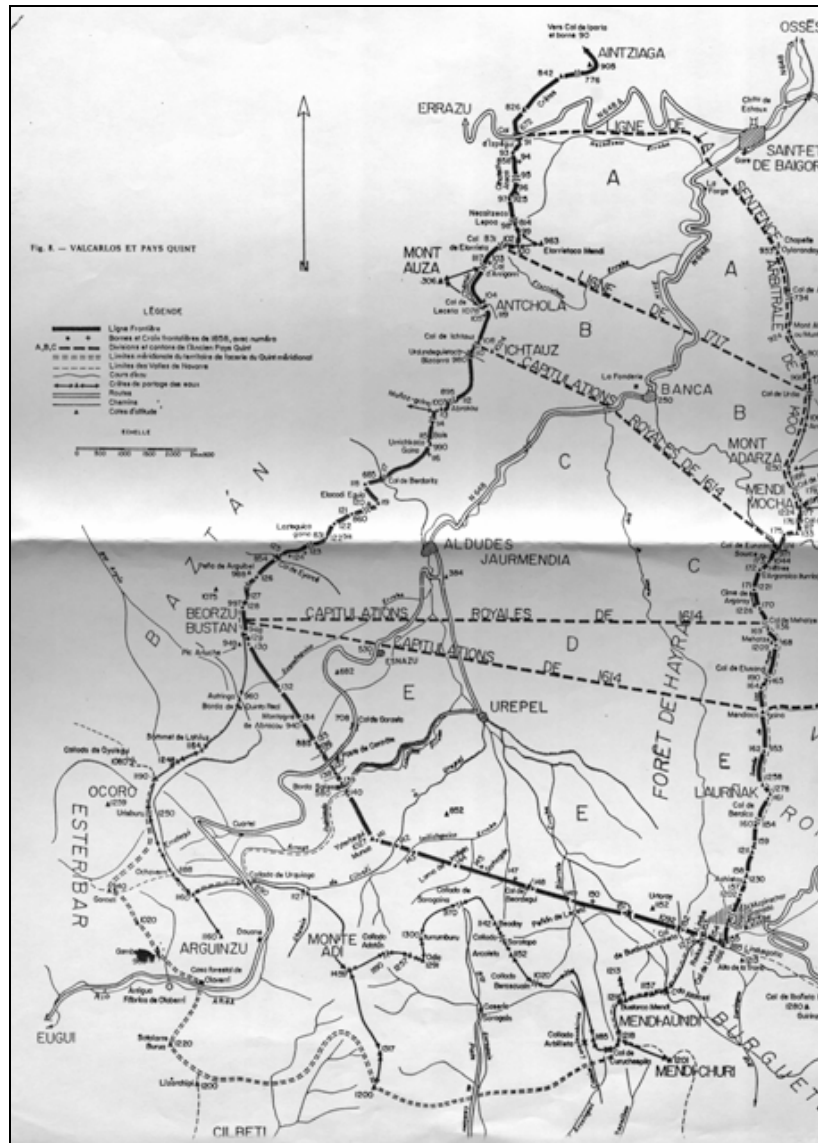


Illustration 18. Map of the Baigorri valley with borders from 1614 Capitulations and 1717 Treaty between France and Spain (source: Chambre Départementale d'Agriculture des Basses Pyrénées, 1964)

The Capitulations also authorized the erection of temporary buildings in the Baigorri valley, but forbade permanent structures, effectively meaning that all construction was supposed to be of wood rather than of stone. During the course of the 17th-century, farmers continued sending their livestock wherever they saw fit in the mountains, and people continued to settle and build permanent houses in the uplands of the Baigorri valley (see appendices 7 and 13). However, for all intents and purposes, the 1614 Capitulations did not change local agro-pastoral practices, and very little in the contentious nature of the relationships between these neighboring communities (Arvizu 1990).

The 1614 Capitulations served as a precursor to the negotiations that would unfold between France and Spain over the course of the next two and a half centuries, eventually resulting in the definition of a political boundary between the two states in the Baigorri valley. But this document was not originally intended to determine the territorial limits of states, and by extension, which state legitimately owned or controlled this space and its resources. Thus, the negotiations leading up to the 1614 Capitulations did not address the issue of land ownership but rather the issue of usufruct rights. However, as population pressure slowly but surely began to increase in the 17th-century, the number of users of common-pool resources also rose, and even though farmers were not supposed to build or settle in the Baigorri valley, this trend appears to have been only marginally opposed by those families established in St. Étienne-de-Baigorry, undoubtedly because the encroachers were oftentimes their immediate relatives.

Curutchary and Etcheverry-Ainchart argue that the increase in the number of sheep in the Baigorri valley at the end of the 17th-century was originally intended to

supply the rapid growth in domestic and international markets' demand for wool (Curutchary 1991; Etcheverry-Aïnchart 1956b, 1956c). Indeed, soaring European markets for mass-produced wool textiles was originally at the base of the growth of sheep farming in the Baigorri valley, as was the case throughout much of Europe. However, it is important to remember that while wool may have historically been an important motor for agro-pastoralism, wool has not been a viable market rationale for raising sheep in the Baigorri valley since the advent of mass-produced synthetic fabrics for the textile industry in the mid-20th-century.

As cows became less profitable in the new market schema driving agro-pastoralism in the Baigorri valley, the numbers of sheep utilizing the common-pool resources increased. This development led to the abandonment or disregard of the parameters set forth in the 1614 Capitulations that had outlined conditions of permissible use of common-pool resources. In this sense, Curutchary and Etcheverry-Aïnchart suggest that increased in the demand for wool on the national and international markets directly contributed changing the primary type of livestock raised in the Baigorri valley, and that as sheep became preponderant, conflicts over common-pool resources began to rise.

Statutes of the Baigorri valley in 1704

The 1704 *Statuts de la vallée* created fines for those who transgressed the rules and regulations concerning the use of common-pool resources. The fines collected were divided between the Cour Générale on behalf on the social collective (including the

Church and the destitute), as well as the person denouncing the offender (see article 15 in Appendix 1). This type of incentive was highly effective and increases compliance when the offending parties are from outside the local community, which was this case when inhabitants of Baigorri and Erro were competing over resources. On the other hand, when this involved members of a same community, that is to say when competition over resources is intra-local in nature, then this raises potential conflicts of interests between the offender being reported, the person making the report, and the collective interests of the valley being enforced through the Cour Générale (Durand 1909).

On November 18th, 1704, representatives of different neighborhoods from the Baigorri valley assembled for a meeting in *berrogain* (see appendix 1). Their objective was to draw up the statutes and regulations for land use in the Baigorri valley, pursuant to the decisions from the meeting of Cour Générale held on June 8 that same year. The rules and regulations governing the Commons laid forth in this document are thereafter referred to as the Statutes of the Baigorri valley. This document provided some of the criteria that formed the basis for negotiations between the valleys of Baigorri, Erro, Baztán, Valcarlos, Roncevalles and Burgete, which eventually led to the 1717 Treaty discussed in Appendix 3. The following articles specifically deal with land use issues in the Baigorri valley, and are excerpted from the complete list of 53 articles that comprise the Statutes of the Valley. The archival documents that I consulted in May 2003 were in actuality from a typed transcription dating from 1924, which was in turn based on a 1718 manuscript copy of the original document. So this analysis is not based on the direct, original documents.

In terms of governance, these articles spelled out that the Cour Générale was authorized to meet and reach decisions only once the meeting of the *berrogain* had taken place. This effectively spells out a means for the *jurat* of each household to take part in the decision-making process, and iterated the proto-democratic and participatory nature of local assemblies. Moreover, if a meeting of the *berrogain* did not precede the Cour Générale, article 2 posit that any decision made by the latter body ran the risk of being null and void. The foci of articles 8, 15 and 16, arguably the heart of these regulations, deal with the legal and illegal seizure of livestock in the Commons of the Baigorri valley. Article 8 plainly states that confiscation of animals were the root cause of conflicts between different community members of the same country (or *pays* in the original documents, although presumably this was not country in the sense of kingdom or state, but rather a province, here, Baxe-Nafarroa). The document implied that livestock seizures could occur for several reasons, for example, when animals from one farmer grazed their herd in a location or in a manner that affronted someone else. The regulations governing land use in the Baigorri valley explicitly laid out penalties for those individuals seizing other farmers' animals (cows, sheep, pigs or goats), who either forced their restitution or imposed the levy of one head of livestock from each herd of animals belonging to the seizer. On the other hand, no article explicitly addresses the permissible stocking ratios or limits for individual farmers, even though this could be a potential flashpoint of contention. As explained in the following section on the 1717 Treaty, stocking limits were later established for the overall community of users.

The regulations established by the Cour Générale in 1704 also addressed the introduction of “foreign animals” into the Commons, that is to say, animals belonging to

farmers who did not reside in the Baigorri valley. The fines for this category of infraction and misuse of common-pool resources were significantly stiffer than for other infractions, as much as four times higher (article 14). According to article 16, the person confiscating livestock was obligated to report their actions to the *jurats* within twenty-four hours, even if it was a herd that was not permitted to graze in the Commons. The *jurats* in turn were supposed to notify the local Catholic parish priest so that the rightful owner, after paying a fine, could reclaim their confiscated livestock. If the owner of the confiscated livestock did not come for their repossession, then the animals were auctioned off at market, and the profit was to be evenly split four ways: a quarter each for the Church, alms for the poor, the general fund of the Cour Générale, and the last quarter to the person who had seized the “foreign animals.” This last recipient of the proceeds was particularly important since this provision actually encouraged and rewarded those who enforced the rules governing the use common-pool resources. On the other hand, this may have equally contributed to the occasionally overzealous enforcement of these rules, to say the least.

Another important aspect to the resolutions passed by the Cour Générale of the Baigorri valley in 1704 deal with usufruct rights. This issue was raised in articles 10, 17, and 19. In the *jurats* deliberation over the governance of the Commons, they expressed their concern about the encroachment and enclosure of common-pool resources in the upland pastures. These three articles, for instance, explicitly stated that farmers who utilized these resources, whether for grazing animals, cutting bracken, or for planting personal gardens, had to do so without “prejudicing the animals’ pasturage” (article 10) or “prejudicing the community” (article 19). In other words, the usufruct privileges of

one individual were not supposed to infringe on the rights of others to access and use these common-pool resources. This caution gave the impression to be particularly targeted at those farmers who conflated usufruct rights with exclusive rights (via enclosure). This was namely the case of farmers who enclosed areas where they harvested ferns for fodder (article 19). But this measure was also directed at individuals who attempted to illegitimately sell property that was collectively owned (article 17); such acts were explicitly contrary to the guidelines laid out in the aforementioned Capitulations of 1614. And finally, article 39 of these the Statutes forbade the sale of timber harvested from common-pool resources to buyers who were not inhabitants of the Baigorri valley.

The different amount for fines strongly suggests that in the overall scheme of things, encroachment on the Commons by outsiders was viewed as considerably less tolerable than livestock seizures from within the community of users. The role of the *jurats* and of the Church as mediators during instances of livestock seizures also offered some measure of accountability within the community of users who were then urged to self-enforce, but also self-report their actions. This issue of livestock that did not belong to farmers from the Baigorri, that were essentially extra-local herd, was a reoccurring concern that lasted through the second half of the 20th-century (and was the subject of a motion passed in 1964 by the local body that currently governs the Commons, the Syndicat de la Vallée de Baigorri, which is discussed in chapters five and six of the dissertation).

The Capitulations of 1614 and the Statutes of 1704 are important documents in order for us to understand the historical ecology of the Commons in the Baigorri valley.

Indeed, these texts provide a mean ascertaining the expectations of the local population in terms of land use rights and prohibitions. As such, these documents became templates for how the Treaties of 1717 and 1785 between France and Spain were to be perceived or misperceived by the inhabitants of the Baigorri valley during a period of dramatic demographic changes, which are the foci of the following section of this dissertation.

Migration and demographic changes

The following analysis relies on data provided from the Baigorri valley after the early 17th-century, although the demographic statistics that I report here were collected and compiled from an array of documentary sources, including Bidart (1977), Etchelecou (1991), Goyheneche (1979), Sacx (1980) and Viers (1950). It stands to reason that the long-standing practice of primogeniture in the northern Basque region as a whole inevitably limited the overall number of inheritors and kept homesteads and real estate from being incessantly sub-divided. It is quite interesting to note that in the Baigorri valley, primogeniture was the inheritance practice regardless of whether the inheritor was male or female (Lafourcade 1994). Thus, when younger family members of an *etxe* wanted to establish a home for themselves, their choices were to either out-migrate or move to more marginal, highlands areas that had yet to be homesteaded.

The origins of conflicts and tensions over common-pool resources in the Baigorri valley can be attributed to the differential demographic evolution between north and southern valleys: “The (southern) valleys prevent the establishment of new communities. [...] On the other hand, the neighboring valleys in France are overpopulated. When their

population increases, so does the number of large livestock that they depend on for sustenance, which increases their need for adequate pastures. The inevitable consequence of this situation is a lack of respect for the faceries and the border is constantly transgressed by the French” (Arvizu 1983:7).

Following the conclusions suggested by Arvizu (1990), Bidart (1975), and Viers (1951) among others, this is precisely what occurred through the 18th century in the upper parts of the Baigorri valley, that is to say, in and around the present-day village of Aldude. As younger members of a household would marry, they would move into the upper valley, clear woods and start building a new home. As this process repeated itself and as farms multiplied in the Baigorri valley, the pressure on common-pool resources like pasturage steadily increased.

On one hand, the *jurats* (or *etxeko-jaun* in Euskera), that is, the head of each household in Baigorri, persistently opposed this encroachment. Indeed, any surreptitious settlement of the upper Baigorri valley was expressly prohibited under the 1717 Treaty. Much of the documentation that we have available subsequent to this period supports this conclusion, such as the correspondence between the Cour Générale of the Baigorri valley and the King’s court in Versailles (see appendix 7). But on the other hand, the *jurats*’ resistance to settlement of the upper parts of the valley or use of its common-pool resources appeared much more tenacious when it was farmers from the south side of the Pyrénées, such as from the Val d’Erro (Arvizu 1990). The rising tensions and increasingly overt conflicts between the established and the new inhabitants of the Baigorri users led to the creation of a mediator position, called Syndic of the valley, in 1771. According to the assessment of Pierre Bidart (1974), the creation of the Syndic’s

position was necessary to mediate between community members that were all equals in principal, but some of whom (the younger family members) were categorically excluded from easily inheriting property or from establishing their own farmsteads in what was an inherently undemocratic set of customary practices.

Immigration into the upper parts of the Baigorri valley was relatively limited since, other than farming, the only other economic activities in the area were either logging or working in the copper mine in the village of Banka (then called the Fonderie, or Foundry). From 1730 to 1790, most of these non-natives worked in the Banka mine. There were approximately 30-40 foreign workers, mostly German engineers and technicians, and nearly 300 Basque workers who were generally manual laborers from the Baigorri valley, including child workers (Curutcharry and Etcheverry-Aïnchart 1973).

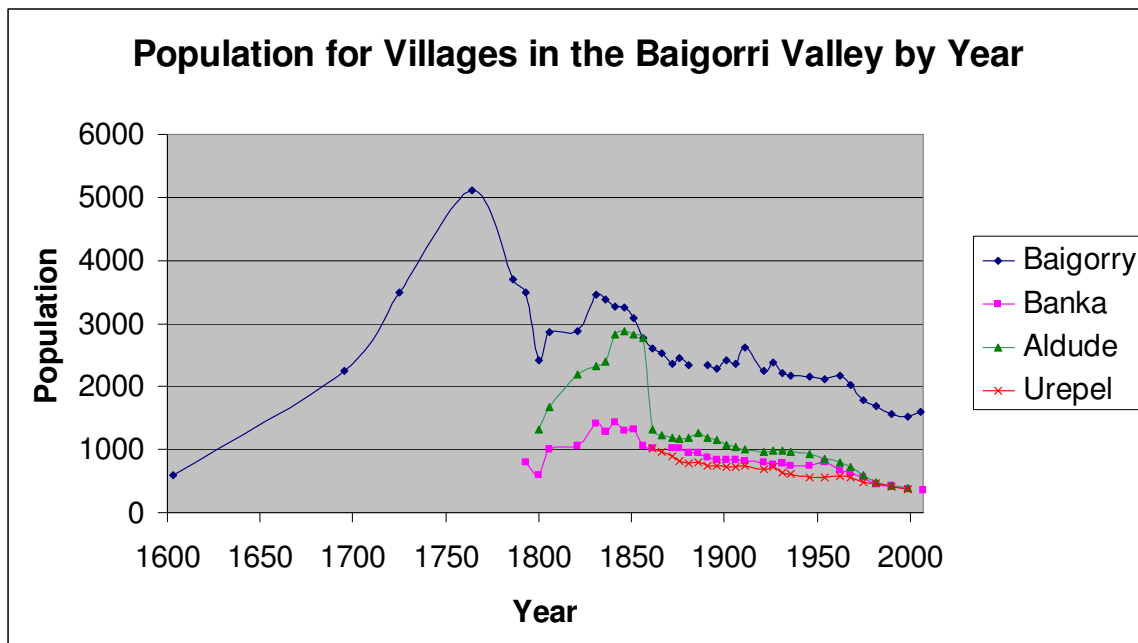


Illustration 19. Graph of historical demographic evolution of villages in the Baigorri valley, 1600-2000

Based on the aggregate data analysis obtained, it can be observed that the overall population in the Baigorri valley steadily rose from the beginning of the 17th century when the Baigorri valley only had approximately 600 inhabitants, increasing to as much as 2,250 by the end of that century (see illustration 19). The population of the Baigorri valley surpassed 5,000 in 1764, reached 6,131 inhabitants by 1821. From 1831-1856, the total population of the Baigorri exceeded 7,000 people, achieving its largest number in 1841 (see appendix 18). The population estimates and data represented in illustration 19 encompass all villages under the designation of St. Étienne-de- Baigorri until 1773. Thus, the precipitous drops in population are due to when surrogate villages split off from their original donor villages, such as in 1800 when the village of Aldude split off from St. Étienne-de- Baigorri, or in 1861 when the village of Urepele in turn separated from Aldude.

Arvizu suggests that prior to the 19th century there was only a limited number of emigrants who moved beyond the areas immediately surrounding the Baigorri valley (1990). In my judgment, this implies that for several centuries, the younger members of households who did not stand to inherit the *etxe* were instead moving into the upper parts of the Baigorri valley to establish homes. Again, although we do not have demographic data for the upper parts of the Baigorri valley, we can infer that increasing numbers of inhabitants were living there year-round through the transformation of its religious footprint: a small chapel was first built in Aldude in 1512, then expanded in 1575, and subsequently rebuilt as a full-fledged church less than a century later. The village of Aldude was in turn recognized as a Catholic parish in 1773.

By the second half of the 19th century, and the official recognition of the village of Urepele, emigrants to the upper parts of the Baigorri valley found less and less plausible places for establishing homes. Instead, young Basques were increasingly moving to Bilbao, Bordeaux, Paris, or to other urban, industrialized parts of Europe. The New World also beckoned, and thousands of individuals from Baigorri and villages across the Basque region left for South America, and by the early 20th century, to the Western United States of Nevada, Idaho, Wyoming, and California.

Franco-Spanish Treaty of 1717

Tensions continued to simmer between inhabitants of the Baigorri valley and their neighbors to the south. Appendix 2 recounts the deliberations of the Cour Générale after it learned of an incident between farmers from Burgete (on territory within the Spanish kingdom) and Baigorri. This confrontation occurred in the uplands of the Baigorri valley, in the Commons between the present-day village of Aldude and the Lindus Mountain (on the southeastern corner of the border). This document states that the farmers from Burgete were displeased that the farmers of Baigorri were grazing their sheep in this area. So in reprisal, the Burgete farmers seized forty cows that belonged to farmers from Baigorri at the beginning of the month of June, which corresponded to the start of the transhumance period in the Commons. Furthermore, the Burgete farmers threatened physical harm to the Baigorri farmers if they continued using these pastures.

In the text transcribed in appendix 2, the Cour Générale asserted the rights of inhabitants of Baigorri to utilize the pastures in this area, and refer specifically to the

privileges granted in the 1614 Capitulations. But instead of lodging a complaint through normal channels with representatives of the king of France, which would have been to the Intendant (or royal Steward) in St. Jean Pied de Port, the Cour Générale opted in the intermediary to counsel farmers to continue using common-pool resources of the Baigorri valley, just as they had before, but to avoid all contact with farmers from Burguete. This document does not suggest that Baigorri farmers stop or shy away from using the common-pool resources in the Baigorri valley, but only that they try to minimize conflict. Instead, the Cour Générale went out of its way to articulate the solidarity amongst Baigorri farmers, and explicitly stated that the community would collectively respond against the people from Burgete if they renewed their seizure of livestock.

The Treaty signed between France and Spain in 1717 laid out the conditions for use of common-pool resources in the Baigorri valley by inhabitants of the villages of St. Étienne-de-Baigorry, Erro, Baztán, Valcarlos, Roncevalles and Burgete (see appendix 3). The Treaty explicitly acknowledged the continuous conflicts between people from north and south sides of the Pyrénées (“Haute and Basse Navarre”), and recognized that previous settlements, namely the 1614 Capitulations, had not successfully resolved these disputes. The preamble described the overall result as “having embittered spirits and caused many excesses and violence” (see appendix 3).

In the preamble to the 1717 Treaty and again in article 21, the authors alluded to a previous meeting between representatives of the French and Spanish crowns held in 1702. However, they had been unable to draw up and agree to conditions for the amenable use of the Baigorri valley. For my part, I was unable to locate any documentation from the discussions in 1702 and thus I could not determine what issues

may have been discussed, although presumably these negotiations dealt with common-pool resources use and related subjects. Based on an analysis of Spanish archival materials that I did not consult, the representatives of France and Spain appear to have merely discussed the quarrels over the Baigorri valley, but were unable to reach an accord and ultimately deferred any final decisions to their respective sovereigns (Arvizu 1997).

The 1717 Treaty had a perceptible and net effect on the land use rights of the different neighboring communities. The rights of users from St. Étienne-de-Baigorry, Erro and Roncevalles were explicitly recognized in the article 1 of this document. These farmers were permitted to “graze their animals night and day, and to use cabins and sheltered enclosures throughout the Aldudes, without regard for the different boundaries established by the Capitulations” [of 1614]. This article recognized in unequivocal terms the land use rights of locals, although caveats and exceptions to what was permissible under the Treaty were outlined in subsequent articles of the Treaty.

For instance, in article 4 of the Treaty, livestock quotas were precisely established for each of these three communities. The threshold for the entire valley was set at a maximum of 1,152 head of cattle, of which St. Étienne-de-Baigorry and Erro were each allowed 504 head, while Roncevalles was allowed 144 cattle. Furthermore, article 6 outlined the mechanisms for how the quotas could be filled in the event that one community was not able to take full advantage of the number of animals they were allocated. The pecking order for filling unused quotas prioritized livestock from the Baigorri valley, then the Erro valley, and finally those from Roncevalles, although no justification was given in the text of the Treaty to explain this choice. Precise figures for

stocking quotas are only given for cattle in the 1717 document, presumably since cows were the main livestock, whereas sheep were not yet as economically important to pastoralists as they would become in subsequent years.

Several notable exceptions to land use rights governing common-pool resources in the area are detailed in articles 7 through 16 of the 1717 Treaty. One particular and frequent source of thorny relations concerned the use of upland pastures around Altobiscar Mountain, located between Lindus Mountain and Roncevalles (which also sometimes spelled Astobiscar in archival documents, a curious and somewhat humorous change in meaning, Altobiscar meaning the ‘high back ‘ in Euskera, while Astobiscar means the ‘donkey’s back’). Altobiscar was singled out in article 7 as an area where all parties were categorically not allowed to graze their sheep and horses. Altobiscar remained a significant space and source of contention over time, and was the major flash point for a drawn-out conflict in 1767 (an episode that is detailed later in this chapter in my analysis of archival documents transcribed in appendices 4 and 5).

However, there were exceptions to the exceptions. For example, due to its proximity of Altobiscar, farmers of Roncevalles were allowed to send their pigs to forage there (particularly acorns and chestnuts) and graze a maximum of two hundred sheep and twenty horses in Altobiscar (article 8 of appendix 3). On the other hand, inhabitants of Baigorri were only allowed to send their pigs to these pastures from late September to early May each year. This period corresponded to a time when the farmers of Roncevalles would not have been in transhumance with their sheep, and thus minimizing potential encounters and conflicts over common-pool resources (article 9).

According to the 1717 Treaty, the inhabitants from the village of Burgete, on the south side of the Pyrénées Mountains, were most often the principal instigators behind the recurrent conflicts over common-pool resources. In article 11, the authors of the Treaty implied that the actions of Burgete farmers justified the outright suppression of their land use rights in much of the Baigorri valley. In quite specific terms, the Treaty delineated a short, clear line across the southeast portion of the Baigorri valley, from Antostla to Gabarbide Mountains and approximately 2 kilometers in length. This boundary effectively excluded the farmers from Burgete from utilizing the vast majority of the upland pastures, that is, those surrounding the present-day location of the villages of Aldude and Urepele, which were and are perhaps the tracts most vital for transhumance. The only exception to their exclusion was that farmers of Burgete were permitted to hunt woodpigeons in the Commons during the fall.

The territorial delimitation of the valley continued in article 15, which specified the area that farmers from the village of St. Étienne-de-Baigorri were authorized to use. The following article 16 clarified that inhabitants of Valcarlos and Baztán were themselves only allowed to use common-pool resources in the Baigorri valley from dusk until dawn. This condition in effect obligated farmers from these two villages to remove their livestock from the Commons each evening. This was a practical constraint that severely circumscribed their usufruct rights in the Baigorri valley, and in subsequent years, this was a key restriction that spurred additional conflicts between the farmers of Baztán and St. Étienne-de-Baigorri.

The Treaty of 1717 also curtailed housing within the Baigorri valley in articles 17, 18, 20, 21, and 22 (see appendix 3). The objective of these articles was to limit the

construction of any new homesteads in the northern part of the Baigorri valley, that is, the area located nearest to the village of St. Étienne-de-Baigorri. This condition of the Treaty carried a particularly important set of implications in light of the steady increase in population during the 18th-century who sought to utilize these resources. This demographic expansion, coupled with Basque concepts of primogeniture, property inheritance and preservation of the *etxe*, rendered the uninhabited (although not unutilized) spaces in the Commons tempting potential sites for homesteaders. But any settlement in the northern part of the Baigorri valley would have been illegal under the 1717 Treaty, and in quite dramatic fashion, was punishable by “banishment for life on grounds of disturbing the public peace, with a fine of 1,000 écus” (article 20).

Moreover, all homes in the southern part of the Baigorri, regardless of whether they belonged to homesteaders originating from St. Étienne-de-Baigorri, the valleys of Erro, Baztán, or Valcarlos, were to be immediately demolished on the grounds that these “infringed on collective grazing rights” (article 18). The only provisions made for exceptions were for homes that had been built prior to October 8, 1702 (the date that negotiations were purportedly held at Arnéguy between representatives of the French and Spanish crowns, but for which I was unable to identify any archival documentation). In order to minimize any future claims or disputes concerning the antiquity of a home, the 1717 Treaty order that a cadastral survey of the area to be conducted by a professional geographer (article 21). This survey was done in July 1717, which would have been the month prior to signing of the Treaty, by Mr. Matis on behalf of the king of France and Mr. Francisco on behalf of the Spanish crown (see illustration 20).



Illustration 20. Map produced as part of cadastral survey in 1717. Reproduced here with permission of the Archives Municipales de Bayonne (France)

The fines for offenders of various articles in the 1717 Treaty were, overall, incredibly high. One punishment mentioned above for illegally constructing a home in

the Baigorri valley was banishment, a sentence that carried immense social weight (see article 20 of appendix 3). Monetary fines for various offenses were also quite steep: for example, outside of the purview of the exemptions provided in articles 8, 9, and 10, encroachment on the pastures of Altobiscar carried a fine of 1,000 écus (article 11). For comparison, this astronomical sum approximately equaled 35 years of a sheep farmer's income in 1717 (Levasseur 1893), during what was a period of high inflation and low wages in the dismal economic aftermath of Louis XIV's reign (Pick 1994). Such exorbitantly high fines, although legitimated in the 1717 Treaty, seem never to have been implemented by the Cour Générale (Arvizu 1990). Rather, the enforcement of sanctions in the Baigorri valley appears to have always entailed the confiscation of livestock, which would have been a more manageable, realistic, and ultimately even dissuasive penalty.

Additional fines of 1,000 écus were foreseen in the Treaty for cases when farmers from Burgete breached the line traced in the 1717 Treaty that demarcated the area they were allowed to use (see appendix 3). And finally, any livestock that grazed in the Baigorri valley that did not belong to an authorized group of users was immediately confiscated, and their owners would be fined the amount that the animals were worth in order to have them restituted (article 24). This provision appeared to particular target individuals who 'rented' out their rights of access to common-pool resources to outsiders, and appears to be an extension of article 14 from the 1704 Statutes of the Baigorri valley.

The overall result of the territorial delineation of use of the valley was that farmers from St. Étienne-de-Baigorri had significant advantages over their southern counterparts in terms of access and use to common-pool resources. It is this boundary delineation which will continue to provoke and trigger clashes between communities in

this part of the Pyrénées Mountains, arguably the most important of the consequences and implications of the 1717 Treaty for the subsequent six decades.

Although there were some provisions in the 1717 Treaty that favored others, the general tenor of the agreement privileged farmers from St. Étienne-de-Baigorri in terms of their livestock quotas, the location and trajectory of the boundaries separating different groups of users, and the overall surface area and quality of the pastures that were made available to them for their livestock's transhumance. Even the creation of a buffer zone to minimize conflicts over Altobiscar Mountain did not particularly disadvantage the farmers of St. Étienne-de-Baigorri, even though this area would be a source of tensions between the Baztán valley and St. Étienne-de-Baigorri in later decades. The most significant aspects of the 1717 Treaty that worked against the farmers of St. Étienne-de-Baigorri were the strict limitations of housing. Indeed, due to the demographic surge that marked the 18th-and 19th-centuries, the Baigorri valley was a repeated and arguably easily target for would-be homesteaders, regardless of the threats and limitations laid out in the 1717 Treaty.

It is evident that conflicts between inhabitants of the Baigorri valley and their neighbors continued to periodically erupt over the following decades. The summers of 1767 and 1768 were particularly notable episodes in the history of conflicts over the common-pool resources in the mountains surrounding the Baigorri valley. In June 1767, the Cour Générale sent a letter in response to the Intendant of Bayonne (e.g., the regional representative of the French king) who had recently written on behalf of the Count de l'Hospital, the lord of Roncevalles. In his correspondence, the Intendant had admonished the inhabitants of Baigorri for a seizure of livestock that belonged to farmers of Baztán

from the Altobiscar area, located between Lindus Mountain and Roncesvalles. In their response, the Cour Générale iterated their land use rights in these Commons on the basis of both the 1717 Treaty and its antecedent Capitulations of 1614 (see appendix 4). Their arguments in the letter from the Cour Générale substantiated and plainly stated their prerogative of farmers of Baigorri to seize the livestock from Baztán, or any other animals not from Baigorri, Erro and Roncesvalles. However, the *jurats* posited that, out of respect and deference to the Intendant, the Cour Générale had agreed to return the animals to their original owners. But only on the condition that the Baztán farmers pay the Cour Générale a fee for their expenses, and that they promise in writing to they would no longer graze their livestock in the Altobiscar area. This letter illustrated that the Cour Générale not only had a keen sense of their rights in terms of who was and was not permitted to use common-pool pastures, but that these local representatives were also not afraid to assert these rights to the representative of the French monarch.

The next month during that same summer of 1767, a confrontation occurred between the inhabitants of Baigorri and the head of a police constabulary, Lord Chevrier, who had traveled to St. Étienne-de-Baigorry from Roncesvalles on behalf of the Count of l'Hospital (see appendix 5). This account is part of a series of events that had been unfolding in the valley over the previous months (see appendix 4). The archival records depict the arrival of Lord Chevrier under an armed escort of knights, and accompanied by a representative of Roncesvalles and several inhabitants from the valley of Baztán. Upon his arrival, Lord Chevrier convoked the *berrogain* and ordered the immediate restitution of the livestock that belonged to the farmers of Baztán, and which had been confiscated in the Altobiscar area during the previous month by farmers from Baigorri. But once

gathered in *berrogain*, the *jurats* refused the conditions laid forth by the constable Lord Chevrier, and chose instead to call a meeting of the Cour Générale the following day.

It is remarkable that Lord Chevrier's actions are described in somewhat contemptuous terms in these records, noting for example his "*supposed* authority was conferred by the Lord Count of l'Hospital" to order the inhabitants of Baigorri to assemble in *berrogain* (see appendix 5, emphasis added). The *jurats* also reproached Lord Chevrier's disinclination to submit a copy of his orders, nor even to permit them to consult the dispatch. In my estimation, this confrontation is noteworthy because it provides another illustration of local resistance to external polities, be they French or Spanish, that otherwise attempted to circumscribe or dictate the use of common-pool resources in the Baigorri valley. Although monarchical power eroded over the course of the 18th-century, the nobility and royalty still exerted immense social and political control (Le Roy Ladurie 1991; Larguier, Dedieu and Le Flem 2001). Thus, while it is difficult to conclusively ascertain whether resistance was either uniform or useful to local inhabitants, it was nonetheless a bold and audacious statement within the broader feudal context of 18th-century France and Spain (Lewis 2005).

The following year, in 1768, exactly one year after the previous incident, the Cour Générale again wrote a letter to the Count of l'Hospital, that is, of Roncesvalles (see appendix 6). In their correspondence, the *jurats* of the Baigorri valley criticized the farmers from the Baztán valley for having acted in a manner incongruent with the spirit of the 1717 Treaty that governed use of the Commons, while the *jurats* emphasized that their actions kept to the spirit and letter of the Treaty. The letter from the Cour Générale accused the leaders of the Baztán valley of maltreatment and abuse, and was particularly

critical of the personal conduct of a Spanish army officer named Clairac posted in the village of Eugui in Navarra, some 10 kilometers south of the Baigorri valley on the Spanish side of the border. In light of the obvious criticism in the correspondence between users of the Commons in the Baigorri valley, as well as in the reports made by the Cour Générale in 1767 and 1768 (see appendices 4-6), I suggest that the hostility had escalated to a critical threshold and threatened royal authority and the geo-political stability in this part of the Pyrénées.

Franco-Spanish Treaty of 1785

The Treaty of 1785 represented a pivotal historical event in the Baigorri valley, and further reified the separation between France and Spain. This also explains why it is occasionally referred to as the Boundary Treaty. The Treaty itself was negotiated on behalf of the French king Louis XVI by the Count of Ornano (related to the Etchaz family by marriage) and on behalf of the Spanish king Charles III by Marshall Ventura Caro. The agreement was signed on August 27, 1785, in the town of Elizondo in the Baztán valley.

Previous negotiations and treaties between French and Spanish monarchies had already attempted to settle centuries-old questions over land use in the Baigorri valley, which were discussed earlier. But none of these attempts had enduring success, since conflicts and disputes continued to regularly break out between neighboring communities. The foundation of this Treaty was intended to settle land use rights (or *compascuité* in many of the original documents), and representatives of the two

monarchies appeared to believe that they could solve this problem by a straight-forward territorial partitioning. Consequently, the negotiations leading up to the 1785 Treaty primarily dealt with practical issues such as how determine the path of the boundary line between the two states in the Baigorri valley. There appears to have been little or no discussion of any arrangement for this area other than division. The end result is a Treaty that reproduced a boundary from past agreements of 1614 and 1717 that runs in a straight line through the Baigorri valley on an east-west axis, across what is decidedly broken and uneven terrain.

The boundary line created by 1785 Treaty began in the north of the Baigorri valley at the Izpegi pass, to the west of the village of St. Étienne-de-Baigorri, and proceeded southward along the continental divide that separates between the waters flowing into the Atlantic Ocean and those running to the Mediterranean Sea, with only a few minor deviations. The southwestern tip of the border was at the Peak of Behorzubuztan Mountain, from which the boundary proceeded in an approximately straight-line to Lindus Mountain, on a west-east axis that only slightly deviated at Ichterbegui pass. The straight-line of this part of the border is what was referred to as the “Ornano line”, in reference to the Count of Ornano who negotiated the Treaty on behalf of the French king. Proceeding north from Lindus Mountain, the boundary proceeded northward, again more or less following the continental divide until some five kilometers south of the village of St. Étienne-de-Baigorri. From this point, the boundary line turned eastwards towards the village of Arnéguy.

The census conducted in the Baigorri valley by the French monarchy in 1786 provides us with some insight into both demography and agro-pastoral indicators, namely

the number and proportion of counted livestock. The census indicates nearly 3,700 inhabitants from 483 households lived in the Baigorri (Goyhenetche 2001:77). This represents an average of 7.65 individuals per household. These figures seem to concord with arguments made by historians based upon data from other rural communities during late 18th-century France (Braudel 1986, 1990). The Baigorri valley contained a significant number of animal livestock in 1786: the census also made note of 234 horses, 14271 sheep, 1277 cows, and 1819 pigs (Goyhenetche 2001:77).

Already at the time of the signing of the 1785 treaty, inhabitants of Baigorri questioned the logic and pragmatism of this division, charging that a straight-line of separation was impractical since animals invariably end up crossing this arbitrary border. The Cour Générale of the Baigorri valley critiqued the attitude and decisions of the Count d'Ornano who was negotiating the Treaty with the Spanish of behalf on the kingdom of France as early as March of that year (see appendix 7). This report emphasized the inconveniences imposed by the Treaty, which undermined the Baigorri farmers' access to common-pool pastures. This explains what the Cour Générale was particularly concerned by the treaty negotiations and asked that issues pertaining to pasturages be excluded from the discussions. If an agreement could not be reached, the Cour Générale asked that farmers from the south be expressly cautioned against resorting to violence, since for the Cour Générale, these actions were responsible for the ongoing tensions and tit-for-tat cycles of retributions.

In an elaboration to the aforementioned report, the Cour Générale reiterated that the upland pastures were predominantly unfertile soils that could only support the cultivation of a small amount of crops (see appendix 8). They also emphasized that it was

impractical to try and keep livestock from grazing across a straight line that was arbitrarily-drawn through the mountains, since animals would invariably end up crossing this border. However, one can argue that the utility of using a straight-line drawn between two mountain tops is that, as long as the weather is clear, then a person can also determine by line-of-sight whether they have passed over the boundary. Furthermore, local inhabitants of Baigorri saw the border as an inconvenience that would potentially limit their access to upland pastures and claimed that their neighbors from the southern valleys did not need these resources as much as they did. They even preferred to pay more taxes than to lose access to the resources of the valley.

The *jurats* doubted that the Treaty would benefit the farmers of Baigorri and to the contrary, believed that the land use limitations outlined in the Treaty and the rigidity of the boundaries proscribed therein had the potential to significantly compromise their livelihoods. Two centuries later, Jean Sermet echoed these criticisms, arguing that making the boundary a straight-line did not adequately consider the natural topography and hydrology of the area (1983). On the other hand, there may have been a certain argument to be made concerning the utility of a straight-line drawn between mountain tops that, as long as the weather is clear, are visible to the naked eye, thus allowing an individual to determine by line-of-sight where they are located in relationship to the boundary.

The response to the Cour Générale of the Baigorri valley came from the Count of Vergenners (1717-1787), who served as Secretary of State under the king Louis XVI of France (Appendix 9 of this dissertation). The Count of Vergenners pointed out that, since 1613, the inhabitants of Baigorri had illegally settled in the upper parts of the valley that

had been placed off-limits to them in prior agreements with the Spanish crown. Thus, he infers that it is entirely within the purview of Treaty negotiations and in the interest of peaceful relations among border communities to remove and demolish these new structures. The Count of Vergenners seems to have gone out of his way to remind the Cour Générale that Treaty negotiations, the delineation of the border, and ultimately the scope of land use rights in the Baigorri valley are entirely at the king's discretion, and the Count orders the inhabitants of the Baigorri valley to cease protesting the king's decisions.

First of all, it is important to note that the Count of Vergenners claimed that the King himself had been apprised of the situation and was involved in discussion concerning the disputes over land use rights. It is difficult to ascertain whether this was indeed the case, but it certainly would indicate a rather remarkable level of interest on the King's part in the affairs of a small valley of the realm's periphery. In any event, the Count emphasized the French king's sovereignty over this area, and clearly articulated the hierarchical relationship of power and decision-making that diminished the local control and influence of the Cour Générale. This letter plainly stated that the ultimate configuration of the border and of land use rights was the King's prerogative.

When the Cour Générale received the letter from the Count of Vergenners had written, they quickly met and the representatives reiterated that their intentions were not to question the king's decisions, nor to challenge his authority to establish treaties (appendix 10 of this dissertation). In their estimation, the upland pastures in the Baigorri valley were the most valuable pastures with the most plentiful grass and "had always been considered absolutely necessary" to their survival. Thus, the *jurats* again requested

that France not concede use or dominion of these resources to Spain. However if this be the case, the inhabitants of the Baigorri valley beseeched the King that a deferral of twenty years be written into the Treaty and granted, so as to allow local inhabitants the time to teach their children occupations other than farming since without these uplands pastures, they would no longer be able to farm or raise livestock. But the letter that the Count of Vergenners transmitted to the Cour Générale was evidently not well received and these disagreements over the negotiations of the Treaty that year point to longer-standing, unresolved tensions between representatives of the French state and this local community of Baxe-Nafarroa.

The new Treaty between the two states was signed at Elizondo, in the Baztán valley on the south side of the Pyrénées Mountains on August 27, 1785, on behalf of the King of France by Count of Ornano, and by General Caro for the Spanish Crown. The Count of Vergenners wrote again to the Cour Générale in early September 1785 after the Treaty had been signed between France and Spain, in a continuation of the exchange between local officials and the royal court (appendix 12). One of the notable features in this communication is that the Count of Vergenners asserted the involvement of the French king in discussions about the Baigorri valley, in what appears again as an inordinate level of royal interest. Another point of emphasis for the Count of Vergenners is the unequivocal support that the monarchy extended to the Count of Ornano in his oversight of the negotiations leading to the 1785 treaty. As was already apparent by this point, the Treaty of Elizondo had become a flashpoint in between local and national prerogatives as they pertained to the use of common-pool resources.

The Count of Vergenners communicated the king's astonishment with regards to Lord of Urdos' lack of responsibility in "calming tempers and doing everything possible to maintain the spirit of obedience and respect." This allusion to Lord of Urdos' behavior highlights the expectations of solidarity amongst the nobility with the French feudal system. The Count of Vergenners' reprimand suggests to me that the third estate (the quasi-totality of the inhabitants of the Baigorri valley) was not the only group unhappy with the Count of Ornano's handling of treaty negotiations and questions the local nobility's allegiances.

In this letter, the Count of Vergenners went so far as to order the Cour Générale to strike their dissension and critique of the Count of Ornano and the 1785 treaty from their written record of their August assembly. This appears as a deliberate and explicit attempt to erase any hint or documentation of local opposition, which demonstrates the Count of Vergenners' vision of hierarchical power relationships. Although France did not necessarily make significant territorial concessions in the Treaty of Elizondo, the royal court had a vital interest in preserving its authority over the third estate.

The closing sentence of this letter provides a pointed, almost condescending comment from the Count of Vergenners to the Cour Générale: "Your communities should appreciate the beneficent and truly paternal manner in which he [the king] treats you; you will henceforth only strive to prove your obedience to him; and now that you are apprised of the erratic behavior you have engaged in, you should also be aware of the danger that you expose yourself to should you repeat this behavior." In light of the flowery, diplomatic language of the Ancien Régime of France, this was unusually strong language for a Minister of the court and constituted an explicit threat.

An assembly of the Cour Générale was immediately held upon receipt of the aforementioned letter in order to deal with events that transpired at the end of the previous month, when representatives of the French and Spanish crowns had met to determine and verify the boundary of the Commons in the Baigorri valley (appendix 12). The *jurats* were upset with the manner in which the boundary demarcation transpired: first of all, although “all inhabitants of the Baigorri valley, regardless of their rank or status, were allowed to assist in the demarcation process,” they were only notified two days in advance of the meeting. Considering both the distance that couriers had to travel with the news, the time required for individuals to travel, and the difficulty of the terrain, it is little surprise that they were upset at being given such short notice. Second, the inhabitants of Baigorri were upset because there were more representatives from the Spanish side assisting with the demarcation process than representatives from the French side of the Pyrénées. In light of the importance of common-pool resources to all of the neighboring communities of the Baigorri valley, it is understandable that inhabitants of the Baigorri valley parties would feel underrepresented and their positions unjustly neglected. Third, only a handful of representatives from the Baigorri valley managed to attend the meeting on such a short delay, but they had not been specifically vested with powers by the Cour Générale to verify the boundaries set forth in the treaty. This was contrary to the typical fashion in which the Cour Générale represented the collective interests of the community. Fourth, the *jurats* of the Baigorri valley were upset with the Count of Ornano, believing that he had misrepresented their position in Donibane Garazi (St. Jean Pied de Port) by declaring that local inhabitants were “content and satisfied of the new demarcation of the Aldudes” (see appendix 12).

As outlined in the 1785 treaty, in previously examined documents tracing correspondence between the French royal court and the Cour Générale, as well as other records of their internal deliberations, the inhabitants of the Baigorri valley believed that they had ceded most of the forest in the best pastures in the Commons. The Cour Générale agreed in their deliberations that the “loss of immense possessions, that go well beyond 20,000 and perhaps as much as 30,000 *arpents* (acres), can only bring about the ruin of the people of Baigorri, since their animals are their main source of livelihood” (see appendix 12).

The Lord of Urdos, citing the *fors* of 1611, confirmed to the *jurats* their right to call for an assembly of the Cour Générale in order to deliberate the use of common-pool resources. Indeed, rubric 35, article 1, of this *fors* stated that “the inhabitants of each valley and of each town in the kingdom, (...) are permitted to assemble in a Cour Générale for each of the said valleys and towns, to deal with their collective affaires, to command and empower the police, to manage and preserve their forests, meadows, and common pasturage.... (Goyhenetche 1985:304-5). The Lord of Urdos asserted that this regulation in effect invalidated the verification process conducted by the Count of Ornano at the end of August 1785. In light of the remonstrance of the Lord of Urdos by the Count of Vergenners 10 days prior to this assembly, it is difficult to believe that these local and national polities were congruent and in accord on the hierarchy of decision-making in the Baigorri valley. The Count of Vergenners’ strong words seemed to have fallen on deaf ears, or at least ears that did not take kindly to threats.

I realize that, to a certain extent, the process of negotiating or making treaties inherently implies a difficult and often arbitrary delineation of territorial boundaries. The

difficulties of mapping space and the creation of artificially-straight boundaries are certainly not unique to the Baigorri valley or to Iparralde. Many conflicts between local and extra-local interests (be they national or international) that are raised in the 1785 Treaty of Elizondo occur during the drawing of any territorial boundaries. Even though the Baigorri valley represents a relatively small area to demarcate, the act of carving up territory, particularly when done between competing agents that gravitate in different spheres of influence and control, can result in arbitrary territorial separations that disregard certain realities on the ground. In cases where external polities established boundaries and territorial divisions that created stringent, sometimes even unrealistic impositions on local communities.

The boundary established in the Treaty of Elizondo in 1785 resulted in a spatial separation of the common-pool resources that each community of users was authorized to use in the Baigorri valley. As delineated, this boundary left the farmers from Baigorri with access to significantly less upland pasture areas than that made available to users from communities on the south side of the Pyrénées (see appendix 12).

The Treaty of 1785 was the result of efforts initiated by the French and Spanish crowns nearly twenty years earlier. The Commission that negotiated the Treaty was led by the Count of Ornano for France and General Caro for Spain. This Commission fully intended to negotiate the separation line between the two states across all of the Pyrénées. Their instructions were to “follow the mountain crests and watersheds, unless there are contrary titles or visible inconveniences in doing so,” and thus rely on ‘natural’ features in the Pyrénées to establish a boundary (Sahlins 1989:98). This was an explicit attempt by the two states to disregard the reality on the ground, to overlook extant practices and

agreements such as *faceries*, and to impose a decision on these communities. Sahlins goes so far as to argue that it was specifically this aspect of the Commission’s task that pushed the negotiations to ignore pre-existing land use rights and privileges of local communities, rendering “the boundary line as impractical as it was abstract” in places like the Baigorri valley (Sahlins 1989:98).



Illustration 21. Photograph of map produced in 1794 during last phase of Cassini cartographical project, which indicates the Baigorri valley as Commons ('Pays commun entre la France et l'Espagne'). Taken by author, April 2000. Reproduced with the permission of the University of North Carolina Photographic Archives

The boundary reified between the two states in the 1785 is indeed a demarcation which roughly follows the watershed separating the Atlantic and Mediterranean basins, as is clearly visible on the 1794 Cassini map (see illustration 21). However, it is the necessities and realities of local agro-pastoral practices that are not accommodated, even neglected and ignored, by this treaty.

Until revisions to land use rights in the subsequent Treaty in 1856, many local inhabitants complained that the concessions of the Treaty of Elizondo were unfairly forced upon them by the Count of Ornano and the French state. In 1831, decades after implementation of the Treaty, the mayor of Donibane Garazi (St. Jean Pied de Port), Mr. Salaberry, wrote a letter to complain to the Prefect of the *département* of the Basses-Pyrénées that France and Spain had erroneously treated the Baigorri valley as a political problem, rather than seeing this as an issue of resource allocation and use (Arvizu 1984). Admittedly, based on this account, it is not perfectly clear to me what stakes Salaberry would have had in the Baigorri valley, in light of the fact that Donibane Garazi was a neighboring community and its farmers did not normally utilize the pastures in the Baigorri valley. But presumably he would have been aware and may have perhaps even or even been involved in the negotiations held two years prior in the adjacent village of Arnéguy. Considering the similarities in the agro-pastoral activities of his own community and the Baigorri valley, and in light of the proximity of the political border between France and Spain to both places, it is conceivable that Salaberry would have been keen to see the national government safeguard the rights of Basque communities to determine local resource use as they best saw fit.

In the years leading up to the Treaty of the Pyrénées in 1856, even the national government appeared convinced of the inequity that the 1785 Treaty presented to the farmers of the Baigorri valley. For example, this appraisal materialized in correspondence in 1842 in between the French Minister of Foreign Affairs and the Prefect of the Département of the Basses-Pyrénées, wherein the Minister states that the 1785 Treaty of Elizondo should not be enforced, since it would thoroughly compromise the economic viability of the village of St. Étienne-de-Baigorri and its surrounding areas (Vignau 1964:275).

Another notable example was when the Prefect of the Département of the Basses-Pyrénées wrote to the Interior Minister of France on October 12, 1827, to insist that the 1785 Treaty of Elizondo was both enforceable and in the interests of the state (Arvizu 1990:307). Not unsurprisingly, the Prefect expressed his surprise that local inhabitants did not share his enthusiasm or support for this Treaty. It is difficult to believe that the Prefect would be so completely out of touch with the economic implications that the limitations on land use as spelled out in the Treaty had on local communities. Ultimately, it appears that the 1785 Treaty was resisted and resented by local communities, and in reality, does not appear to have even limited their actual use of common-pool resources in the Baigorri valley.

During the 18th-century, as competition increased between the farmers from both sides of the border over access to common-pool resources in the Baigorri valley, tensions also escalated between inhabitants of the Baigorri valley and the French state, particularly in the final decades leading up to the French Revolution. For example, during a protracted dispute with shepherds from the Baztán valley on the Spanish side of the

border in 1767-68, the Cour Générale repeatedly expressed its displeasure (see appendices 4, 5, and 6).

The years leading up to the 1789 Revolution were a tumultuous period, characterized by pervasive social and political tensions across all of France, which was fed in large part by the deepening split between the nobility, the small but steadily growing bourgeoisie, and the vast rural peasantry that represented the majority of the French population. Although this split was ostensibly class-based or economic in nature, the French Revolution was prompted in 1789 as much because of wide-spread famine and malnutrition as for any other reasons (Le Roy Ladurie 1991). But there were also deeper social and political undercurrents of change linked to the rise in republicanism, ideological spread of the Enlightenment ideals, and the expansion of disparities during industrialization and urbanization (Lewis 2005).

This was also an era when the institutions of the Baigorri valley underwent significant social and political transformations, which were arguably spawned earlier in early 18th-century. These changes were most conspicuous in the proliferation of the number of local families bestowed with noble titles (Bidart 1977). By and large, these titles were purchased from the French crown whose treasury was ailing and teetering on the brink of bankruptcy from accumulated debts from decades of conflicts under King Louis XV and XVI, both in direct form such as in the Seven Years' War (1756-1763), as well as in proxy form such as supporting the American Revolutionary War against the British (Campbell 2005). The increase in number of local nobles, even though relatively limited in scope, led to the emergence of a local political elite for the first time in the Baigorri valley (Arvizu 1990).

Although nobles could technically be considered no more than “first among equals”, and had no disproportionately larger voice than the typical *jurat*, this development raises the question if this trend would exacerbate and gradually erode what Basque anthropologist Pierre Bidart argued was the democratic character of institutions such as the *berrogain* and the Cour Générale (1977). Earlier historical records commonly referred to the most prominent of the noble households in the Baigorri valley, the Viscount of Etchauz (a viscount in the schema of nobility in France during the Ancien Régime ranked above a baron but below a count). In the decades immediately prior to the French Revolution, eight new noble households appear in the Baigorri valley in addition to the five long-established noble families. The names of these new noble household are onomastically all Basque in origin, and some of these family and house names are still found in the Baigorri valley today: Iriberrigaray, Anso Bort, Martin Beltz, Larragoyen, Ithurralde, Jokoberro, Oçafraïn, and Iriberribaxere (Bidart 1977:44). The anthroponymy suggests that these were local families, the privileged few people with surplus assets to invest, who were acquiring or purchasing noble titles, rather than families or individuals coming from outside of the Baigorri valley and usurping land and usufruct rights.

Thus, many of the same processes of social stratification that had come to characterize the Kingdom of France during the decades leading up to the French Revolution had also begun, at least to some extent, to effect the Baigorri valley and strain relations among its inhabitants. This is not to equate events in the Baigorri valley with those in the rest of France, for there were no violent storming of prisons or burning of churches in the anti-clerical fervor of the Revolution. The Revolution did not cause farmers to abandon their animals, or to preciously return from transhumance in the

mountains. For the most part, people's daily lives and concerns in the Baigorri appear unchanged (Cuzacq 1933a, 1933b, 1934a, 1934b, and 1934c).

The most significant changes caused by the Revolution in the Baigorri valley include the introduction of the concept of citizen, the adoption of the Republican calendar, and the reorganization of regional and local administrative units (Cuzacq 1934d; Etcheverry-Aïnchart 1954; Jacob 1994). The National Assembly effectively ended the Old Regime by abolishing the feudal rights and privileges, by dismantling the French nobility, and articulating ideals about liberty, fraternity, and equality which overlooked regional variations in favor of strong national unity (Loyer 2002). At the regional level, the French constitutional assembly created *départements* in 1790 as new territorial units that were to replace the historical provinces of France for the purpose of homogenizing the administration of the nation. Basque leaders at the time of the French Revolution, such as Dominique-Joseph Garat, attempted to capitalize on this broader momentum of social and political change, and lobbied for the creation of a Basque department within the new Republic (Chaussier 1989). However, these efforts were unable to persuade the newly elected French Assembly of their position and instead, the Basque Provinces of Lapurdi, Baxe-Nafarroa, and Zuberoa were joined at this point with the neighboring Province of Béarn to create what is originally known as the Département de Basses-Pyrénées, now the Pyrénées-Atlantiques. At the local level, the Revolution meant that the historical political institutions of the Baigorri valley, most importantly the Cour Générale, which had been recognized as legal entities until this moment, were dissolved on December 14, 1789 (Bidart 1977). Under the aegis of the Revolution, in the Baigorri valley as across all of France, communities were reorganized into municipalities

(or *communes*) led by elected municipal councils. This transformation gave official birth to the seven towns of Ascarat, Lasse, Irulegui, St. Étienne-de-Baigorry, Anhaux, Banka (which until 1873 was named La Fonderie because of the mines and forges located there) and Aldude.

The institutional overhaul spawned by the French Revolution effectively altered the administrative structures of the Baigorri valley, replacing the Cour Générale with seven local municipalities. However, this change alone did not eliminate the need for governance and oversight of the Commons, particularly when it came to land use and common-pool resources management. Although the effect of the Revolution was the dismantling of the historical institutions of the Baigorri valley, this does not appear to have caused structural voids or deficiencies in practice. In spite of my inability to locate any archival documents from the first quarter of the 19th-century, I suggest that the municipalities of the Baigorri valley and their inhabitants continued utilizing the Commons in much the same way as before the Revolution. Indeed, if anything, the relationships between the shepherds of the Baigorri and adjacent valleys continue to be quite contentious in the post-Revolutionary period, just as they were throughout much of the 18th-century. The next significant change in the institutional organization and administration of the Baigorri and its resources occurred in 1837 when France authorized the creation of local Commissions Syndicales.

CHAPTER 6

SENSING THE STATE: INSTITUTIONAL CHANGES IN THE BAIGORRI VALLEY AFTER 1789

In the wake of the execution of Louis XVI in January 1793, many European monarchies, including Spain, were outraged and formed a coalition that declared war against the French First Republic. The Baigorri valley was consequently swept up by the winds of this international conflict when royal Spanish soldiers crossed over the border and took control of the towns of Aldude and Banka (then called La Fonderie) in April 1793 (Etcheverry-Aïnchart 1954). Only after several months of attacks and counter-attacks did the French army, which had been hurried to the Baigorri valley, successfully expulse the occupying Spanish forces (Etcheverry-Aïnchart 1956a).

This conflict is of particular interest here not just in terms of its international dimension, but also because of the actions and attitudes of the local Basque inhabitants of the Baigorri valley. Many citizens of the village of Aldude actually joined sides with the Spanish soldiers during this conflict. They fought against the French Army and assisted the Spanish in burning over 400 barns around the village of Arnéguy, located immediately to the east of the Baigorri valley (Arvizu 1997). Perhaps even more notable is the fact that in a meeting on June 20, 1793, nearly two hundred representatives of household from the upper parts of the valley, that is, primarily from the villages of

Aldude and Urepele, explicitly expressed their desire to formally secede from France and be incorporated into the kingdom of the Spanish monarchy (Arvizu 1990).

The French Revolution brought about the end of local assemblies, effectively meaning dismantling of the Biltzar in Lapurdi, the États in Baxe-Nafarroa, and the Silviet of Zuberoa. This is not to say that Iparralde was singled out, because the abolition of these bodies was not a specific objective of the revolutionary tide. On the contrary, the dissolution of provincial entities such as these took place across the new nation-state, thus representing a profound disruption of the French body politic. However, it is likely that the demise of these local assemblies may have prompted some individuals to mobilize and resist the changes. The declaration of the leadership of the Baigorri valley in 1793 should at least partly be construed as a response to the anti-clerical undercurrent of the French Revolution (Arvizu 1990). These sentiments against the Church were deeply contested by Basques who were for the majority devout Catholics, at least in the rural areas. As in much of the rest of France, Catholic clergy in Iparralde did not openly condone French republican sentiments (Aston 1992, Campbell 2005, McManners 1969), nor did they support the push for the creation of a separate Basque *département* that was being lobbied for at the time (Chaussier 1989). Religion consequently played an important role in limiting the spread of republican ideology in the Baigorri valley (Letamendia 1987).

The desire of the *jurats* from the upper part of the Baigorri valley for succession from France, or perhaps more specifically their desire for separation from the rest of the valley with which it was historically affiliated, suggests to me a more deeply-seeded opposition between the interests of the inhabitants in the upper and lower Baigorri valley.

For example, in the minutes from this meeting, the *jurats* claimed that they “were fully aware of the repeated humiliations that that they had long suffered at the hands of the inhabitants from St. Étienne-de-Baigorry, which had only worsened due to the ongoing tumult in France,” that is to say, during the Revolution and the Terror from 1789-1794 (Etcheverry-Aïnchart 1954:116). This description may at first seem surprising considering that, as discussed in the previous section on migration and demographic changes, households in the upper part of the valley were frequently surrogates of households in the lower part and individuals from these neighboring communities were related often to one another. Thus, while the French Revolution and its aftermath did exacerbate tensions within the Baigorri valley to a certain extent, this period certainly does not represent a wholesale shift in the interests and allegiances of the inhabitants of the *communes* in the lower and upper parts of the valley. Instead, just as throughout the entire course of the 18th-century, these tensions continued to polarize the Baigorri valley.

In the following section, I discuss the creation of the *syndicats* in the 1830s and argue that these are extensions of previously existing political and social institutions. Although there is a paucity of information concerning the second half of the 18th century due to the 1908 fire in the departmental archives that destroyed many of this period’s historical documents. Therefore, I can not exclude the possibility that notable contestation and change may have occurred within the *syndicat* and the communities. But the point remains that the *syndicat* is a critically-important institutional development that mediates between the Baigorri valley and the French state apparatus.

Crystallizing the Commons: creation of the syndicat of Baigorri in 1838

The former institutions that had governed the Commons in various parts of the mountains in Iparralde were dismantled following the French revolution in 1789. This effectively eliminated the means that households had at their disposal for institutional input into the decision-making processes pertaining to the Commons. The elimination of institutions such as the Cour Générale after the revolution was not well received by local Basque farmers (Vivier 1990). After the initial republican reforms in the immediate wake of the revolution, the prefect of the département des Basses-Pyrénées (now Pyrénées-Atlantiques) began allowing local administrative commissions in 1800 to oversee the management of common-pool resources (Bidart 1974). Although this did not re-establish the former institutions in name, these commissions were essentially to perform the same functions in practice. However, the different communities with common-pool resources in Iparralde were slow to accept the directive to constitute these commissions. By 1809, indeed, only the Commission for the Pays de Cize had been created, leading the leadership of the *département* in 1818 and again in 1833, to write to these communities to urge them to form Commissions Syndicales (Petoteguy 1972).

In November 1800, the mayors of the four villages in the Baigorri valley co-authored a report in which they laid out the rights of local inhabitants to certain resources in the Baigorri valley (see appendix 13). The commentary and debate by inhabitants of the Baigorri valley was in reality a thinly-disguised critique of the 1785 Treaty, which these leaders saw as improper and unjust. This document roundly criticized the arbitrators of the Treaty for excluding local parties such as the *jurats* from the negotiations, nor even

having solicited their input (keep in mind that the French Revolution eliminated the *jurats* of the Baigorri valleys, when mayor and municipal counsels became the new local leadership labels). Furthermore, the mayors criticize the Count of Ornano and the General Caro, who negotiated the 1785 Treaty on behalf of their respective monarchs, for not having submitted the final text of the Treaty to the Parlement de Navarre afterwards. In this report, the mayors' opine that this effectively made the Treaty null and void in the eyes of the citizens of the Baigorri valley.

French and Spanish representatives held negotiations in 1829 to address the implementation of the 1785 Treaty. These discussions were held over the course of two weeks in the border town of Arnéguy, just a few kilometers to the east of the Baigorri valley, due south of Donibane Garazi (St. Jean Pied de Port). Fernando Arvizu suggested that while the representative of the French state wanted to renegotiate portions of the Treaty, the Spanish wanted to see its enforcement (Arvizu 1983, 1984). During the 1829 negotiations, the emissary of France asserted that the Treaty had not been adhered to by the inhabitants of border communities since it was signed in 1785 (that is, 46 years prior). Even if it was to be effectively enforced as of 1829, the position of the French government was that the Treaty in its existing form would not resolve the underlying conflicts between the users of common-pool resources.

Instead, Arvizu suggested that France saw the 1785 Treaty as only one part of a broader set of discussions that needed to address the delineation of the international border between France and Spain throughout the Pyrénées (Arvizu 1983, 1984). Without a comprehensive agreement about the entire border, the French envoy intimated that the conflicts that occurred in the Baigorri valley could possibly occur elsewhere along the

border (Sahlins 1989). Ultimately, the negotiations of 1829 in Arnéguy failed to produce any accord or conciliation that would have implemented or enforced the 1785 Treaty.

The Chamber of Deputies of France passed a law on July 18, 1837, in which article 70 authorized communities possessing common-pool resources on their collective territories to petition the King of France to authorize the creation of a syndicat, or what is sometimes referred to as a Commission Syndicale (Vivier 1998). The following year, on June 3, 1838, a royal decree granted the request of communities in Baigorri, Cize, Soule, and Ostabarret to create syndicats. This effectively meant that at this point, most of the mountain regions in Iparralde were officially integrated into these local governance structures by virtue of their common-pool resources. But this also meant that local institutions had first turned to the national French administration, for acquiescence and permission. In the case of the Baigorri valley, the syndicat would oversee and manage the use of forests and pastures, collect user fees from grazing and logging, and retain the right to international negotiate grazing agreements with its neighbors on the Spanish side of the border. At the first meeting of the Commission Syndicale of the Baigorri valley, which was convened in November 1939, the representatives acknowledged the boundaries of the upland pastures that were common-pool resources, which included the area known as the Kintoa. However, the representative from the village of Aldude on the Commission Syndicale, a village which had only been recognized a few years previously, agreed with the demarcations and boundaries laid out by France and Spain in the 1785 Treaty, but noted local citizens' refusal to renounce their usufruct rights of pasture resources in the highly contested border areas (see appendix 14).

Each community that belonged to the syndicat of the Baigorri valley selected a representative to the council to oversee the operations and jointly managed common-pool resources. Elected or designated representatives from each *commune* and their counterparts from other villages, served together on a governing body, which in effect reconstituted many of the oversight powers previously held by the Cour Générale in the valley of Baigorri. Overall the syndicats were created without any apparent trace of controversy or resistance from local inhabitants since these responsibilities were particularly pertinent for transhumant activities in the Commons.

The governing body that made up the syndicat had as many members as there were villages participating in this structure, in this case, eight. It is this governing body specifically that is referred to as the Commission Syndicale after 1839, even though it is acting on the collective behalf of several villages. Each village regardless of its number of inhabitants and geographical size was entitled to one representative on the Commission Syndicale. Although this did not ensure proportional representation based on population or territory, it did promote participation of all interested parties. Each representative served on the Commission Syndicale for several years, and could be replaced following each municipal election. A president and vice-president were elected by majority vote from within, by Commission Syndicale members. In the Baigorri valley, the syndicat is made up of eight delegates from the eight different villages that compose it. Its oversight and management have customarily been done by unanimous decisions alone, particularly when this comes to sales of common-pool resources such as timber, or in deciding where to build roads in the Commons. Until the early 1960s, revenue from common-pool resources was proportionally redistributed to the individual communes that

were members of the Syndicat, based on population. Since this time, the Syndicat has reinvested its income in its own operational costs and in infrastructure development in the Commons (Laborde 1989). This coincided with a surge in road construction, thereby increasing access to resources in the mountains. This progressively led to an expansion in number of users and functions that went beyond the typical agro-pastoral activities in the Baigorri valley.

The creation of the Syndicat of the Baigorri valley in 1838 did not raise significant new controversies from local denizens. Many of the problems and conflicts that had plagued the Commons for centuries did not disappear with the creation of this new institution. Much of the contestation over the common-pool resources in the Baigorri valley, for example, from the neighboring community of Erro, would not dissipate until the 1856-58 Treaty of the Pyrénées. Curiously, the legality of the Syndicat of the Baigorri valley was challenged decades later, in 1897 and again in 1904, by the French administration (lead by the Prefect of the Basses-Pyrénées département) (Bidart 1977). The administration challenged the authority of the Syndicat to manage the common-pool resources of the Baigorri valley on the grounds that the royal decree from 1838 that authorized the creation of the Syndicat, could no longer be located: “without this act (...) we will have to regularize a situation that can not endure any longer without bearing prejudice to the interests of the communities of the Baigorri valley (Bidart 1977:119). Thus, the legality of the Syndicat was called into question by the same French administration that had urged inhabitants of the Baigorri valley to constitute a Syndicat only a few decades earlier. Without recognition from the French state, this situation had the potential to create an administrative logghead for the Syndicat by compromising its

legal ability to collect user fees for grazing and logging. The leadership of the Syndicat of the Baigorri valley responded to the French administration in 1905 by saying that “this assembly doubts that it could have functioned for more than 50 years without valid, legal standing” (Bidart 1977:119). This crisis was resolved several months later when the Prefect of the Basses-Pyrénées received a copy of the 1838 decree establishing the Syndicat, although it is unclear who provided this documentation to the French administration.

It is important to state that the 19th-century was a turbulent political time in France with a succession of governments, including empire, monarchy, and Republic. It is entirely plausible that this confusion over the legal standing of the Syndicat arose from simple miscommunication during the transition between various governments over the years. The arrival and departure of different prefects in various French départements, including the Basses-Pyrénées, occurred rather frequently. This meant that each new official could potentially have a different political agenda and awareness of the local political landscape, which is coincidentally still the same manner of operation for French départements today. For example, there were three different prefects for the Pyrénées-Atlantiques département during the time that I lived in Bayonne from 2002-2005.

In Iparralde, the 1838 ordinance led to the creation of five Commissions Syndicales, which in effect were the largest landholders in Iparralde. In the neighboring Province of Zuberoa, one syndicat was created to jointly manage the common-pool resources, the syndicat de Soule (Welch-Devine 2007). In Baxe-Nafarroa, four Commissions were created: the syndicat de Mixe in the northern part of the province, the syndicat de Ostibarret on the eastern border with Zuberoa, the syndicat de Cize in the

area surrounding Donibane Garazi (St Jean Pied de Port), and the Syndicat de la vallée de Baigorri.

The territory of the five Syndicats has been somewhat reduced over time. The syndicat of the Baigorri valley, for example, no longer has any land holdings in the commune of Irulegui, now a wine producing area, and has reduced the amount of property managed by the Syndicats in the communes of Lasse and Anhau. In the village of St. Étienne-de-Baigorri itself, the Syndicat managed 4,692 hectares in 1842 but only 2,196 hectares in 1949 (Petoteguy 1972:13). These properties were not sold to extra-local actors but were either purchased or surreptitiously enclosed by local farmers, a trend that only became easier with the availability of fencing materials, barbed wire for example (Gomez-Ibáñez 1975). This enclosure movement intensified in the years leading up to and during the first cadastral survey of the Baigorri valley, which began in 1840 (see illustration 21).

It is conceivable that as this mapping project materialized, local farmers realized that the boundaries of their private properties would be recorded by the French state and thus, many people altered their fence lines and attempted to enclose open pastures. It appears that the spaces which they enclosed were, for the most part, the same spaces that they had previously utilized (Laborde 1983). These newly-enclosed spaces remained under the management and oversight of the syndicat but it was the individual user who was to pay property taxes to the French state. These enclosures and land usurpation during the 1840s remained points of local contention and the syndicat did not normalize or recognize these changes in land tenancy until January 12, 1868:

Each individual is supposed to be the owner of all of the property that is recorded in his name in the cadastre. He has the right to enclosure but because of the harm that this causes to the community by depriving open access upon these lands to others, he will have to pay 1.5 francs per acre. Open access will continue to be completely respected on all open land. The usurper will have to pay any costs that have been incurred until this time by the Syndicat. Land belonging to the Syndicat but enclosed by individuals at the beginning of the [cadastral mapping] work will be conceded to the usurper for a price (Pétoteguy 1972:18).



Illustration 22. Map of Urepele from 1840 cadastral survey. Map reproduced here courtesy of French Institut Géographique National

Individual farmers owned land and enjoyed usufruct privileges of the Commons, which was overseen and managed by the syndicat. The reduction in the surface area administered by the syndicat of the Baigorri valley from 1840 to 1860 was abetted by the cadastral mapping of this area. This project further solidified the knowledge and control of the French state in this area, since the ultimate objective of the cadastre was indeed taxation. The realization of the cadastral survey prompted individual farmers to usurp lands from the Commons that had been previously open, in order to solidify their use of and claim to these resources. At the same time, the burden of taxation was transferred from the syndicat to the individual user. So by enclosing property, the individual was able to establish exclusive use, but still had to pay a user fee to the syndicat. Furthermore, they did not legally own the property outright because the syndicat did not sell parcels of the Commons to individuals.

The eight villages that comprise the syndicat of the Baigorri valley are, in alphabetical order Aldude, Anhaux, Ascarat, Baigorri, Banka, Irulegui, Lasse, and Urepele. The largest of these in terms population is Baigorri (which five times as many inhabitants as the next largest village), Aldude, Banka, Urepele, Irulegui, Ascarat, Lasse, and Anhaux (see appendix 18). The four villages in the lowest half of the Baigorri valley, Ascarat, Anhaux, Lasse and Irulegui, contain less than 12 % of the total surface area managed by the syndicat (see illustration 23).

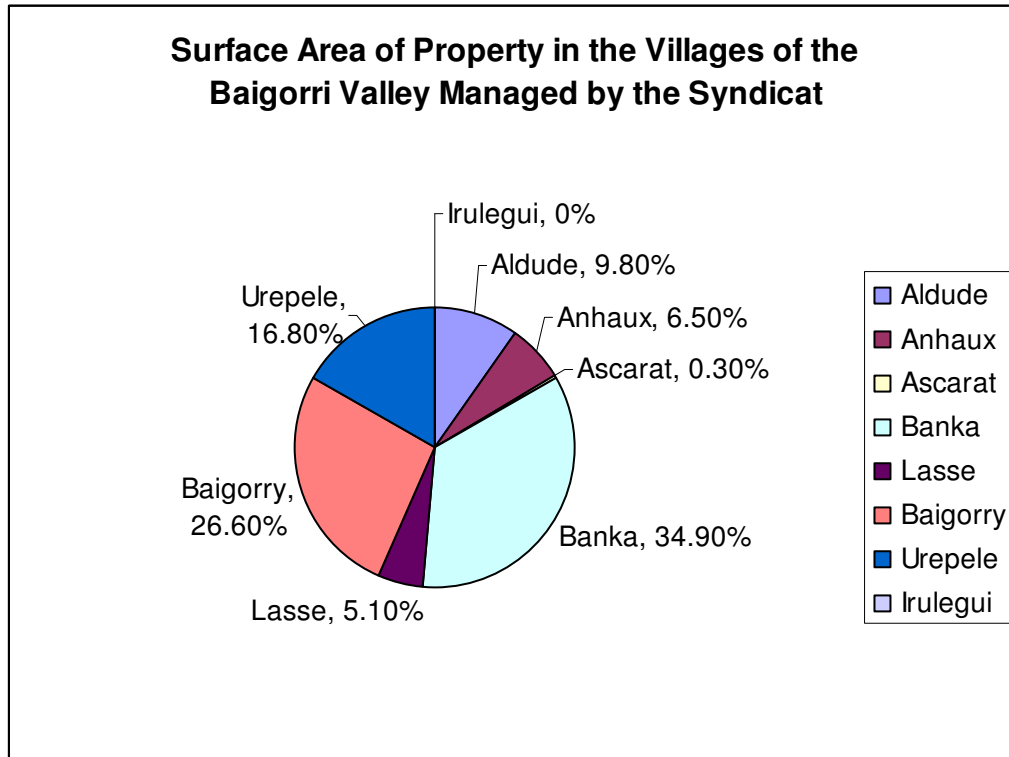


Illustration 23. Graph of the surface managed by the syndicat of Baigorri, by village

In effect, this means that vast majority of the common-pool resource managed by the syndicat is located in the upper-parts of the valley, precisely in those locations where agro-pastoral activities were and continue to be the most pronounced. This same spatial disparity in terms of the distribution of the syndicat's land holdings is also an important element for understanding the historical tensions among users within the valley, and the polarization that led to the most recent crisis in the syndicat in 1987 (which is addressed in chapter 8 of this dissertation).

The very notion of Commons, as previously discussed in Chapter 2, is inherently based on the idea that resources are to be held for the benefit of all community members in the present, but also maintained for the future. This means that Commons imply a

diachronic, resilient, and enduring set of resources and property. Thus, any moves to enclose or purchase parcels from within the Commons undermines their longevity and existence. If encroachment on the Commons occurred in practice, one may argue that the idea of the Commons itself in the Baigorri valley was being transformed. In order for the syndicat and its membership to successfully navigate this functional and conceptual challenge, some limitations on encroachments on the Commons were put in place in the 1860s. Land that had been claimed and enclosed by individual farmers could only be transferred, or much more rarely, sold, when all eight representatives of the governing board of the syndicat unanimously agreed (Petoteguy 1972). If even only one representative dissented, then the transaction was not permitted.

Syndicat guidelines in 1868 stated that open access had to be maintained by usurpers since, while they enjoyed usufruct rights, they were not outright property owners (Setoain 2002b). Even in cases where fences were built around pastures or forest parcels and the resources were utilized by a single individual, the concept of common-pool resources still applied, so that other members of the syndicat were technically allowed access to the parcel. For example, nearly 100 concessions of land granting exclusive grazing and timber rights to individuals by the syndicat occurred between 1880 and 1882 (personal communication, Kathy Ernaut, June 3, 2005). This was an unusually large number of concessions in such a short amount of time, but all of these concessions were predicated on continued open access. More recently, in 1953, a farmer from Urepele wanted to place a fence around a parcel of land that he and his family had used for several generations, thus establishing exclusive usufruct rights in his opinion (personal communication, Dominique Arrambide, December 17, 2002). He asked the syndicat for

permission to build a fence, which it granted, but only if the gate to the parcel was never locked, so that other farmers could freely pass. This emphasis on open access in the Baigorri valley also explains an instance in the 1970s when the Office Nationale des Eaux et Forêts (ONF) enclosed a section of the Haira forest after planting tree saplings. This fence was completely torn down by unidentified persons in less than four years, effectively reopening access to this part of the Commons (Candau et al. 1989).

In the flurry of activity that coincided with the mapping project for the national cadastre, or official land tax registry, a number of anomalous property configurations have become apparent in the Commons of the Baigorri valley. For example, during revisions to the cadastre in 1966, surveyors encountered a number of parcels that were enclosed and exclusively utilized by individual farmers. But upon closer inspection of the property records, some of these parcels had no proof of sale, which led the syndicat to allege that “parcels that had been enclosed and utilized for numerous years, that is at least 30 years, consequently belong to the user even though there is no sales record, if only by acquisitive prescription, but these are still listed as owned by the syndicat which improperly pays their property taxes. It is also possible that these transactions were not accompanied by the proper paperwork, which has recently been noted in the commune of Aldude and Urepele” (meeting minutes of the Syndicat de la Vallée de Baigorri, October 5, 1966). In another instance of an undeniable stroke of fortune for another land owner, the syndicat constructed water tanks to provision livestock in the mountains on what was thought to be property of the Commons, only to find out during the revisions to the cadastre in 1966 that this property was privately owned (Petoteguy 1972).

Franco-Spanish Treaty of 1856: the final frontier

The inhabitants of Baigorri never accepted the concessions agreed to between France and Spanish crowns in the 1785 Treaty. With the tumult of the Revolution just a few years later, which was followed by a decade of social and political instability in France, the 1785 Treaty was for all intents and purposes never fully implemented. And it certainly was never recognized or accepted as legitimate by the people of Baigorri. Their contempt for the Treaty and the possibilities for disregarding its land use guidance were abetted from 1833 to 1839 when Spain was consumed by the civil strife of the First Carlist War. This was in effect a period where conflicts surged anew between villages on the north and south side of the political boundary. Meanwhile, the farmers of the Baigorri valley created the Syndicat de la Vallée de Baigorri in 1839, an organization which helped them to mobilize and galvanize their own local political weight under French law (Vivier 1998).

The 1856 Treaty established an international boundary between France and Spain, although the demarcation line itself was described in relatively broad strokes (see appendix 15). The separation principally relied on a description of main topographical features, such mountain peaks, in outlining the boundary line. This sketch was apparently provided sufficient enough detail for the signature of the 1856 Treaty. But a much more elaborate, lengthy and precise description was later required two years later, and appeared in the comprehensive account of the demarcation line provided in the Supplement to the Treaty (see appendix 18).

The common-pool resources located in the upland parts of the southernmost extremity of the Baigorri valley experienced the most notable effects of the 1856 Treaty. These pastures, referred to as the Kintoa in Euskera or Pays-Quint in French, were the most productive and lush pastures in the Baigorri valley, and were the preferred grazing zones for agro-pastoralists. The French and Spanish states reproduced the approximate lines of the political boundary from the 1785 Treaty, but the significance of the 1856 Treaty was that it finally settled the question concerning access and governance of common-pool resources.

Those pastures south of the continental divide (*méridional*) were attributed for use by the inhabitants of the valleys of Erro and Baztán on the Spanish side of the border. The timber in this southern part was originally purchased by a mining company based in Elizondo, in the Baztán valley, but this project was abandoned in the early 20th century (Itçaina 1993). Since 1919, the southern pastures of the Kintoa have been divided into three areas: the western part is utilized by shepherds from Baztán, the central area was managed by the Spanish state until the 1990s and is now managed by the regional government of Navarra, and the eastern part, including the Sorogain, is managed by the Erro valley. While eastern and western parts of this *méridional* zone have primarily been used for grazing livestock, the state-managed central area is still heavily wooded and mostly centered on silviculture.

The concrete affect of the delineation of the border, of differential land management in France and Spain, and the resulting ecological differences is quite pronounced and visible in terms of the prevalence of woods and pastures (see illustration 24). Since 1924, the north and south sides of Commons in this part of the Baigorri valley,

known as the Kintoa, have been separated by a fence along the entire boundary. These fences were originally built by the Spanish national government, and were extensively repaired in 1960-61 (Chambre Départementale d'Agriculture des Basses Pyrénées 1964). In recent decades, only portions of this fence line have been maintained, a service that is now provided by local governments from the south side of the Pyrénées, namely the Baztán valley.



Illustration 24. Photograph of border between France and Spain on Adi Mountain, south of Urepele, in common-pool pastures known as Kintoa, taken by author, July 2005

The area included between the political boundary and the north of the continental divide is also part of the Kintoa, but is referred to as the *septentrional*. The 1856 Treaty, in articles 15-19, stipulated that these northern pastures were for the exclusive use of inhabitants from the Baigorri valley (see appendix 15). Article 15 laid out the demarcation line of the common-pool pastures of the Kintoa. Article 16 explained the terms of these rights, including usufruct privileges, tariff exemptions on livestock, and the governance role of the Syndicat. In particular, these usufruct rights attributed to farmers from the Baigorri valley removed much of the ambiguity that had caused previous conflicts with farmers from valleys from the south side of the Pyrénées. Thus, while the entire Kintoa area remained a possession of Spain after the 1856 Treaty, a significant portion, 2000 ha to be precise, were solely designated for the use of citizens of France.

The details of the 1856 Treaty deviated from previous land use rights, namely those historical agreements called *faceries*, which had provided the parameters for informal and formal grazing agreements between valleys in the Pyrénées Mountains for centuries (Sahlins 1989). First of all, the 1856 Treaty authorized the grazing of livestock overnight during periods of transhumance, which obviated the need for farmers to move their animals in and out of certain pastures on a daily basis (see appendix 15, article 16). Secondly, the only modifications to common-pool resources that were permitted, such as clearing brush, constructing temporary corrals, or configuring watering holes to accommodate livestock, were set aside for farmers from the Baigorri valley. Inhabitants from Erro or Baztán, for example, were not allowed to make any modifications to these

common-pool resources of the Kintoa, which effectively ended their use of these pastures.

The result of the 1856 Treaty, in practice, is that farmers of the Baigorri valley enjoyed full access and use of these resources even though they are not owners in a proprietary sense. In exchange for ceding these pastures, the Spanish government was promised an annual payment of rent by the French administration (see appendix 15, article 15). The 1858 Convention that was added to the Treaty specified the mechanisms for these payments explicitly recognizing the sovereignty of Spain over the pastures in the Commons known as the Kintoa (see appendix 16). Annex 1 of this supplement to the Treaty indicated that these payments were originally made directly to Madrid each year, although over time this payment has devolved from the national Spanish government to the regional government of Navarra in Pamplona-Iruñea, and more recently, to the local administrations in the Baztán and Erro valley (Strauss 2004). After not being adjusted for inflation for several decades, the annual rent that the French Ministry of the Economy and of Finances pays for the Kintoa pastures was set at 67,000 Euros in 2004 (Kathy Ernaut, personal communication, June 3, 2005).

This payment does not include what individual farmers from the Baigorri Valley pay to the valley of Erro if they chose to send their cows to transhumance the Sorogain pastures on the eastern portion of the Commons known as Kintoa, and an additional fee if farmers decide to also send sheep to graze there at the end of the summer (see illustrations 25 and 26).

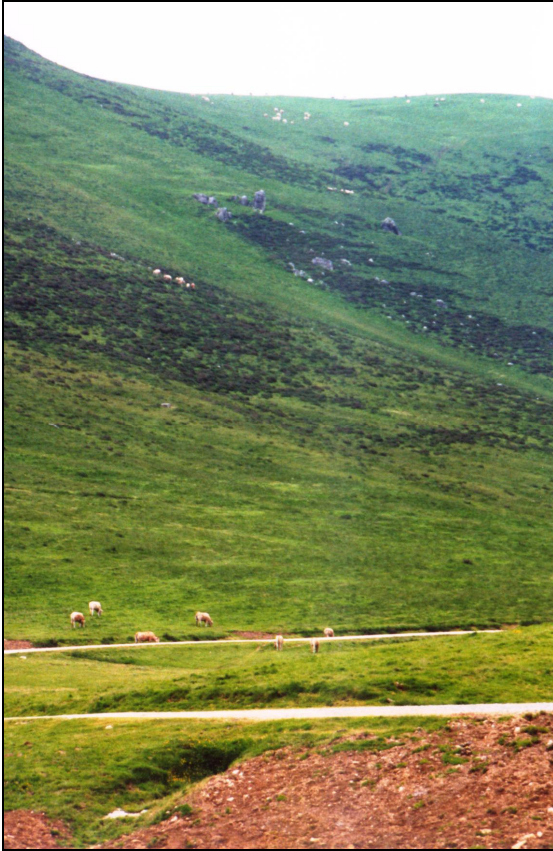


Illustration 25. Photograph of the Commons on Sorogain Mountain, southeast of Urepele, taken by author, July 2000



Illustration 26. Photograph of the fence that marks the border on Sorogain Mountain, southeast of Urepele, taken by author, July 2000

These are separate fees that allow farmers to send their livestock beginning in late May, after they have been inspected and branded at the traditional ceremony called the Marque of Urepele (see illustration 27 and discussion of the Marque of Urepele in the next chapter). Farmers paid these fees since they depend on access to common-pool resources.

In many ways, the 1856-58 Treaty provided a model that accommodated both historical land use arrangements in the Pyrénées, such as *faceries*, and the emergent needs of the French and Spanish states to solidify their borders, and by extension, further

consolidate their sovereignty and control over peripheral regions such as the Baigorri valley:

These two conceptions of the border overlap for better or for worse: one vision considers the border as a rugged mountain area, a space to be shared by shepherds from valleys of both sides [of the Pyrénées]; the other perspective represents the international treaty, and sees the border as a definite line of separation in between two states. One of these conceptions reflects the real and vital needs of valley inhabitants, the other is purely political. The numerous conflicts that have peppered the history of the Kintoa bear witness to the difficulties of reconciling these contradictory visions (Itçaina 1993:43).



Illustration 27. Photograph of cows temporarily branded during the Marque of Urepele prior to transhumance to summer pastures, taken by author, May 2004

However, the Treaty of 1856-58 did not alleviate the reoccurring specter of threats to common-pool resources in the Baigorri valley. Appendix 17 of this dissertation provides an account of a statement to the Commission Syndicale from the representative

of St. Étienne-de-Baigorry in 1860. The town council of St. Étienne-de-Baigorry had recently passed a unanimous resolution to oppose any move or attempt to privatize, enclose, or otherwise alter the status of the Commons. Item 1 in this document refers to the first cadastral survey conducted in the Baigorri valley nearly 80 years earlier, which was also alluded to in correspondence between the Baigorri valley and the representatives of the French king in 1785 (see appendices 9, 10, and 11 of this dissertation, which are discussed in chapter five). This cadastre ascertained the ownership status of property throughout the Baigorri valley, ascribing lots belonging to each family who owned livestock, and attributing the remainder of the land to the valley in the cadastre. The explicit conclusion of this declaration is that all resources clearly belonging to an individual household are subsumed under the control of the valley, that is to say, of the syndicat.

It should be pointed out that item 2 grounds this assertion of common property on the basis that the upper parts of the valley were, for the most part, uninhabited, or at the very most, “were in reality only barns or *borda*” (small shepherd’s hut in the mountains). As discussed in this and in the previous chapter, it is unlikely that these areas in the upper part of the Baigorri valley were unoccupied because of the persistent demographic pressures in the area, which had led to surreptitious settlement and encroachment that was oft-criticized (see appendix 13 of this dissertation). However, it seems that it was in the interest of the village of St. Étienne-de-Baigorry to describe the mountains as an open, public space that was utilized by all members of the community thereby reinforcing their argument and claims to use these spaces. Item 3 evokes the economic importance of silviculture to the livelihood of the syndicat of the Baigorri valley and to each village

that comprise it. Indeed, at this point in time and until the 1960s, the proceeds from the sale of timber in places such as the Haira forest were evenly divided amongst each village of the syndicat, rather than being reinvested into the operational budget of the syndicat as is currently done.

This declaration from the representative of the village of St. Étienne-de-Baigorry in 1860 provides an interesting point of comparison with the attempts to circumscribe and limit use of the Commons in previous centuries. This provides an illustration of the reoccurring risks that common-pool resources face, particularly over time as political regimes change, the demographic profile of an area evolves, and as new economic constraints and opportunities arise. This declaration in 1860 also provides an interesting glimpse into pressures that would be placed on common-pool resources in the 20th century. The concern expressed in this statement demonstrates the persistence of bipolarity between the lower and upper parts of the Baigorri valley: Ascarat, Lasse, Irulegui, Anhaux, St. Étienne-de-Baigorry in the lower part of the valley; Banka (still called the Fonderie at this point in the 19th century) and Aldude (this was before Urepele split off several years later, creating an eighth village within the syndicat) in the upper part of the valley.

The 19th-century was a pivotal period during which the French state consolidated its sovereignty and control over its national territory. The historical institutions that Basque agro-pastoral households and communities had relied on for managing common-pool resources, namely the *berrogain* and the Cour Générale, disappeared after the 1789 Revolution. Yet, the Commons remained of central importance to the livelihoods of local inhabitants. The state's authorization of the

creation of Commission syndicale in 1838 can be interpreted as legitimation of local means of management and oversight of the Commons by an external polity. Similarly, the 1856 Treaty between France and Spain is an example of external state polities addressing the contestations and conflicts over Commons in this border area. The states' regulation is in response to the persistent tensions between the different local communities of common-pool resource users. In spite of these interventions by external polities, the Commons remain highly sought after and required constant vigilance by the syndicat against encroachment. The syndicat was an institution that was fully sanctioned by the French state, but was also instrumental in diffusing contestations within the Baigorri valley, such as in 1860 in the example discussed above. This same bipolarity between the upper and lower parts of the Baigorri valley persisted into the 20th-century, in spite of the tumultuous socio-economic upheavals that are discussed in the first portion of the next chapter. In the second portion of the next chapter, I discuss a crisis in 1987 that again revealed the bipolarity in the Baigorri valley, paralyzing the organizational structure and institutional operation of the syndicat, and which ironically compelled the French state to intervene in local affairs to achieve a resolution.

CHAPTER 7

PATHWAYS TO MODERNIZATION OF BASQUE AGRO-PASTORALISM

Economic development in rural Iparralde in the 20th-century

Economic transformations in agro-pastoralism during the 20th century in Iparralde are also linked to demographic transformations of Basque society. Mountain communities were particularly likely to hemorrhage people. In the Baigorri valley, as in most of rural Iparralde, total population had begun to decline from its mid-19th century peak (see illustration 19 in chapter 5). For the village of St. Étienne-de-Baigorry, for example, there were more than 3,000 people in 1851 and just over 1,500 in 1999 (Sacx 1980, Viers 1950). The demographic decline is even more pronounced in the village of Urepele, with total inhabitants dropping from 1,030 in 1861 to 365 in 1999 (Sacx 1980, Viers 1950). As mentioned in previous chapters, much of this population loss was due to migration to North and South America, as well as to growing metropolitan areas in France, such as Bayonne, Bordeaux, and Paris. In addition to the constraints of property inheritance and the historical role that it played in migration, industrialization and the employment opportunities in seasonal work such as in the expanding tourism sector on the Basque coast, motivated people to move. Persistent industrial underdevelopment in the Basque hinterlands only accentuated the imbalance between rural and urban areas of Iparralde.

Emigration and rural depopulation affected many agricultural producing areas of France and Europe during the late 19th and early 20th centuries (Douglass 1971, 1975; Etchelecou 1991). In this sense, the Baigorri valley and Iparralde mirror larger changes in the social composition and settlement patterns of modern nation-states. Thus the symbiotic co-evolution of economy and population allows social scientists to examine demographic history as a gauge for social change over time.

Another consequence of rural depopulation is the increase in frequency of single occupant farm households where the first-born has inherited the *etxe* but has no domestic partner or children. Although Viers suggested that rural exodus had not significantly modified household composition through the majority of the 20th century, this seems unlikely to have been the case given that in the 1960s, 66% of farm households in Baigorri valley were occupied and operated by single, unmarried individuals (Chambre d'Agriculture des Pyrénées Atlantiques 1968, Viers 1983). Gómez-Ibáñez argues that women were not attracted to the harsh conditions of farm life in the mountains and that many women who were not going to inherit the *etxe* preferred to seek alternative employment such as clerical work in Bayonne or other cities. "Their departure creates a real crisis of enforced bachelorhood amongst French farmers in the region. The shortage of women is especially in the more remote villages.... Basque respect for primogeniture and the undivided farm meant also that emigration was virtually the only escape for younger sons (and, later, daughters) in a countryside already crowded with farms" (1975:107-8).

The average age of farm head of households also increased during the 1960s and 1970s throughout Iparralde. In 1977, 42% of these heads of households were over the age

of 55, 11% of which had yet to have children for direct inheritance (Goyheneche 1979:499). The convergence of these diverse phenomena collectively created an acute sense of demographic crisis in Iparralde by the end of the 1970s. Rural mountain areas particularly felt the brunt of this transition, including local political institutions such as the Syndicat de la Vallée de Baigorri, which struggled to economically adapt to these new realities.

After 1955, Basque agriculture in rural Iparralde entered into a period of economic crisis. Since the early 20th-century, sheep had steadily become the mainstay of the economy in the Baigorri valley, as the production of sheep's milk to be sold to cheese manufacturers had made Basque farmers in this area primarily dependant on sheep, rather than cows, for livestock. The economic crisis subsequent to 1955 can be principally linked to the modernization of the agricultural sector, coupled with the drop in the price of sheep's milk due to a glut in production, and is also associated with the collapse of the sheep's wool market (Viers 1979). One of the main consequences of this rural transformation was emigration. While Iparralde had been losing population since the late 19th-century, this trend accelerated after 1954 and continued at a rapid pace over the next decade. Because most Basque farms were small household operations, the most immediate cause of emigration was the increased mechanization of agriculture which allowed a farm to be managed by only one or two individuals.

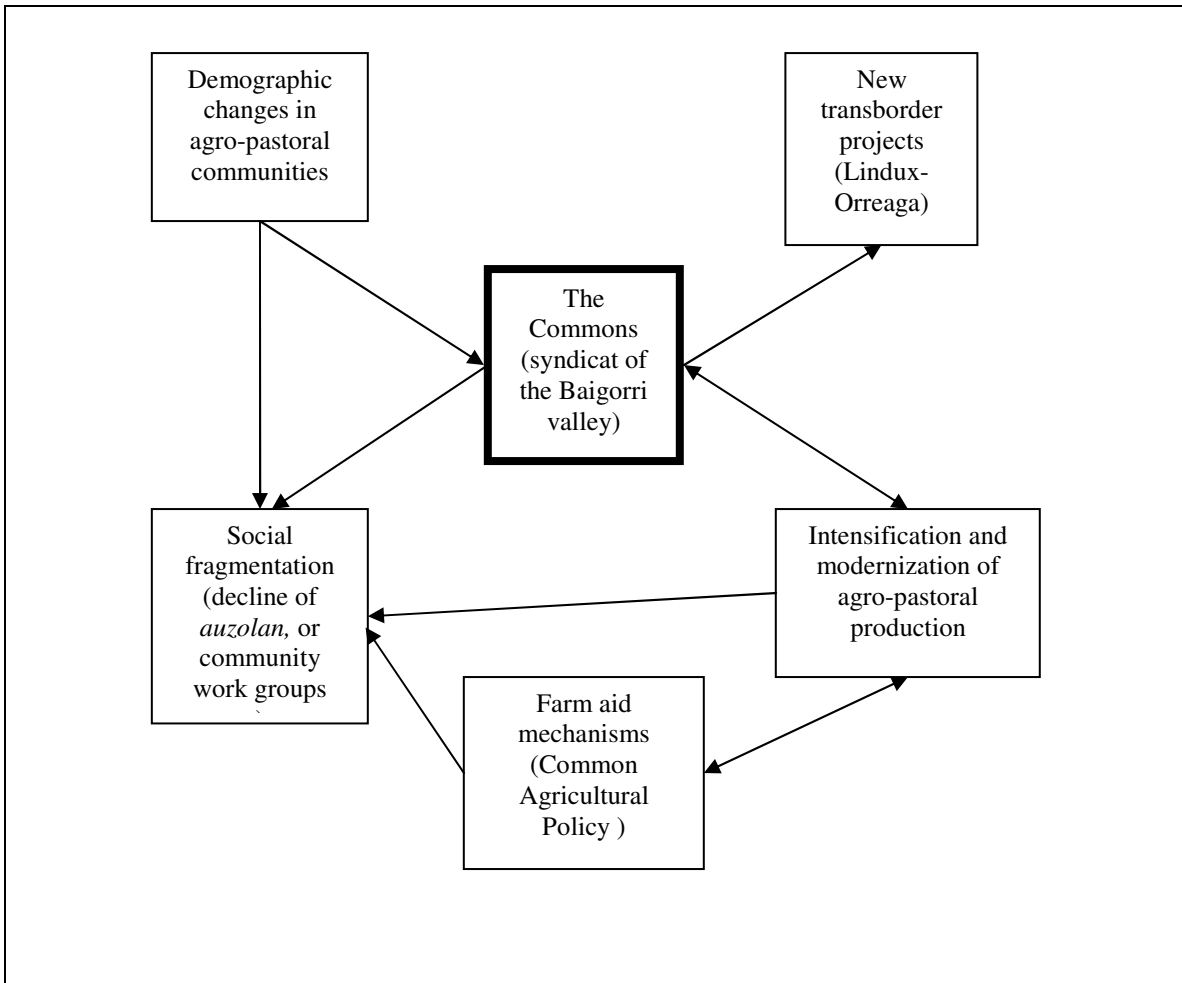


Illustration 28. Synthesis of dynamics of change in the Baigorri Valley in the 20th-century

Illustration 28 is a broad stroke effort to synthesize the multiple socio-economic and political influences that shaped the Commons during the 20th-century. Management of common-pool resources by syndicat of the Baigorri valley has been swayed by the demographic recomposition of rural areas, as well as intensification and modernization of agro-pastoral production. These developments have been particularly pronounced since World War Two and the expansion of farm aid mechanisms such as the Common Agricultural Policy. The modernization processes have also contributed to the decline of the *auzolan*, or community work groups, in the Baigorri valley, which further exacerbate

social fragmentation of village communities. Finally, illustration 28 shows that the emergence of a new cross-border project offering a promising response to these changes.

Agricultural modernization in Iparralde did not occur at a uniform pace or manner in the neighboring provinces of Baxe-Nafarroa and Zuberoa, which are otherwise both predominantly rural, agricultural areas that share many characteristics. Baxe-Nafarroa began and accelerated its processes of agricultural modernization in the mid-1950s, more than a decade earlier than in Zuberoa. One of the important catalyst for this comparatively earlier development in Baxe-Nafarroa can be attributed to the farming cooperative Lur Berri (or New Land). Originally founded in 1936 by Jean Errecart in the town of Donapaleu (St. Palais), Lur Berri played an important role in the transformation of agricultural practices in Baxe-Nafarroa by advocating and promoting the adoption of new farm equipment and technologies (Pagola 2000). The changes associated with agricultural modernization in the province of Baxe-Nafarroa first occurred across areas of lower-elevation, in places where farming was centered more on corn production. This type of agriculture, much more so than agro-pastoralism, was amenable to mechanization. Consequently, Lur Berri initially offered its services in these low-land areas, and only expanded its services into the uplands in subsequent decades (Goyheneche 1979). The initial steps towards the mechanization of agriculture of Baxe-Nafarroa occurred steadily over the next 5 years, and offered farmers in this province more time to make the transition to modern techniques and purchase equipment (see illustration 29).

Agricultural modernization in the province of Zuberoa, in contrast, did not begin until in earnest until the 1960s, under the leadership of Arnaud Eguiaphal (Petoteguy 1972). This delayed start meant that the shift to modern mechanized agricultural practices

in Zuberoa was compressed into an accelerated time frame, and this shortened time span arguably caused radical upheavals in farm management. The precipitous drop in the price of sheep's milk in 1960, as well as the collapse of the European market for sheep's wool due to the rise in synthetic fibers (Viers 1979), provoked an agricultural crisis that unfolded in tandem with this modernization undertaking, plunging farmers in Zuberoa into even more dire straights than their neighbors in Baxe-Nafarroa (Malherbe 1980).



Illustration 29 . Photograph of cows being loaded for transportation by truck to upland transhumance pastures, taken by author, Urepele, 2000

Farmers throughout Iparralde initially responded to the agricultural crisis by turning to their farming cooperatives, such as Lur Berri, for guidance and advice. Although many Basque farmers in Iparralde were members of local or regional cooperatives, they were not typically affiliated with the national farmers' syndicates, the Fédération Nationale des Syndicats d'Exploitants Agricoles (National Federation of Farm workers' Unions, or FNSEA). However, the lobbying efforts of cooperatives such as Lur Berri proved to be ineffectual in garnering state assistance to confront this period of agricultural crisis. This incapacity was particularly evident in Basque farmers' efforts to obtain aid from regional sources. The capital of the Department of the Basses-Pyrénées (now Pyrénées-Atlantiques) to which the three Basque provinces of Iparralde were attached was located in Pau, 50 kilometers east in the Béarn region. For administrative purposes, this was also the location of the headquarters of most farming cooperatives. Both the departmental government (the Conseil Général) and the leadership of the FNSEA farmers' union were (and to a large extent still are) for the most part Béarnais rather than Basques (Chaussier 1989). This imbalanced representation favored the Béarnais farmers to the detriment of Basques farmers, and consequently, the former group received the majority of the agricultural aid, in the form of supplementary governmental subventions (Laborde 1983).

Although much of Iparralde and the entire Baigorri valley are rural areas whose economy is primarily centered on agro-pastoral activities, there were, and to somewhat lesser extent still are, industrial sectors that provide both employment and an economic complementarity to this area. But prior to 1960, the economic standing of Iparralde was fundamentally lower than in the neighboring provinces of the southern Basque region of

Spain. Indeed, since the mid-19th century, the provinces of the southern Basque region had experienced profound industrialization and urbanization, whereas Iparralde's development lagged well behind both them and the rest of France (Goyhenetche 2001). Thus by the 1950s, large cities in the southern Basque provinces, such as Bilbao or Donostia-San Sebastián, had more robust industries than any other cities in the northern Basque provinces in France (Viers 1983).

The differences in the extent of industrialization between the north and south Basque Provinces are closely linked to demographic differences associated with increased urbanization. Except for the coastal areas, Iparralde also has a much smaller population size and density than in the southern Basque regions. Although it began well before the Spanish Civil War, it was after Franco's rise to power in the late-1930s that the southern Basque Provinces experienced their most rapid period of industrial growth, particularly in areas of shipbuilding and the steel industry (Mansvelt Beck 2005, MacClancy 2007). By locating heavy industries in the Basque region, Franco precipitated an important internal immigration of Spanish workers to the Basque region, and this population influx heightened tensions between Basques and Spaniards (Jauregui 1986, MacClancy 1996). Although my focus here is not on the modernization of the southern Provinces, it is nevertheless important to situate the events that transpired in the northern provinces in parallel to the development of the Basque provinces in Spain, since there were significant dialectical relationships between provinces.

The industrial sector in Iparralde underwent an acute period of crisis beginning in 1960, almost simultaneous to the aforementioned crisis in the agricultural sector. At the time, there were two main industries in the north: the steel mills on the coast in Lapurdi,

and the shoe-making industries of the two interior provinces of Baxe-Nafarroa and Zuberoa. But the steel mills of Iparralde were on slippery financial grounds and had previously been threatened with closure on repeated occasions during the 1950s. But the concurrent agricultural recession and fears of widespread unemployment - nearly 20% of the work force on coastal Iparralde was directly employed by the steel industry - had compelled the French government to intervene and financially prop up the steel mills (Viers 1983:71-72). The government's apprehension about the potential social and economic consequences of shuttering the steel industry was not entirely misplaced. Indeed, when the steel mills were finally closed in 1960, large worker protests erupted throughout Lapurdi.

The other principal industrial activity in Iparralde during the middle part of the 20th-century, shoe-making, also underwent a period of difficulty at the same time as the steel crisis (Malherbe 1980). The spiraling costs of the Algerian War prompted the French government to outsource its procurement of shoes for military personnel to manufacturers based in the French colonies of West Africa. In light of the French government's decision to cease purchasing shoes from domestic producers, and because of its inability earlier to stem the closure of steel mills, the concurrent crises in both agricultural and industrial sectors appear to have formed the perfect economic storm in Iparralde that only further exacerbated its underdevelopment in comparison to the southern Basque provinces in Spain and to much of the rest of France (Malherbe 1980).

At the dawn of the 20th century, more than 80% of the adult-aged population of the Baigorri valley were dependent on agro-pastoral activities, which dropped to 60% of

the population in 1962 (Viers 1993). Over the following six years, the agro-pastoral sector had undergone a dramatic reduction, and according to the INSEE (French National Institute for Statistics and Economic Studies), represented only 46% of the working population in the Baigorri valley in 1968 (Bidart 1977:254). The profound economic and social transformation that accelerated over the course of the last century, coming to a head in the 1960s, were not the result of a single development, technology, policy, or event. Instead, it was an accumulation of multiple factors which, through accretion, reshaped the reality and outlook for farmers in the Baigorri valley.

The development and expansion of corn production in the lowland areas of Iparralde and the southwest region of France since the end of the 19th century was another important aspect to the modernization of agro-pastoralism in the Baigorri valley. In addition to grass and hay, corn as well as corn stalks provided farmers with another food source for their livestock, particularly for winter feeding. For farmers that could afford it, corn provided an excellent source of feed for their sheep, and allowed them to mitigate occasional shortage of pasturage due to drought, early or late winters, or even overgrazing (Lefebvre 1933).

By the mid-1960s, the preponderance of agro-pastoral production was only marginally destined for domestic consumption. For example, in 1964, wheat was no longer grown for individual household use as in the past, since by then, flour was widely and inexpensively available in Europe (Association départementale d'économie rurale des Basses-Pyrénées n.d.). This eliminated the need for farmers to plant crops that did not directly benefit their primary source of income, namely raising sheep (Bidart 1977). The persistence of these aspects of subsistence agriculture up until this point in time arguably

impeded the expansion of market-oriented activities, delaying the integration of local-scale agro-pastoralism into national and international commodity markets. This progressive transition from subsistence- to market-oriented agro-pastoral activities over several decades in the Baigorri valley, and indeed throughout much of western Europe, marked a pivotal point in the process of modernization.

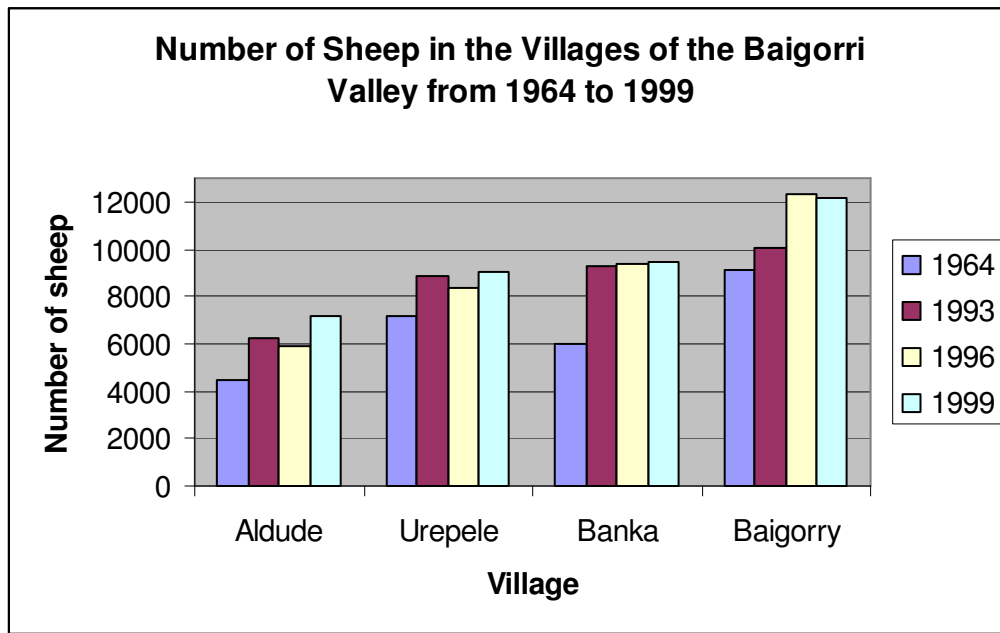


Illustration 30. Graph of number of sheep in Baigorri valley 1964-1999 (Sources: Chambre Départementale d'Agriculture des Basses Pyrénées 1964, Syndicat de la Vallée de Baigorri 2000).

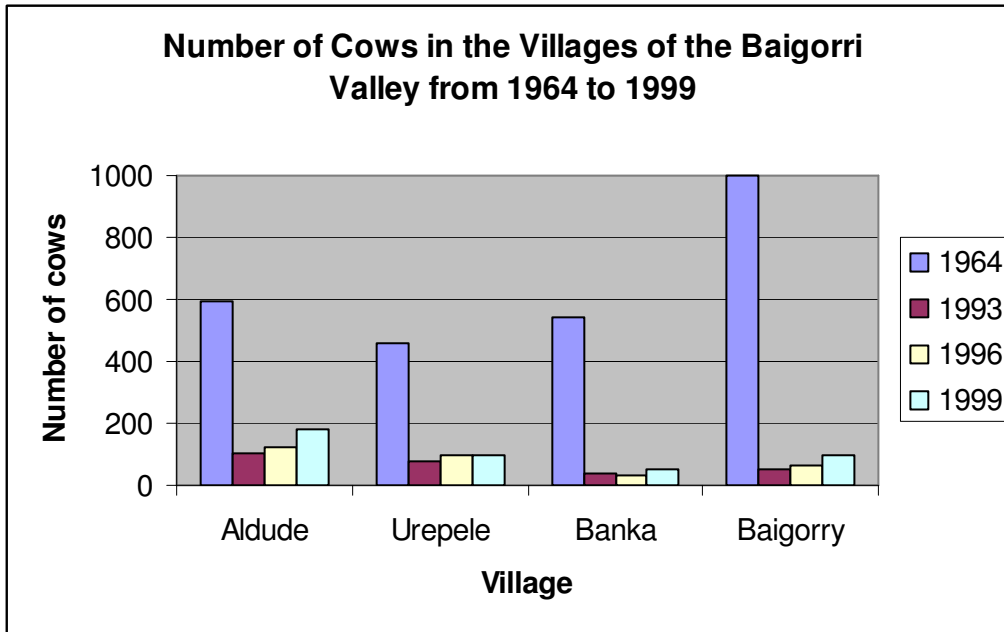


Illustration 31. Graph of number of cows in Baigorri valley 1964-1999 (Sources: Chambre Départementale d'Agriculture des Basses Pyrénées 1964, Syndicat de la Vallée de Baigorri 2000).

Although I was unable to collect complete data for livestock for the period in between 1965-1992, thus skewing the regularity of the time intervals, the trend among farmers in the Baigorri valley has clearly progressed towards raising more sheep and fewer cows (see illustrations 30 and 31). The dramatic decrease in the number of cows kept in the Baigorri valley after 1964 can be explained by two factors. First, the expansion of Roquefort cheese manufacturers who procured their supplies in Iparralde over the first half of the 20th-century had encouraged farmers to increase their production of sheep's milk, rather than that of cows, as will be discussed in the next section of this chapter. Secondly, the expansion of the European Union's Common Agricultural Policy and the structure of its farm subsidies fostered a steady increase in the number of sheep raised by farmers in the area, even after the collapse of the Roquefort cheese market in the late 1970s, which is the subject of analysis in chapter 8 of this dissertation.

Roquefort and the intensification of agro-pastoral production

The Baigorri valley has been and continues to be an area predominantly dependant on agro-pastoralism, even though forestry also plays a role in the economy of the Baigorri valley. The economic links forged between the mountain communities and their lowland counterparts were strengthened through the development of transportation infrastructure in the mid 20th century. Before this period, the agricultural economy of Iparralde had already expanded from small subsistence farms to larger commercial operations. Dairy production and cheese manufacturing in the Baigorri valley became important sources of economic activity and revenue for farmers who were increasingly linked to regional and national markets. The cheeses manufactured by farmers in the Baigorri valley could be more readily transported to markets in the surrounding areas and in the larger towns on the Basque coast such as Bayonne and Biarritz (see illustration 32).



Illustration 32 . Photograph of sheep's milk cheese, taken by author, March 2005

But more importantly, farmers were able to sell their sheep's milk to large outside purchasers, namely the Roquefort cheese manufacturers that were based in south-central France. However, at this point, Basque farmers were not yet manufacturing the sheep's milk cheese at the commercial level and were only producing cheese for their own personal consumption, or for local markets (personal communication, Dominique Arrambide, May 20, 2000).

Roquefort has long been recognized as one of the premier cheese-producing areas for several centuries, and in 1925, was the first French cheese given the *appellation d'origine* (controlled origin) label after the 1919 Law for the Protection of the Place of Origin was passed. This is later and most widely-known under the AOC label or *appellation d'origine contrôlée*, and since 2001, is recognized by the European Union as the AOP label or *appellation d'origine protégée*. An alliance of manufacturers from the village of Roquefort ensures compliance with the rigorous production criteria and verifies consistently high quality standards for their cheeses. Under French and international law, cheese receiving the Roquefort AOC label must be aged in the caves of the village of Roquefort, but the sheep's milk used to manufacture Roquefort cheeses can be procured from other places.

Starting in 1902, the Roquefort cheese manufacturers purchased sheep's milk from Basque farmers in Iparralde, produced cheeses at local *fromageries* (cheese manufacturing plants) that the Roquefort manufacturers had built. To make these cheeses, the milk was curdled, shaped into 'loaves', pierced with approximately 40 holes on the top surface which are sprinkled with *Penicillium Roqueforti*, salted and then dried (Petoteguy 1972). After this preparation process was completed in Iparralde, the cheeses

were freighted east for two to three weeks of aging in the Roquefort caves, and several months of additional maturation before being sold and consumed (Goyhenetche 1979).

The farmers of the Baigorri valley who sold their sheep's milk to Roquefort manufacturers would deliver the milk twice a week from January to June, during the sheep's lactation periods and prior to their ascent to the mountain pastures during transhumance. The demand for sheep's milk by the Roquefort manufacturers quickly made sheep farming a lucrative endeavor that was rapidly linked to a regional and national market economy by the outbreak of World War I (Gómez-Ibáñez 1975). The first Roquefort *fromagerie* in Iparralde was established in 1902 in Tardets, in the province of Zuberoa (Goyheneche 1979:479). By 1933, 59 *fromageries* for Roquefort manufacturers alone were in operation throughout the Pyrénées-Atlantiques *département*, of which three were in the Baigorri valley (Lefebvre 1933). With the continued expansion in infrastructure and transportation networks, the *fromageries* were eventually consolidated after World War II into seven larger sites (Candau et al. 1989). None of these were in the Baigorri valley and the nearest *fromagerie* was located in Donazarre (St Jean le Vieux, which is just east of St Jean Pied de Port).

While Basque farmers had become increasingly reliant on Roquefort as an outlet for their sheep's milk production, it is important to emphasize that the Roquefort manufacturers at the same time had become more dependent on Iparralde for their procurement of milk. Manufacturers of Roquefort cheese originally expanded their procurement networks to Iparralde and other parts of the Pyrénées due to a shortage in milk production in south-central France (Petoteguy 1972). Their reliance on supply lines outside of the environs of Roquefort progressively increased over the 20th century. For

example, milk provided by farmers from Iparralde increased from 5% of Roquefort's total cheese production in 1951 to 12% fifteen years later (Goyheneche 1979). The shortage in the milk supply of south-central France contributed to the price of sheep's milk more than doubling over the same period, which resulted in dramatic increases in revenue of farmers producing sheep's milk. From 1966 until the rapid decline of Roquefort's presence 10 years later, the average annual collection of sheep's milk was between 6 and 7 million liters, which were provided by 2,800 of the 3,500 sheep farmers in the *département* (Chambre d'agriculture des Pyrénées Atlantiques 1985). This effectively meant that by 1978 this *département* was the second largest producer of sheep's milk in the nation, second only to Roquefort's home *département* of the Aveyron in south-central France.

The increased demand for sheep's milk over a half century led to the expansion of the procurement network for Roquefort *fromageries*, but also made agro-pastoralism a profitable sector. For many farmers in the Baigorri valley, selling milk to the Roquefort *fromageries* became one of their main sources of income. But selling milk also led to changes in farm management practices and patterns of use of the Commons. For example, shepherds altered the length of the lactation period for many of their ewes. They did this by beginning the lambing season in the late fall and early winter, which was earlier than the typical Christmas target date (personal communication, Pierre Glaise, June 4, 2000). Farmers also increased milk production by selling lambs earlier and selling the sheep's milk that otherwise would have served to fatten lambs prior to being sold at market (personal communication, Dominique Arrambide, May 25, 2000).

The presence of the Roquefort *fromageries* also altered agro-pastoral activities in the Commons because transhumance to the upland pastures was postponed until milk production had started to decline. (personal communication, Gérard Antchagno, September 2, 2001). This emphasis on overall milk production capacity encouraged farmers to privilege their own individual prerogatives over those of the collective interest in managing the Commons. Moreover, an increase in milk production required more fodder for livestock and thus intensified farmers' need for local pasturage, notably in the Commons, or purchased animal feed. This increased dependence on Roquefort and external markets would figure prominently in challenging the rural economy and the viability of the Syndicat de la vallée de Baigorri after the late 1970s.

Although published in 1979, Eugène Goyheneche's contemporaneous assessment of the uneasy relationship between local Basque farmers and the Roquefort cheese manufacturers was quite discerning. He recognized that the development of Roquefort cheese manufacturers in Iparralde over the previous several decades, and the expansion of local sheep's milk suppliers had largely been tied to underproduction in South-Central France. However, by the 1970s, the supply infrastructure in the area of Roquefort's home region had been extended and built up, and Roquefort cheese manufacturers no longer needed to turn as extensively to outside suppliers. In 1972, the Roquefort *fromageries* began closing on May 1st instead of July 15th each year, which exacerbated the risk of over-grazing in the Commons since shepherds stopped milking the ewes earlier, and instead opted to transhume to the mountain pastures as soon as possible (personal communication, Dominique Arrambide, May 29, 2000). The consequence for farmers in Iparralde was that "milk production appeared threatened, which explains the anxiety in

the region where more than 60% raise sheep, and where more than half of them, or roughly twice as many as in 1955, raise more 100 head of livestock” (Goyheneche 1979:479).

The complete withdrawal of Roquefort cheese manufacturers from Iparralde in 1978 left many producers and farmers in dire economic straits. The glut in milk on the European market, coupled with a temporary decline in milk consumption in the late 1970s, effectively undermined the fiscal stability of many farmers (Roque 1996). The capital investments made in mechanized farm equipment, for example, only accentuated the pressure that farmers felt to be financially profitable: “shepherds made investments, improved their barns and got better milking equipment or machines to automatically feed their animals. They needed to see a return on their money” (personal communication, Dominique Etchebarren, May 19, 2000). I suggest that these economic pressures, in tandem with the rise in EU farm subsidies and their political impulse towards more agricultural production, accelerated the decline of the historical *auzolan* cooperative work system in the Baigorri valley. In the following section, I examine how the progressive abandonment of *auzolan*, and the mutual assistance of community members during periods of labor-intensive farm work, began in the mid-1960s and practically collapsed over the following two decades.

Decline of auzolan in the Baigorri valley

Auzolan, or literally “work of neighbors” in Euskera, refers to a network of neighbors, or *auzo*, who work together and assist other households, or *etxe*, during

different labor-intensive activities. As in many rural places, Basque neighborhoods are composed of a group of households bound who may interact and cooperate with each other when their mutual interests converge or when there are obligations to meet common needs (Löpelmann 1968:25). *Auzolan* characterizes the relationships among and between households who turn to one another for assistance during times of family crises, the death of a family member for example, as well as for help during routine but labor-intensive tasks, such as transhumance and hay baling (Douglass 1975, Mercier 2008, Ott 1981, Veyrin 1955).

Auzolan typically involve a relationship between households that are situated in proximity of one another. Although there may be multiple households mutually assisting each other during *auzolan*, each *etxe* nevertheless has a set of “first neighbors,” which are the most important among the relationships that a household may have with others. First neighbors are identified as the closest house in the direction of the village church (Ott 1981:65). It is not clear from the ethnohistorical literature if this status was formalized beyond a verbal agreement (which was the case for the traditional *faceries* and *fors* agreements that governed pastoral land use rights). Nor is it clear what effect household abandonment had on *auzolan* and the potential reshuffling of relationships.

The links between *auzo*, or neighbors, are theoretically immutable and permanent. That is to say, reciprocal relationships are conceived to be between *etxe*, or the household itself as an entity, rather than between the individual household members. These are important considerations considering the profound rural demographic transformation that the Baigorri valley has undergone since the mid-19th-century (Laborde 1983). One of the important demographic consequences of emigration to North and South America for

example, and out-migration to French cities, was the aging of the overall farming population in the Baigorri valley. Thus, the age of the average farmer increased which in turn affected the status and life-cycle of a household. For example, the dynamics of the *auzolan* system could potentially be altered if an *etxe*, or household, were no longer able to mobilize enough individuals or labor for certain tasks.

Heath cutting (cut ferns serve as animal bedding) and the harvesting of hay (for winter feeding of livestock) are two important occasions for the *auzolan* system to be invoked (see illustration 33 and 34). Prior to mechanization of farm equipment, and to a certain extent even afterwards, these activities required advanced planning between *etxe* (Arregi 1980). For example, households must agree to schedule their separate harvests on different days. The timing of these tasks is particularly critical as fields in geographical proximity to each other are subject to the same climatologic variables, such as rain or drought, which can potentially disrupt the timing or urgency of harvests. “First neighbors” also called upon one another for assistance for the performance of other tasks such as chopping firewood or applying manure to fields as fertilizer. *Auzolan* obligations may also be invoked when one neighbor needs to borrow another’s tractor or truck to transport livestock.

In the Baigorri valley, farmers depend on making hay in order to have fodder for their livestock during the winter months, a standard practice in many agricultural regions. Hay is generally fed to the sheep in the barn, when livestock are stabled on the farm rather than in the mountains. When not used to graze livestock, that is, during the summer months of transhumance, farmers allow the grass in privately-owned meadows in the valley bottoms to grow several feet tall before cutting it to make hay. Nowadays, cutting

is almost always done with tractors, although some meadows with particularly steep slopes are still cut by hand, but only in places where tractors would otherwise risk tipping over. Once cut, the grass is allowed to dry for several days and optimally turned or mixed at least once, which accelerates the drying of the grass. The hay is baled afterwards in either smaller rectangles or large oval balls, depending on the type and size of hay baler utilized by the farmer. In the Baigorri valley, hay is made either once or twice each summer. The frequency of making hay and the quantity harvested depends on variables such as the date of last frost in the spring, the amount of rainfall or lack thereof, and whether or not there are consecutive days without rain at the time that grasses are cut.

Historically, baling and storing hay without mechanized farm equipment would have been a formidable, labor-intensive activity, but one that is indispensable for the success of a farm over the course of the year. The grass had to be rapidly cut and stored, which demanded both an efficient organization and the ability to timely mobilize enough labor to quickly complete the activity. Therefore hay baling appears as one of the more germane historical examples of activities for which households in the Baigorri valley would have turned to the *auzolan* for assistance.

Historically, the assistance provided to a household under the aegis of *auzolan* required that the household benefitting from the work provide food and drink for their friends. Meals served at the end of an *auzolan* workday were substantial, multiple-course affairs. Disputes between neighbors, while not unheard of, were uncommon since not only did this disrupt relationships between individual households, but the wider *auzolan* system as well. Unless a dispute involves all members of both households, then *auzolan* continued to be performed by household members not directly involved in the dispute.



Illustration 33: Photograph of hay baling in mountains, southwest of Urepele, taken by author, July 2005



Illustration 34: Photograph of hay baling in meadow at Ichterbegui pass, south of Urepele, taken by author, August 2002

Among the numerous changes wrought by agricultural modernization, one of the more surprising developments has been changes in what farmers desire and select for in the traits of their sheep. The vision of what constitutes the ideal set of traits in sheep depends on the individual farmer. Many believe that the physical appearance and proportionality of the sheep are paramount, and they make aesthetics a priority in the genetic selection of their livestock. Animals are selected for breeding according to the color and texture of their wool, their hooves, the shape of their head, and perhaps most importantly, the shape and proportionality of their horns. In this sense, beauty in the beast is what is best. Farmers who select for aesthetics do not entirely discount the importance of herd milk production capacity, but this is relegated to an ancillary status (Dascon and Bonnemaire 2006). Physically attractive sheep can also be prolific milk producers but according to collaborators on this project, these two characteristics are for the most part mutually exclusive.

Over the past four decades, the emphasis on herd aesthetics has increasingly been at odds with modern agriculture and its impetus to productivity (Chambre Départementale d'Agriculture des Basses Pyrénées 1964, Conseil de Développement du Pays Basque 2000). Governmental agencies such as the Union de Promotion des Races Animales or UPRA (the Union for the Promotion of Animal Breeds), which were involved in the early stages of the transformation of agro-pastoralism, argued that an animal's capacity to produce milk equated success. For farmers subscribing to this viewpoint, the economic rationale for genetically selecting for sheep that produced more milk overshadowed aesthetics. During a survey on changes in agro-pastoralism conducted in the late 1980s by researchers from University in Pau, France, one farmer in

Baigorri admitted that “what we’re interested in is milk! The horns and all that don’t matter. But we do have a certain amount of pride after all! We prefer an attractive sheep; one that is well put together” (Candau et al. 1989:63).

The realities of modern agriculture and the market economy for milk make it difficult to understand the reasons why a shepherd might choose aesthetics over milk. I suggest that this vision is an extension of the past, when sheep in the Baigorri valley were predominantly raised to be sold at market for their meat rather than to produce milk for making cheeses. Prior to 1900, milk production was not as important as meat (and to a much lesser extent, wool), since the market mechanisms that led to the expansion of the dairy industries, such as with the Roquefort cheese manufacturers, were not in place before then. The physical appearance and proportionality of animals being sold at market arguably influenced prices, such that sheep considered more attractive would consistently fetch higher prices than those less attractive. For example, in 1987, a sheep considered attractive fetched nearly twice the price of one deemed less attractive, regardless of their milk production capacity, at the market in Donibane Garazi (Chambre d’ Agriculture des Pyrénées Atlantiques 1985). These types of economic advantages of having aesthetically-pleasing sheep in the past continued to influence the genetic selection and decisions about herd demography well after agro-pastoralism in the Baigorri valley had shifted emphasis from meat to milk.

Some scholars have argued that another reason why shepherds might choose aesthetics over milk has to do with transhumance (Candau et al. 1989). By its very nature transhumance moved animals from one place to another, here, from private property in the lowland villages to the upland pastures during the summer. Transhumance makes a

herd visible to members of the community in a way that would not have happened if the animals had stayed in the same place. Prior to the advent of trucks to transport livestock, when transhumance took place by foot, shepherds would go through one or more villages with their animals on the way to the mountains. This was an important performative act in the social life of a village for myriad reasons, but moreover, this was a moment when the aesthetics of a sheep herd could significantly affect a shepherd's social standing (Candau et al. 1989). The procession of sheep through the middle of a community of his or her peers may have also increased the shepherd's sense of pride in selecting beauty in the beast (see illustration 35).



Illustration 35. Photograph of cows leaving the branding corral at the Marque of Urepele, taken by author, May 2000

The Marque of Urepele held is every spring, at 8 o'clock in the morning on the last Saturday of May. This date signals the beginning of transhumance of cows to the pastures of Sorogain Mountain, to the southeast of Urepele in the Commons of the Baigorri valley. Cows are the only livestock who graze these particular pastures through the summer, as sheep are only permitted onto this part of the Commons after September. Nowadays, this effectively makes the Sorogain the only common-pool resources where more cows graze than sheep.

On the day of the Marque of Urepele, livestock belonging to farmers of the Baigorri valley is marked, or temporarily branded, in order to differentiate them from those animals belonging to farmers of the Erro valley. Farmers from the Baigorri valley must pay a nominal fee per cow in order to get permission for their livestock to be marked. The marking indicates which livestock have been inspected and have the right to graze in the Sorogain. Representatives from local and national institutions are present to verify the proceedings, including the Prefect of the Pyrénées-Atlantiques *département* and the President of the Government of the Province of Navarra, the mayors of Erro and the various villages of the Baigorri valley, the President of the Commission Syndicale, and a delegate from the ONF as well as their Spanish counterpart.

The Marque of Urepele is a vivid example of the importance that some farmers in the Baigorri valley attach to herd aesthetics. "For the inhabitants, the ringing of cowbells is a kind of celebration and remembrance. It is also an opportunity to for local officials from the different valleys to meet one another" (Erreca 1993:16). The first farmers arrive in Urepele before dawn with their cows loaded onto transport trucks. They congregate in the village square and attach beautifully decorated, oversized copper cowbells to their

prize livestock. Soon, the inhabitants of the Urepele and surrounding villages, dressed in their Sunday-bests, begin to assemble along the sides of the single paved road that winds from north to south through the village. At one end of the square, the representatives of the different government bodies gather alongside the metal gate that temporarily barricades the road heading towards the mountains and the pastures of Sorogain. The marking or branding of livestock occurs methodically, providing plenty of time for the bystanders to observe the physiognomy of the animals and to offer either words of praise or criticism. This performance demonstrates the role that herd aesthetics continues to play in a ritualized moment in the annual cycle of agro-pastoral activities in the Baigorri valley.

Transformation of agro-pastoralism and Basque farm organizations

Euskal Herriko Laborarien Batasuna (ELB)

Since its creation in 1982, Euskal Herriko Laborarien Batasuna (Farmers' Union of the Basque country, or ELB) has become a regional political heavyweight via its advocacy for the defense and interests of small-scale farmers, its resistance to industrialized modes of production in agriculture, and its defense of rural Basque identity. The emergence and development of ELB as an alternative to the mainstream French farmers union, the FNSEA, was buoyed by ELB's accusations that the FNSEA represents a productivist, industrial agricultural unduly influenced by corporate interests at the expense of small-scale family farms (Itçaina 2005). The existence of ELB thus echoes a contemporary malaise among European farmers who have reservations about intensive

modes of agricultural production, and in this sense, ELB is simply a manifestation in the Basque region of that wider sentiment.

In addition to this crisis of modernity within European agriculture, it is also crucial to understand that ELB was created within a specific local context by virtue of its association with Basque nationalism. Basque nationalism in Iparralde underwent a significant transformation with the creation of ETA in 1959 and the left-leaning nationalist party Enbata (West wind that precedes the storm) the following year. This signaled a departure from the right-of-center politics that had characterized Basque nationalism since its infancy in the twilight of 19th-century. Thus, the 1960s were a period that splintered the uniformity of the Basque nationalist movement and trumpeted the proliferation of alternative nationalist visions, some of which came to be highly stigmatized through their association with violent armed struggle. The creation of ELB in 1982 must also be framed in light of these developments.

ELB was created in part to attempt to insulate the agricultural sector from the rampant violence that plagued much of the Basque region during the 1960s and 70s. A spate of bombings and assassinations of military and political figures, as well as an expansive extortion campaign of the part of *Euskadi Ta Askatasuna* (Basque Homeland and Freedom), or ETA, and their lesser known counterparts in France, *Iparretarrak* (IK), highlighted this turbulent period. These organizations' successive acts of violence discredited many, if not all other attempts by Basque nationalists to build-up Basque civil society through non-violent means.

Spearheaded by Pierre Iralour and Michel Berhocoirigoin, its former president, ELB was founded in the fall of 1982. The creation of ELB coincided with a moderating

trend among many Basque nationalist militants who felt increasingly dissatisfied and marginalized by the polarization of ideological positions. The union's original objectives were to shed the stigmatic patina that had progressively coated Basque nationalism over the previous decade. The association between violence and Basque nationalism was, in the minds of its leadership, the single largest conceptual and practical obstacle that initially discouraged many politically- and socially-conservative farmers from joining ELB. For example, James Jacob recounts an interview that he conducted with one of the founding members of ELB who, in describing the challenge facing the union at the time, said "The fear of nationalism will prevent ELB from being a dominant union in the Basque region. We'll always be a minority unless things change greatly." (Jacob 1994: 332) This excerpt highlights the thick cloud of doubt that hung over ELB's leadership during these early formative years, when the long-term viability of the union and its mission could not guarantee the successful disassociation of ELB from ETA's violent nationalist undertow.

In elaborating and publishing its mission statement and goals over the following two years in their monthly newsletter *Laborari* (For the Farmer), ELB deemphasized its attribute as a Basque entity, opting instead to forge an organizational identity that represented the interests of the working farmer. While ELB activists were sometimes also involved in other Basque social or political organizations, the leadership of ELB did not want to create the equivalent of an agricultural organ grinder for Basque nationalism (Sistiague 1996).

The early years of ELB were a period when most Basque groups of any sort were tainted as guilty through some presumed association with IK and ETA's violent armed

struggle. Not unlike the current situation following the end of ETA's ceasefire in 2007, Basque activists in all types of organizations were regularly detained and harassed by the French and Spanish police during the 1980s. Thus, the most immediate and arguably radical means for ELB to disassociate itself from the nationalist milieu of armed struggle was to explicitly denounce violence. ELB publicly did this in their internal monthly newsletter *Laborari* in early 1984, and again the following year in the more widely-circulating magazine *Ager* of the Basque Nationalist Party:

An armed group in the Basque region, Iparretarrak, has arrived at an elevated degree of violence. This violence apparently is only understood and accepted by an infinite minority of people... The actions of Iparretarrak paralyze all other forms of action... everything which is done elsewhere is completely eclipsed by Iparretarrak... The only trademark of the abertzale movement is the violence of Iparretarrak... Iparretarrak claims to come to the aid of the struggles of the Basque people. If one could measure in terms of efficacy the political violence of UK, it would emerge that it is perceived as an act of demolition. (Jacob 1994:333)

ELB rejected the violent tactics of groups like IK in order to differentiate their organization and to prioritize their agriculture objectives. But part of ELB's choice of strategy was also a reaction against the intrusion of external factions into agricultural affairs. These were intellectuals, doctors, lawyers, teachers, and clergy, who formed the traditional backbone of the Basque nationalist movement since the mid-1950s and who, at the time of ELB's creation, were increasingly appropriating agricultural concerns in the wider nationalist debate. The leadership of ELB felt as though these non-farmers were misrepresenting and distorting the veritable interests of farmers by ensnaring and

entangling agricultural issues in a much broader and potentially more problematic web.

Although ELB's platform in the mid-1980s purposefully distanced itself from the nationalist debates raging on throughout Basque society, individual members of ELB engaged in social organizations were involved in politics. But ELB as an organization steadfastly refused to have its objectives overshadowed or conflated with those of IK or ETA. For example, the February 1984 issue of *Ateka*, a leftist-nationalist Basque magazine, depicted ELB's rejection of violence as the first crack in what had been thought as the homogenous façade of Basque nationalism, and by extension, they predicted that ELB's move would open the door for other Basque organizations to also denounce violence.(Cazaubin and Cier 1984:3)

The creation of ELB must also be framed as a counterpart to the dominant French agricultural union, the FNSEA, as well as their subsidiaries in each *département*, the FDSEA. The FNSEA has been the dominant farmers union in France since its creation in 1946 following World War Two, with a virtual monopoly on representing farmers in their negotiations with the national government (Itçaina 2005). Throughout the late 1940s and 1950s, the FNSEA was an important advocate for the modernization of agriculture, successfully lobbying for the creation of regional banks for farmers (le Crédit Agricole) and for the establishment of a supplemental insurance plan for farm workers (Mutualité Sociale Agricole).

The French government's primary objective in rebuilding the agricultural sector after World War Two was to eliminate food rationing which it was able to do by the end of 1949 (Colomb et al. 1990). As elsewhere in Western Europe, this period of reconstruction accelerated the overall modernization of agriculture in terms of capital

investments, the rapid expansion in use of mechanized farm equipment, by developing research into new technologies, and the general increase in agricultural productivity and capacity. Throughout the following two decades, the FNSEA was incontestably a standard-bearer for a productivist model of modern agriculture in France, a vision which was reflected in French agricultural politics and in turn mirrored by the nascent European policies that would become the Common Agricultural Policy.

The FNSEA recruited supporters of all ages, but it paid particularly close attention to younger farmers, most notably via its subordinate union Centre National des Jeunes Agriculteurs (National Center for Young Farmers, or CNJA) which was created in 1956, as well as through its close partnership with Jeunesse Agricole Catholique (Young Catholic Farmers Movement, or JAC). In the Basque region of the Pyrénées-Atlantiques, the JAC was constituted as Euskaldun Gazteria (Basque Youth). Euskaldun Gazteria was composed of younger farmers, many in their twenties, and appealed primarily to a politically conservative and, in its infancy at least, predominantly male constituency. Euskaldun Gazteria and JAC both operated in close cooperation with local Catholic clergy, most notably Pierre Charritton.

Young Basque farmers who were members of Euskaldun Gazteria participated in field trips sponsored by the JAC to other regions of France. The Basque political scientist Xabier Itçaina argues that these trips offered farmers from Iparralde first-hand opportunities to witness how the modernization of agriculture was affecting farmers across the nation, and indirectly contributed to their resentment towards the structural inequalities during this period that favored large-scale agriculture over small, family farms (2005). After 1968, Itçaina maintains that many members of Euskaldun Gazteria

gravitated to the growing movement in France that rejected the industrialization and intensification of agricultural production. But at the same, these young farmers felt as though the particular circumstances that they faced in the mountainous parts of Iparralde, where large-scale farms were much less economically viable than in other regions of the country, shielded them somewhat from the concerns expressed by many small-scale French farmers (Itçaina 2005). In this sense, the specific context of agriculture in Iparralde in the 1970s led many Basque farmers to feel as though their particular interests and concerns were not being addressed by the FNSEA, which had decidedly shifted its attention and support to farmers engaged in fully modernizing and intensifying their agricultural activities, thereby only exacerbating the disillusionment of many members of Euskaldun Gazteria. Arguably this same phenomenon further contributed to a sense of separation and distinction between Basque farmers and their Béarnais counterparts in the Département and throughout France.

Only one year after its creation, ELB obtained 30% of the votes in the 1983 elections for the Chambre d'Agriculture of the Département des Pyrénées-Atlantiques (Letamendia 1987:144). Many informants in the Baigorri valley that I interviewed during the course of my dissertation research were among the first wave of farmers that abandoned the FNSEA to join the rank of ELB at, or soon after its creation. One farmer recalled joining ELB the same year as he took over the farm when his father retired. "ELB was ready to defend my interests as a small, local Basque farmer. Their interests mirror my own, more than the other [FNSEA]" (personal communication, Pierre Arrambide, May 22, 2000).

In the years following its creation, as ELB sought to consolidate its position at the local and national political levels, the union found several kindred local or regional farmers' unions throughout France that shared a collective disdain for the productivist mentality that predominated agriculture at the time. So in March 1987, ELB joined with these sister unions to found the Confédération Paysanne (Peasant Confederation), which would later join the international peasant movement Via Campesina. ELB became the de facto local partner of Confédération Paysanne in Iparralde (Bruneau 2001).

ELB's portion of the votes in the 1989 elections for the Chambre d'Agriculture rose to 41%, and then to 47% in 1995 (Itçaina 2005). Nearly two decades after its creation, ELB won a majority for the first time in the elections for the Chambre d'Agriculture in 2001. ELB's support was particularly strong in the Baigorri valley (nearly 63% of the total vote) and nearly 70 % in the neighboring community of Donibane Garazi (Sud Ouest 2001).

By 2003, ELB had become a relatively large union in Iparralde in terms of its membership, representing some 566 farmers, with one of its strongest support bases once again located in the Baigorri valley, which had some 84 members (Itçaina 2005). Several explanations account for ELB's surge in membership in just two decades. First, since agriculture remains the premier sector of economic activity in this region, ELB's emphasis on the specific local farming context, rather than on a polyvalent yet generic agenda emanating from a national platform such in the case of the FDSEA, has helped ELB rapidly garner support. This attention to local agricultural issues, such as the resilience and sustainability of common-pool resources, has served ELB's image particularly well since the union is mainly trying to connect with small-scale family

farmers who work in marginal mountain landscapes. Secondly, even though Basque nationalist sentiments are not intrinsic or explicitly stated in ELB's agenda, the fact that ELB is primarily a Basque farmers' union, rather than a French farmers' union, clearly resonates both politically and emotionally in a region that has strong Basque nationalist proclivities. In this sense, I suggest that Basque nationalism represents a source of tension within agro-pastoralism in Iparralde because on the one hand, it is a connotation that organizations such as ELB seem to want to avoid. Yet on the other hand, Basque nationalism is both a sentiment and phenomenon that is a central, pervasive subtext without which we can not understand the conditions surrounding ELB and other farming organizations' emergence, such as in the case of the Berria cooperative which is the topic of the following section of this chapter.

Berria cooperative in Iparralde

Profound and complex processes of modernization transformed agriculture during the 1960s. These changes increasingly connected Basque farmers in Iparralde to national and international markets, and presented both new opportunities and novel challenges. As we have seen, one of the consequences was the weakening of family farms and the unraveling of previous forms of mutual aid in agriculture. In pursuit of a new model of cooperation was Iparralde, the model for agro-pastoral activities was no longer uniquely centered on the *etxe*, or in the case of the Baigorri valley, on the Syndicat. The currents of change and modernization in French agriculture, coupled with the growth of agro-businesses such as the Roquefort cheese manufacturers, began to erode the primacy of

family-based farming. New visions, such as those espoused and embodied by the mammoth cooperative movement in Arrasate (the Mondragón Cooperative Corporation), in the southern Basque region, provided a powerful example for a new repertoire of possibilities and strategies in the 1960s to the agricultural sector of Iparralde (Kasmir 1996).

There are numerous types of farm cooperatives in France, in practically all different sectors of agricultural production: dairy, wine, grain, meat, or fruit for example. These cooperatives are created by farmers themselves mainly provide a legal structure to share equipment for producing, manufacturing, preserving, or selling their agricultural products (CUMA 2007b). The members of a cooperative elect a board of directors, led by a chairperson or president, and oftentimes also have salaried employees who run daily operations of the cooperative (Itçaina 2002).

Dutch geographer Mansfeld Beck characterizes the Berria cooperative as a “radical” Basque nationalist movement (2005). In the Basque region, designating the Berria cooperative or any organization or business as “radical” immediately shines a light towards more violent associations, which is part of the unfortunate legacy of ETA’s violence over the past four decades. However, I am doubtful that Mansfeld Beck’s accusation can be meaningfully substantiated. I suggest instead that Berria is illustrative of a group of farmers that sought to maintain control over their own production and sale capacities. This development may have been novel in the 1970s during the glory days of intensive agricultural development, or at the inception of large, multinational agro-businesses. But the aims of an organization like Berria do not seem particularly unusual today, especially in light of the growing number of local economic initiatives that have

coalesced in the past two decades in response to the relocation and consolidation of industrialized agro-businesses. Indeed, in retrospect, the creation of Berria seems quite prescient, considering the collapse of milk prices and the rapid withdrawal of Roquefort cheese manufacturers from Iparralde in 1978.

In 1975, a small group of farmers from the village of Makea (or Macaye), located fifteen kilometers to the west of the Baigorri valley in the province of Lapurdi, began to envision a farm cooperative. With the encouragement of the village priest, Michel Lecuona, their objective was to collect sheep and cow's milk, manufacture cheeses, and market these to local and regional outlets. Under the direction of current president Jean Camblong, these efforts led in 1982 to the creation of a cooperative named Berria (or the New One), in what he framed as a model for the development of agro-pastoralism in Iparralde: "This is how the Basque farming world organizes itself. This is the face of the future for Basque agriculture. And everyone will have to take stock of it" (Rudel 1985: 171). During the initial three years of the project, the cooperative only collected and sold cow's milk, selling much of its volume to the nearby Spanish market that had begun importing milk in 1975 (Goyheneche 1979). By the time it finally cleared a profit from milk sales three years later, the cooperative had set up its first small manufacturing facility and produced its first cheeses. The following year, in 1979, the cooperative made and sold 40 tons of cheese, which represented a miniscule amount of France's total cheese production (Rudel 1985).

One of Berria's original objectives was to provide a local alternative for Basque farmers to selling milk to Roquefort cheese manufacturers. For Michel Lekuona, the objective was "to break the purchasing monopoly on sheep's milk that Roquefort had

established, and which allowed it to, regardless of prevailing conditions, dictate the price it would pay farmers” (Rudel 1985: 170). Sheep farmers in the Baigorri valley and in other parts of rural Iparralde had indeed become heavily reliant on Roquefort as the main, if not unique outlet for the milk production. Berria’s objectives was to provide home-grown competition, pay farmers up to 25 centimes more per liter than Roquefort by reducing overhead and transportation costs.

In addition to confronting Roquefort’s dominance over the sheep’s milk production in Iparralde in the late 1970s, Berria had to convince farmers of the viability of their business model and recruit members to the cooperative. They also needed to acquire clients to purchase their products. But the cooperative also had to overcome institutional resistance to this project. Indeed, both the Département of the Pyrénées-Atlantiques’ Chamber of Agriculture and the Chamber of Commerce and Industry were originally unwilling to lend their financial or political support to the cooperative (Rudel 1985). Berria’s leadership turned instead to private investment vehicles to obtain start-up funds, namely the *Herrikoa* (meaning ‘From [or] Of the People’ in Euskera) venture capital group (Kasmir 1996). *Herrikoa* was itself created in 1980, largely inspired by the model of Mondragón, to stimulate and support the local development of economic initiatives and projects in Iparralde. Thus, in spite of institutional opposition, the Berria cooperative was able to secure funding, increase its membership, production volume, and total sales since its creation (Deffontaines and Clément 2006). It should be noted that this growth roughly parallels that the entire cheese industry in France over the last quarter-century.

By 1982, the cooperative included 120 farmers, and within just a few years, Berria grew to 350 farmers (Viers 1993). As the cooperative established its reputation in Iparralde, it progressively expanded its supply base. Berria's products are now marketed and sold under the label Onetik. As of 2005, the cooperative included 530 farmers across the northern Basque region, who supply both cow's and sheep's milk to the cooperative (Onetik 2006). Berria is one of nine businesses in the Pyrénées-Atlantiques Département that collect milk and transform this into cheese, although these does not include individual farmers who also manufacture and sell cheeses (Chambre d'agriculture des Pyrénées Atlantiques 2006). Nearly 100 full- or part-time individuals were employed by Berria in 2005 (Onetik 2006). Each year the cooperative collects 4.5 million liters of cow's milk and an equal amount of sheep's milk. This figure represents approximately 10% of the total sheep's milk produced in the Pyrénées-Atlantiques Département each year (Chambre d'agriculture des Pyrénées Atlantiques 2006). Berria manufactured and sold 2,060 tons of cheese in 2005, which represented 45% of their annual revenue (Onetik 2006). By comparison, France produced over 1.82 million tons of cheese in 2005, up from 1.58 tons a decade earlier (Eurostat 2007). Sixty-five per cent of Berria's sales are to large commercial distributors located mostly in France and, to a lesser extent, Spain; whereas 25% of Berria's sales are in markets such USA, Germany, or Belgium (Onetik 2006).

Although Berria has substantially expanded its operation and procurement networks over the past quarter-century, it certainly is not the business equivalent of multinational companies such as Lactalis or Bongrain, which are two major agro-businesses. Lactalis, for example, has some 30,000 employees worldwide, does nearly € 10 billion in

annual sales in the European Union and the United States, and is the largest cheese maker in France and the EU (Lactalis 2008). These figures effectively dwarf the cooperative's revenue, but Berria's is nevertheless expanding its production capacity and market base. In 2001, Berria built its own water treatment plant in Makea in order to ensure a consistent water quality for its cheese production (Onetik 2006). As a result of their success over the past two decades, the Berria cooperative plans on doubling their production and manufacturing capacity by the end of 2009. Berria has increased the number of different cheeses that they produce and market to 47, and now also sales four brands of milk (Onetik 2006). As a matter of fact, 22% of the cow's milk that Berria collects is not transformed into cheeses, but bottled and sold across the region, for example, under the Basquilait label.

However, in many ways Berria is a victim of its own success in Iparralde. As demand for its cheeses soared during the 1990s, particularly those made from sheep's milk, the cooperative found itself unable to procure enough milk from an adequate number of suppliers to meet demand for their product. By 2005, Berria was forced to buy an additional one million liters of sheep's milk annually because of these shortfalls in its supply chain. Consequently, Berria continues to actively recruit members to join to the cooperative or to supply sheep's milk. The Berria cooperative describes itself as a responsible commercial member of the local community, and asserts that their business independence, unlike that of multi-nationals such as Lactalis, is a crucial element that makes Berria more responsive to local economic needs. However, it is not always clear whether the cooperative's original objectives remain intact, as Berria's production capacity has increased and swelled its membership ranks.

In 2003, a profound financial crisis struck the Italian dairy giant Parmalat, Europe's fifth largest, because of a fraud and embezzlement scandal (Ekaitza 2008). In the wake of this financial crisis, rapid fluctuations and uncertainties over the purchasing price of milk immediately forced dairy farmers who supplied Parmalat in much of Italy and France to grapple with postponement of payments, or delays and cuts in milk purchase orders. By December 2003, Parmalat was compelled to file for protection from its creditors in order to attempt again to become solvent. The Groupe Laitier des Pyrénées (or GLP), a dairy cooperative based in the Ariège département of the central Pyrénées, was comprised of 120 farmers who sold all of their milk to Parmalat (Service Économie Agricole 2006). This part of the Pyrénées, arguably even more so than Iparralde, was hard hit during the 20th-century by the demographic decline and anemic economic situation. The financial crisis and the subsequent collapse of GLP's purchasing agreement with Parmalat had an immediate and acute impact on local communities. Almost immediately after Parmalat filed for protection, the GLP itself became insolvent since the cooperative had not been paid since October 2003.

It was at this point that Berria stepped in and acquired the GLP's contract to supply milk to Parmalat. A few years later, in 2005, only 4 farmers remained members of GLP (Service Économie Agricole 2006), which certainly raises the question of whether Berria has slowly become caught up in the same economic processes and market logic that it once critiqued. Although the focus of this dissertation is not to examine the changes in the GLP or the social ramifications of Parmalat's financial crisis, we should not automatically assume that all of these farmers went out of business. It is entirely plausible that many producers who had once been members of GLP simply turned to

other purchasers and market structures to sell milk. It is also uncertain whether Berria's purchase of the GLP reinforced their image as a responsible commercial member in either region of the Pyrénées.

Parmalat's financial crisis certainly offered the Berria cooperative an appealing business opportunity to expand outside of their home base. However, the same difficulty that Berria had in retaining members of the GLP after Berria acquired its contracts in Ariège have also cropped up over the past several years in Iparralde. In November 2007, fourteen members of Berria that supplied cow's milk decided to leave the cooperative because they deemed that the price of milk was too low and that they could get a better price from other purchasers, particularly if they sold in Spain where milk shortages had driven up prices in 2007 (Ekaitza 2008). However, when these farmers announced that they were terminating their relationship with Berria, the cooperative's board of directors declared them to be in breach of contract and imposed penalties for this rupture, in addition to withholding payment for the milk the farmers had delivered in November. This situation pitted the 14 farmers, who were backed by ELB, against Berria and created an antagonistic situation that ultimately had to be resolved by mediators in January 2008. Berria's image as a responsible member of Iparralde's business community suffered among local Basque farmers, particularly with those affiliated with ELB. For example, Andde Dubois, an elected delegate of ELB, deplored the recent turn of events but was firmly convinced that "it reflected the cooperative's method of operation" (Journal du Pays Basque 2008).

Over the past decade, other farmers have left the ranks of Berria as they began producing their own cheese. Until recently, many farmers of Iparralde who raised sheep

or cows simply sold their milk to businesses such as Roquefort or Berria. They did not seriously undertake steps to systematically add value to their production by manufacturing and selling cheeses themselves. But with the encouragement of local, national and European directives, new outlets have emerged, particularly for those farmers who manufacture their own cheeses under stringent quality guidelines and then sell these under the Idoki or AOC Ossay-Iraty labels. This development has permitted a few farmers to part ways from Berria not because of conflicts of interests or opposition to the direction that the cooperative was taking, but because of their aspiration to work independently of external structures or outside organization, or due to the lure and potential for greater income. Achieving this operational autonomy, however, can be quite a challenge in personal, financial and logistical terms.

During the period that I conducted fieldwork in the upper parts of the Baigorri valley, Berria was the only commercial purchaser of sheep's milk from farmers, a point of pride for the cooperative (Onetik 2006). In the village of Urepele, Berria has played an important economic role and provided a vital outlet for farmers who produced sheep's milk but who did not want to, or could not, manufacture cheeses themselves.

Coopératives d'Utilisation du Matériel Agricole (CUMA) in Iparralde

Coopératives d'Utilisation du Matériel Agricole (or CUMA) were first created in France in December 1945 during a period when the national agricultural sector was being rebuilt after the devastation of World War Two. The root objectives of a CUMA are to allow farmers to share in the costs of purchasing and maintaining certain capital-intensive

farm equipment, such as tractors, harvesters, or hay-balers, and by extension facilitate the amount of capital that new farmers need to establish themselves (Lefèvre 1996). Sharing the cost of farm equipment that would otherwise be prohibitively expensive for individual farmers to purchase is also a means of optimizing work patterns and the amount of time for performing farm work. In more recent years, CUMA have also been touted as a means to minimize the impact that farming activities has on the natural environment, and way to improve the overall economic well-being of farmers (CUMA 2007a).

In the immediate aftermath of World War Two, practically all farm equipment had to be imported to France from abroad. This was primarily done under the aegis of the Marshall Plan, which stipulated that only farmers belonging to government-recognized CUMAs could purchase tractors (Iralour and Boudet 2006). Overall, the earliest attempts to establish CUMAs in France from 1946-1954 were not very successful, at least in part because the national government did not provide adequate financial support for their implementation, nor did it underwrite initial investments in farm equipment. Furthermore, farmers themselves were not yet sufficiently organized in the early post-war period to effectively lobby the government about their own needs.

After the Fédération Nationale des Syndicats d'Exploitants Agricoles, or FNSEA, rose to lead the French farmers' union movement and consolidated a visible presence at the national level, CUMAs quickly spread across France. By 1954, the FNSEA was better able to advocate for the needs of the agricultural sector and, in partnership with the French government, implement the multi-level initiatives needed to successfully create CUMAs and organize them into regional and department associations (CUMA 2007b). The FNSEA was able to successfully promote CUMAs in part by raising the minimum

number of farmers required to constitute a CUMA from 4 to 7 members (Iralour and Boudet 2006). The FNSEA argued that this would increase the appeal of CUMAs beyond the single family unit and foster cooperation and collaboration within local communities. This expansion of the minimum number of CUMA members also meant that more participants shared in the financial risk and responsibility for jointly-owned farm equipment. In addition, CUMAs became more attractive to farmers by the late-1950s because the French government began providing generous fiscal advantages for CUMAs, particularly in the way of subsidies, low-interest loans, and tax breaks on capital investments (CUMA 2007b).

By the late-1950s, agriculture in France and much of Western Europe was on the brink of a profound modernization and intensification of the means of agricultural production. The resulting mechanization of agricultural activities allowed farmers to accomplish more work with machine and do less manual labor. This modernization occurred in tandem with a demographic transformation, as rural populations increasingly moved to urban centers, a phenomenon that rippled across Europe in the years following the Second World War (Faure 1966). These processes of modernization were aided and abetted in large part by agricultural policies at the European level, particularly in light of the productivist agricultural objectives laid out in the 1957 Rome Treaty that established the European Economic Community (Gray 2000). It is important to keep in mind that these objectives were articulated following nearly two decades of severe food shortages and food rationing during and after the 1939-1945 war. Thus, France and the other signatories of the 1957 Treaty (West Germany, Italy, Belgium, Netherlands, and Luxembourg) sought to rapidly expand their agricultural production capacity from being

merely self-sufficient, to producing a surplus in agricultural goods that would then be destined for the export market (Hennis 2005).

In essence, the objectives laid out for European farming in the 1957 Rome Treaty became the discursive and material precursors to what became the Common Agricultural Policy (CAP) the following year. As a result of these new developments, CUMAs became less attractive to farmers, who in short order realized that they could more easily purchase their own farm equipment because of the increase in farm subsidies under the CAP (Gohin, Guyomard and Aubert 2007). Consequently, CUMAs lost much their appeal to farmers as the CAP programs expanded through the 1960s and 1970s, although CUMAs did temporarily recoup some members after the 1973 oil crisis, which dramatically affected the availability and price of fuel (CUMA 2007b).

CUMAs only regained a substantial amount of support and a lasting surge membership beginning in the mid-1990s, after the European Union discussions of reforming the CAP several years earlier had initially triggered a great deal of anxiety among farmers (Bruckmeier and Whlert 2002). In 2003, the renegotiations of the CAP resulted in a decoupling of farm subsidies from production quotas and instead, the CAP's support for agriculture is now linked to overall environmental sustainability and the production of higher-quality farm products (Burell 2003, Fouilleux 2003). This reorientation of the CAP translated into a sustained support for CUMAs which are still seen as cost-effective means for gaining access to expensive farm machinery, such as liquid-manure sprayers.

As elsewhere in France, CUMAs were first introduced in the Pyrénées-Atlantiques Department shortly after World War Two. However, the wider structural

defects that plagued CUMAs at the national level during their infancy also existed in Iparralde. The productivist logic integral to agricultural modernization and espoused by the CAP was a significantly different approach for many small Basque farmers (Itçaina 2005). The real and perceived socio-economic changes associated with the expansion of intensive agriculture was increasingly protested and resisted by many farmers with left-leaning political views, many of whom were already or were interested in becoming members of a CUMA (Candau 1998).

There were some 184 CUMAs in the Pyrénées-Atlantiques Department in 2007 (CUMA 2007c), up from 170 four years earlier (Conseil Générale des Pyrénées-Atlantiques 2003). Across the Aquitaine region, some 55% of farmers are members of a CUMA, and this ratio is as high as 95% in certain low-lying parts of the Pyrénées-Atlantiques Department. But in reality, CUMAs did not gain meaningful traction in Iparralde until 1976, and they did not really began to attract new members until 1982, when the French government began subsidizing the interest rates of loans made to CUMAs (Iralour and Boudet 2006: 16). In 1987, the Aquitaine region and the Conseil Générale of the Pyrénées-Atlantiques Department also began lending their financial support to CUMAs, most notably by subsidizing the CUMA membership fees of new young farmers that can run up to €13,000 (Iralour and Boudet 2006).

In Baigorri valley, CUMAs had a particularly difficult time finding appeal among local farmers. In part, this because many of the farms are simply too small to need much of the big, expensive farm equipment that justify many farmers' membership in CUMAs. In this sense, CUMAs do not appear adapted to the particular demands of farming in a

mountain environment, where large capital investments are not as common as in other forms of intensive farming, such as corn or wheat production.

The Syndicat of the Baigorri valley provides some commonly-owned equipment, such as tractors to mow alongside roads in common property zones. CUMAs could have the potential to provide infrastructural support to compensate for the decline of neighborhood support networks and systematic cooperation within villages. But CUMAs are not as appealing to small family sheep farmers in a mountain environment, and are instead best suited grain production in less mountainous areas.

In sum, CUMAs have persisted since 1947 because of, or sometimes in spite of, the support received from the French government and the European Union. The CUMAs have also been important purveyors of new technologies and have been integral means in the modernization and mechanization of agricultural practices, particularly during the quarter-century from the late-1950s to the early 1980s. Farmers in tight financial straights have been able to turn to CUMAs for material support, and this has reduced some of their economic debts and risks. Finally, CUMAs now appear poised to adopt the new rhetoric and practice of environmental sustainability that is promoted and advocated by the European Union, which suggests that these organizations have found a means to remain relevant to both farmers and policy-makers in the face of ongoing transformation in agro-pastoralism, which is the focus of the following chapter.

CHAPTER 8

THE EUROPEAN UNION AND THE TRANSFORMATION OF AGRO-PASTORALISM

The economic transformation of Iparralde was a gradual but nonetheless profound change that steadily led small, self-sufficient farmers to contend with larger markets and commerce. The economic currents and actors of a new national and international context displaced local economic networks from the confines of individual, isolated valleys and solidly inserted them into a modern market economy. As discussed in previous chapters, farmers of the Baigorri valley have long contended with extra-local political developments. However, the rapid expansion during the first half of the 20th century of Roquefort cheese manufacturers in the area linked local agro-pastoral activities to the wider French economy for the first time.

The 1960s in Iparralde was a pivotal decade in the transition for small family farms that were only partially integrated into a larger set of regional and national economic relations. The productivist model of agriculture that contributed to the blossoming of large scale, industrial enterprises such as Roquefort, would figure prominently in the crisis of overproduction and surplus. This “silent revolution ... led French agricultural production to have a large surplus.... Small rural producers were integrated into the market at the expense of a profound modification of social

relationships.... These relationships were articulated between farmers and capitalist entrepreneurs operating in a market logic,” including private agro-businesses (Candau et al. 1989, p.24). The European Union and international accords such as the GATT (General Agreement on Trade and Tariffs, now the World Trade Organization) also weighed on French agriculture, and by extension, influenced the economic realities facing Basque family farms. The processes of agricultural mechanization and economic modernization described in this section were set into motion well beyond the Basque region and well before this historical moment in time. Indeed, these transformations do not end in the 1970s, but only continue to intensify and accelerate over subsequent years.

Beginning with the *lois d'orientations* (blueprint laws) of 1962 and France's opening to European markets, farmers faced a steady proliferation of constraints and rules to follow in order to benefit from government support programs (Coulomb 1990). Some of these were unduly onerous for young farmers, particularly men or women with young children and families, so it is somewhat logical that many of farmers concerns in Iparralde dealt with the rules and conditions that they had to meet in order to set up a farmstead, or more accurately, to become a farm's primary tenant (the *etxeko-jauna* discussed in chapter four). For example, until the mid-1990s, in order to receive start-up monies (*prime à l'installation*) from the government, farmers had to first complete a 6-month long internship on a 'training' farm located at least 50 kilometers from one's home (Bruckmeier and Whlert 2002). This contestation proved to be one of the catalysts behind the creation of ELB as some Basque farmers felt as though their interests were not being fairly represented by the main farmers union FNSEA. The original conditions attached to the *prime d'installation* were also motivating force behind the creation of GFAM Lurra

(Groupements Fonciers Agricoles Mutuels) in the Basque region in 1979 (Cachenaut and Berhocoirigoin 2007).

European Union and French guidelines stated that, in order for farmers to be eligible to receive subsidies and financial assistance, they also must complete either the *Baccalauréat professionnel agricole*, which is the public high school degree specializing in agricultural training (personal communication, Miren Aire, August 31, 2001), or complete an equivalency certificate for those farmers already out of school and in the active workforce, the Brevet Technique Agricole (personal communication, Pierre Arrambide, December 17, 2002). Other forms of assistance were promulgated by *Loi de Modernisation Agricole* (Law on agricultural modernization) in 1980 which further codified the Common Agricultural Policy for French farmers, which is the topic of the following section of this chapter.

Common Agricultural Policy

Agriculture has been an integral component to interactions in between member states of the European Union since its creation. Created in 1962, the Common Agricultural Policy (CAP) is a subsidy program that was originally created to help farmers have a reasonable standard of living by guaranteeing adequate revenue in light of fluctuations in commodity prices. The CAP also purported to keep rural economies afloat, maintain economic and social cohesion as policy criteria, and to preserve rural landscapes (Pezaros 1998). This essentially meant that the CAP supports farmers who

provide a valuable service to the social collective in maintaining the integrity of rural ecosystems (Gray 2000).

Agriculture has historically been one of the main economic activities in Europe, and has played a central role in the social history of many European nations. By extension, agriculture has also played a pivotal part in the international tensions and conflicts that have punctuated Europe's past, and food security was a central concern following the end of World War II. The CAP was anticipated in the 1957 Treaty of Rome, where member-states of what was then the European Economic Community (EEC) agreed that agriculture would figure in a place of privilege in all of its community endeavors and future agreements (Hennis 2005). By this token, the CAP removed much of the policy making from the individual national governments and placed them within the realm of European governance.

The principal objectives of the CAP were to establish an open, single market that allowed for the tariff-free circulation of commodities. This policy also envisioned a hierarchy of preference for goods originating within member-states, effectively creating barriers and protections against imports. Another important objective of the CAP was to move the structure of financing for agricultural and rural development from the national level to the European level (Marsden 2005). These objectives were intended to boost agricultural productivity, ensure predictable food supplies, increase the availability of new technologies and equipment to farmers, and to stabilize price fluctuations of commodities.

The impact of the CAP was pervasive, profound, and rapid. Its original market price support system, which favored EEC producers of basic food stuffs, including the

dairy products that were the mainstay of Basque farmers, contributed to the self-sufficiency of European food supplies (Gray 2000). But the original intention of CAP price supports quickly resulted in surplus production which, according to CAP guidelines, was invariably purchased from farmers by the national governments at fixed prices (Pezaros 1998). In the case of Iparralde, this orientation of the CAP also abetted the expansion of production that bolstered the position of Roquefort cheese manufacturers purchasing sheep's milk from farmers (Candau et al. 1989). In addition to these general direct-payment farm subsidies, farmers in the Baigorri valley who raise sheep have received supplemental subsidies since 1982, and because they work in a mountainous area, they have been eligible for another subsidy since 1992. The sum of these European Union subsidies can represent nearly 50% of a farmer's annual income whose economic viability thus depends in no small amount on CAP monies (Burrell 2003).

In light of price distortion and surplus production, the EEC realized that it needed to modify the original structure of the CAP by the mid-1980s. However, by this time the CAP had also achieved many of its original objectives as described above, so in this sense, the initial salvo of the CAP was very successful (Gohin et al. 2007). Since 1992, the CAP has undergone a steady transformation process that decreased price support, shrank the quota system, and replaced these policies with a more comprehensive set of objectives to address agricultural development and environmental sustainability in rural regions of the European Union, which includes most of Iparralde (Shucksmith, Thomson and Roberts 2005). Until the 2003 Luxembourg agreement, CAP subsidies were linked in part to higher production quotas, with overall milk quotas for the European Union set so

as to have a 7% surplus (Burrell 2003:6). The structure of CAP subsidies put the short- and intermediate-term economic interests of individual farmers in the Baigorri valley at odds with the interests of the community for whom the longer-term maintenance of common-pool resources was paramount. Coupled with a relatively high price of milk through the 1980s and 90s, the intensification of this mode of production only served to undermine social networks, such as the *auzolan*, which were already fragilized by the decline of cooperation in farming activities and the increasingly individualized nature of agricultural activities. Under these conditions, success in farming in the Baigorri valley over the past quarter century appears predicated as much by the agricultural policies of the European Union as by the local common-pool resources that have been historically central to the livelihood of farmers in Iparralde.

Impact of the proliferation of farm aid

There are a number of different subsidies, programs, and forms of aid that are available to European Union farmers. There are additional mechanisms for aid to farms located in mountain areas. This means that for agro-pastoralism in the Baigorri valley, there are numerous complex and various forms of financial support made available to them. These aid mechanisms may originate from the European Union, the French state government, the Aquitaine region, or the Pyrénées Atlantiques département. These assistance programs are often complimentary to one another, although farmers may not be able to accumulate all of these different sources of funding (Pezaros 1998). In addition to farm aid for individuals, mechanisms for financial assistance also exist for

organizations, like the CUMAs discussed earlier in this chapter (CUMA 2007c). These aid mechanisms for farms may have specific conditions or detailed stipulations attached to them including, for example, criteria about agricultural production or standards for environmental quality and protection.

With the decentralization since the 1980s of certain administrative responsibilities certain aid programs for farmers have shifted from the national level to the Aquitaine region or Pyrénées Atlantiques département. One of the more crucial farm aid mechanisms, particularly for those younger farmers setting up their operations, is the Aide au Jeune Agriculteur (AJA). This aid program is intended for farmers between the ages of 18 and 40 and who have either completed the vocational or high school degree equivalent of the Brevet Technique Agricole (BTA) discussed in the previous section of this chapter.

The first step in receiving the AJA is for a farmer to undertake an *Étude Prévisionnelle d'Installation* or EPI (Provisional Installation Study), which is an in-depth proposal that the farmer puts together, along with a budget and a long term business plan. The farmer receives 400 Euros in direct payment towards their expenses for this proposal, which is submitted to the département's agricultural division for review and approval. If the proposal is approved, the young farmers are obligated to submit an annual report for the first three years, explaining their progress in regards to their business plan. An individual farmer setting up an operation is eligible for a one time subsidy of 6,000 Euros, or 9,000 Euros for a couple who are both farming (Michel Bidegain, personal communication). Proposals are normally reviewed and decided within two to three months.

The financial assistance provided to farmers is often contested by individuals or groups that point to agriculture as being unfairly or inordinately subsidized by various sources. Sometimes this opposition to farm aid mechanisms is based on environmental grounds, such as wildlife protection advocates who contrast the amount of support that farmers receive with the funds made available for conservation or for biodiversity preservation projects (Welch-Devine 2007). Others view farm aid mechanisms as a vital set of tools that help overcome the disadvantages and challenges of farming, particularly for those in underdeveloped places like the Baigorri valley that present topographical difficulties as well. In this sense, aid to farmers in mountain regions, which is one of the individual mechanisms for farm aid in the European Union, can be construed as a means for preserving an economic activity, retaining inhabitants, and even maintaining a particular cultural landscape.

I posit that although agriculture may receive a significant allocation of the European Union budget, it is not the only sector to receive subsidies. Other sectors of the economy, including trade, transportation, or industrial activities, also receive various forms of direct and indirect subsidies. This is arguably part of the illusion that we have of Adam Smith's invisible hand in market capitalism. There are many hidden aid mechanisms, not just for agriculture. For this and other reasons, criticism of farm aid often falls on deaf ears in mountain communities like Aldude and Urepele where agro-pastoralism is the most important area of economic and social activity. Farm aid mechanisms also become a point of contention in discussions between different communities of users of mountain spaces, which was the case during the public

commentary period leading up to a Development Charter for the Basque Mountains (both a Charte Agricole and a Code d'Usage).

Over the past decade, the question of how to reconcile agro-pastoral activities, forestry, and leisure activities in the mountains has grown increasingly pressing. The stakes that the Pyrénées Mountains represent in places like the Baigorri valley have evolved, and in a sense, the stakes have become higher as more people with divergent interests utilize these spaces simultaneously. This incited local organizations like the Syndicat of the Baigorri and Syndicat of Cize (to its immediate east) to join forces in 2003 with the Conseil de Développement du Pays Basque (or in Euskera, Euskal Herriko Garapen Kontseilua) in order to plan for a Development Charter for the Basque Mountains.

Their most immediate objective was to determine 'best-practices,' that is, evaluate the range of activities occurring in the mountains and ascertain what new forms of use have developed. Their first preliminary assessment was, unsurprisingly one should think, that agro-pastoral activities constituted a solid base that deserved to be reinforced in nothing else. A second judgment was that forestry needed to assume a more central place in planning and management practices, since forests are utilized for their timber, but also as spaces that permit the grazing and free movement of livestock. A third finding was that leisure activities such as hiking, fishing, hunting, motor-biking, or four-wheel driving in the Baigorri valley, and elsewhere in the Pyrénées, were experiencing rapid growth and expansion. Thus, the objective is to determine how a Development Charter for the Basque Mountains promotes a complementary coexistence between the different communities of users. One of the strategies is to measure the changes in agro-pastoral activities from 2005-2015 across the mountain territory, and subsequently to use these

data to plan for future changes so as to ensure the viability of agro-pastoralism in mountain area.

Crisis and continuity in the Syndicat of the Baigorri valley in 1987

The historical relationships between and within communities of the Baigorri valley and its surrounding area, as was discussed in Chapters 4 and 5 of this dissertation, have long been contentious in nature. The 18th and 19th centuries in particular were a period of prolonged, low-intensity conflicts that were spawned over common-pool resource use. The various archival materials and historical documents demonstrate the continuous negotiations between local and external polities, and the historical institutions governing the Commons are characterized by their navigation of these competing interests. The slow but ineluctable settlement of the upper parts of the Baigorri valley over the course of several centuries was also brought to light via the archival documents. The resistance of communities from where people emigrated in the lower parts of the valley, such as from St. Étienne-de-Baigorri, to the founding of surrogate communities in the upper part of the valley also predates the 20th century (see appendix 17). These tensions between the upper and lower parts of the Baigorri valley became somewhat more pronounced after the use of common-pool resources in the mountains were more clearly established after the 1856-58 Treaty between France and Spain. This is unsurprising considering that usufruct rights of farmers from communities on the north and south sides of the Pyrénées were more clearly spelled out and articulated at this point

in time. Thus, the historical tensions which persisted no longer spanned across the border but within the Baigorri valley.

In the following section, I examine the most recent instance of crisis between users in communities from the upper and lower parts of the Baigorri valley in the mid 1980s; the communities of the upper part of the valley include Urepele, Aldude, and Banka, whereas the lower parts of the valley include St. Étienne-de-Baigorri, Ascarat, Lasse, Anhau, and Irulegui. This crisis manifested itself via the institutional structure governing the Commons, the Syndicat of the Baigorri valley. The crisis erupted in 1983 when the president of the Commission Syndicale, that is, the board of directors of the Syndicat, was to be elected. There were two candidates for the position: the first was the mayor of Aldude at the time, Albert Chabagno, who had been president of the Commission Syndicale since 1969. The other candidate was Marcel Monlong, a doctor and the mayor of St. Étienne-de-Baigorri. The two candidates split the votes of the eight representatives serving on the Commission, each receiving four votes (Itçaina 1993). The three communities from the upper part of the valley, along with the support from the representative from Lasse, voted for Albert Chabagno, and the other communities supported the opposing candidate. In the case of a tied vote, the elections rules for the position of president provided that the older candidate would accede to the office, Albert Chabagno in this case (a peculiar but common solution in the French administration).

It is important to note that the president of the Commission Syndicale was responsible for guaranteeing and enforcing the rules governing common-pool resource use, for verifying the payment of transhumance fees for those farmers utilizing the pastures in the Kintoa, formulating an operational budget for the syndicat of the Baigorri

valley, and supervising instruction and repair of infrastructure, such as roads and pens to separate animals in the Commons (see illustration 36). As such, the president of the Commission Syndicale's responsibilities are both administrative, supervisory, and to a certain extent, diplomatic, since the syndicat still has to validate each year which parts of the mountain can be used for grazing and for hunting.



Illustration 36. Photograph of animal pen and road built by syndicat in Commons, east of Aldude, taken by author, May 2000

The contentious results of this election enhanced the bipolarity of the communities in the Baigorri valley when, the following year, Albert Chabagno decided to restrict hunting rights in the mountains surrounding the upper part of the Baigorri valley to people residing there (Setoain 2002a). This decision was very unpopular with those inhabitants from the communities in the lower part of the valley who were supposedly no

longer permitted to hunt on the lands managed by the syndicat. In retaliation, the representatives from the lower part of the valley refused to vote and approve the syndicat's budget for its operating expenditures in the 1985 fiscal year (Setoain 2002b). It may seem surprising that such divisions would arise between farmers who, for the most part, regardless of whether they live the upper or lower parts of the valley, all utilize the common-pool resources of the mountains for grazing their livestock. However, in the words of one of my informants, "hunters are hunters before anything else; passions run very high when it comes to hunting, and people aren't necessarily rational in their discussion of hunting. Much more so than when it comes to livestock, hunters of the upper part of the Baigorri valley resent and oppose those from the lower part" (personal communication, Roland Ernautene, July 7, 2005).

The crisis within the syndicat worsened over the course of that and the following year, when the budget for 1986 was also not approved because the representatives on the Commission were unable to come to an agreement over hunting rights (Setoain 2002d). However, in 1986, the representative of Urepele, Marie-Antoinette Etchebarren, who had been mayor of the village since 1977, abstained during the vote for the syndicat's budget. She stated that the town council of Urepele had decided that:

The Syndicate of the valley of Baigorri is a structure that is not adapted to the geographical and economic realities of the sector, particularly considering the disparities and differences in between the communities that compose it. The town council wishes for this reason within the context of the new Loi Montagne [law passed by the French government circumscribing construction and activities in mountain areas], that the villages of Banka, Aldude, and Urepele, where the border constitutes a natural enclave, form a new Syndicat that would manage the Commons

situated on their respective territory, and which would permit these communities to judiciously use, in the interest of its inhabitants, a mountain and a forest that it knows best (Itçaina 1993:67-68).

This idea of splitting the Syndicat seems quite dramatic, but I argue that this is an extension of the attempts to enclose the Commons that had periodically surfaced over previous centuries, such as a similar instance in 1860 that was discussed in Chapter 6 (see Appendix 17). Although the town council of Urepele may have wished to secede from the Syndicat, this proposal was not supported by Albert Chabagno, the president of the Commission Syndicale at the time.

Marie-Antoinette Etchebarren had been a member of the Commission since becoming mayor of Urepele, and had the support of many farmers of the upper part of the Baigorri valley, as well as those few inhabitants living in the Kintoa (personal communication, Jean-Pierre Erreca, June 25, 2002). For many of these farmers, Marie-Antoinette Etchebarren protected their vital interests in relationship to other common-pool resource users, and was a strong advocate for them on the Commission Syndicale. Her role was particularly pivotal in relationship to the Commons of the Kintoa, which was viewed as an essential set of pastures for the livelihood of farmers in the Baigorri valley. Or, as Michel Setoain opined to me nearly two decades later:

Everyone (in the Baigorri valley) agreed about that at least. After all, the valley is in reality relatively poor and people realize that they have to reach some sort of consensus over the Kintoa. The use of the Kintoa, for many shepherds, can only be protected by the Syndicat, and the president of the Commission is their interlocutor (....) Marie-Antoinette Etchebarren was clearly the instigator of Urepele's request to break up the Syndicat. They [Urepele town council]

deemed that the sources of prosperity in the valley, the Haira forest, for example, were located primarily in Banka and Urepele (...) It was entirely in their interest to end the collective management of the Syndicat and to create something new (personal communication, Michel Setoain July 19, 2005).

It seems imperative that the leader of the Commission Syndicale would defend and advocate the interests of all users of common-pool resources in the valley. But the divisiveness triggered by the stalemates over the Syndicat's budget also illustrates the importance of which part of the valley the president comes from. Some farmers in communities in the upper part of the Baigorri valley were not shy about expressing their belief that the president of the Commission Syndicale should prioritize their needs and use of common-pool resources. Or as one farmer from Urepele unambiguously stated for me in an interview: "only someone from here can fully understand just how indispensable the Kintoa and the mountains are for our village's survival" (personal communication, Gérard Antchagno, May 26, 2000). Although the Commission Syndicale did not have any formal, written guidelines stating this policy, by tacit understanding, the President had always been from a community in the upper part of the Baigorri valley. It was assumed that this officer would be assisted by a Vice-President elected from one of the villages from the lower part of the valley: "even if this is not written anywhere, this is how it's been done for over a hundred years, and it's vital to the proper functioning of the valley" (personal communication, Dominique Arrambide, August 8, 2001).



Illustration 37. Photograph of water spigot installed by the Syndicat of the Baigorri valley at the Ichterbegui pass south of Urepele, taken by author, August 2003

By May 1986, the ongoing budget dispute had paralyzed the day to day management of the Syndicat. The construction of watering troughs for livestock and other construction or maintenance projects in the Commons were suspended because of this financial situation (see illustration 37). Eventually, the French government, via the Préfecture of the Pyrénées-Atlantiques department, intervened to mediate between the

parties, and to institute a temporary budget so as to unblock the bureaucratic paralysis of the Syndicat. The French government's intervention was in part motivated by their concern that *abertzales* (Basque nationalists in Euskera) would quickly step in to mobilize and organize farmers if the Syndicat had collapsed in 1986. This was indeed a period of intense social upheaval and armed struggle had spread through northern and southern Basque regions. For example, two French gendarmes were killed in 1982 in St. Étienne-de-Baigorri by Iparretarrak, a Basque paramilitary group in Iparralde that was affiliated with ETA. There were a number of other militant actions throughout Iparralde during all of the 1980s (Jacob 1994).

In practice, the Préfecture only intervened in the syndicat's affairs during the period when budget was suspended. There were official and unofficial meetings between the Préfecture's staff to facilitate negotiations between representatives of the syndicat. Michel Setoain recalled that "most farmers really didn't care about the Préfecture's position or actions. Local farmers were happy that the crisis had been resolved and that the Syndicat's budget reinstated, particularly because capital investments in certain equipments had not been completed" (personal communication, Michel Setoain, July 19, 2005). It appears that the Préfecture's intervention was not authoritarian or prescriptive, and was perhaps subtle enough so that the crisis in the syndicat was not turned against the French government. "But the state, is the state;" and in Michel Setoain's opinion, the government was "crafty and managed to arrange things so that no one party turned against them," suggesting that the government effectively managed to placate opposing groups.

Ultimately, after the Préfecture's intervention in the crisis of the syndicat, the

Commission selected neither of the previous candidates and instead unanimously elected a new President: Marie-Antoinette Etchebarren. It is not clear to what extent the unanimity of Etchebarren's election was a deliberate, planned result. But the outcome ensured not only the implementation of the syndicat's budget, but also abetted its survival since she effectively ended the threat of secession of communities from the upper part of the Baigorri valley. Perhaps this is a consequence of a person who moves into a position of power within a structure, in this case Marie-Antoinette Etchebarren, and rather than continuing to be exposed to its sometimes capricious whims, this person seizes the reins for controlling the institution.

In a way it has created a status quo because a person can be in a position of power within a structure, but the structure nevertheless can still maintain power over the person. This is how an individual becomes integrated into a structure (...) in a traditional, social structure like the Syndicat people are absorbed into it and, disputes may appear but are quickly masked. Ultimately, as long as the structure endures and functions, the social cost incurred does not matter (Michel Setoain, personal communication, July 19, 2005).

Only one other notable incident has occurred over the use of the Commons since the crisis ended in 1987 (Itçaina 1993). This incident arose when a farmer from Ascarat, a village in the lower part of the valley, sought to build a *borda* in the Commons to use during summer transhumance (see illustration 38). The proposal to the Commission Syndicale was vociferously opposed by the representatives of the villages of Aldude and Urepele. They effectively disputed and defeated this proposal, which was seen by some farmers as an example of encroachment by an actor from the lower part of the valley on

common-pool resources located in the upper part of the valley (personal communication, Dominique Arrambide, December 17, 2002). Even though the person making the proposal to build a *borda* was a member of the syndicat (from village of Ascarat), and even though arguably he was not suggesting anything out of norm, this proposal was construed as untimely and unnecessary. Even so, most of the farmers that I interviewed claim to be on friendly terms: “Everybody is really buddy, buddy; there aren’t really any problems. But when shepherds from St. Étienne-de-Baigorry come up here, well, they don’t get a particularly warm welcome. But, that’s just because we’re all competing over the same pastures” (personal communication, Gérard Antchagno, May 26, 2000).



Illustration 38. Photograph of shepherd’s mountain cabin or borda, south of Urepele, taken by author, July 2005

Since 1998, all of the local elected officials who serve on the Commission Syndicale have been practicing or retired farmers. It is perhaps surprising to learn that this was not previously the case. However, the individual who represented St. Étienne-de-Baigorry on the Commission Syndicale was less likely to be a farmer than representatives from other villages in the valley, since St. Étienne-de-Baigorry has a slightly more diverse economic base, primarily related to tourism and the service sector (personal communication, Dominique Arrambide, December 17, 2002). Thus, it is only in the past decade that farmers have become exclusive interlocutors on the Commission Syndicale. Ironically, the past decade has witnessed the proliferation of different groups seeking to use the mountain landscapes for a diverse and oftentimes competing set of interests. Leisure activities, such as hiking or bird-watching, are increasingly popular in France and Europe, and thus the common-pool resources utilized by agro-pastoralists in the Baigorri valley are ever more coveted.

However, these other categories of users don't necessarily have the same types of interests at stake as the agro-pastoralists. For instance, when the syndicat first hatched plans last year to create a dirt road on Iparla Mountain, west of St. Étienne-de-Baigorry, many hikers and ecologists were opposed to it although local farmers supported Marie-Antoinette Etchebarren. Because of this proliferation of number and types of users, only having farmers on the Commission Syndicale helps to consolidate and reinforce their position. Thus, farmers are better equipped handle the new demands that have been placed on the mountain over the past fifteen years by those actors claiming a "right" to utilize the mountains. This type of polemic between communities of users in the Basque Mountains of Baxe-Nafarroa surfaced in acute fashion several years ago when five hikers

died at Esterenzubi in 2000 (a village some 8 kilometers due east of the Baigorri valley), during the spring in a fire that farmers had set to burn back invasive plants, in advance of transhumance (which, as explained at the end of chapter two in this dissertation, is a common occurrence in the mountains of Iparralde during the spring in preparation for the transhumance period). One of the issues that this tragedy raised was the inherent conflict between the farmers who saw the mountains as a work space, and others who view them as a place for leisure activities. This issue certainly has the potential to remain a flash point in coming years.

The crisis of the syndicat of the Baigorri valley in the 1980s demonstrated that the historical bipolarity between upper and lower parts of the valley can be triggered in very short order. Even though the past twenty years have not witnessed any significant intra-local conflicts, it seems likely that the opposition between communities is latent and would not take very long to surface. In many ways, this is to be expected when dealing with the difficult, contentious, and competing interests of different users of common-pool resources, particularly when these have existed for hundreds of years. Many agro-pastoral institutions have difficulties and this may be particularly true in mountainous areas. The decrease in number of farmers who use common-pool resources is part of a long-term trend in rural emigration that has characterized the French countryside over the past two centuries, although this development is less pressing in places like Urepele than in other rural parts of Iparralde. Farming in marginal places that are difficult to access, such as in mountainous regions, have high operational costs. Thus, economic problems are just as much of an issue as demographic problems. I argue that formulating and proposing solutions to maintain the livelihoods of small farming communities, such as in the

Baigorri valley, ultimately become a test of political will: what measures can and will be taken to ensure the persistence and viability of agro-pastoralism in Iparralde? The answer to this question depends in part on individual's personal choices to be a farmer. But, it is also contingent upon the financial assistance that is provided to farmers, that is, as discussed in the previous section, namely under the aegis of the European Union's Common Agricultural Policy and other farm aid mechanisms.

Diversification and development initiatives in the Commons

Agriculture will continue to feel real estate pressure from urbanization and suburban sprawl, particularly in areas nearer to the coast and in the piedmont areas. Until now, the Baigorri valley has remained relatively isolated from these pressures, although it is easy to suspect that it is just a matter of time before the issue is raised here as well (Errecalde 1980). Agro-pastoralism in mountain regions such as in Iparralde will remain tenuous and at-risk because of the inherent difficulties to implement intensive production strategies, and because suburbanization will continue to encroach on spaces that were historically agricultural areas. However, mountain farming does have the potential to confer an important advantage by conjuring up an image of pristine, unspoiled territories, as well as the perceived and real quality of its agricultural products. These assets could be prioritized, developed, and reinforced so as to distinguish mountain farming from that in other areas.

However, farming in mountain environments presents a number challenges. The continual modernization and transformation within agriculture raises the question

whether landscape maintenance, environmental quality, and agriculture will not find themselves at loggerheads with one another. These are particularly pressing questions given the substance and scope of new European Union directives, such as the Natura 2000 directive which, for example, lay out stringent criteria for sustainable agricultural practices, reinforces measures for ensuring water quality, or requires farmers to address any potential loss of biodiversity from overgrazing.

Indeed, one of the most significant challenges to the viability of agro-pastoralism in the Baigorri is due to overgrazing of common-pool pastures in the Pyrénées Mountains (Apecteche and Chabagno 2000, Bruckmeier and Whlert 2002). This area is a vital and indispensable source of fodder for the livestock raised by farmers who otherwise live on relatively small parcels of privately-owned land. Thus, overgrazing by horses, sheep or cows represents a chronic problem to all farmers. The intensification of agro-pastoral production and the resulting overgrazing highlights the need for a comprehensive review of land-use management in Iparralde. More precisely, I suggest that this review should address: management of common-pool resources, particularly with regards to overgrazing, access rights to these resources, the allocation of grazing runs to individual farmers (called “parcours” in France), the underlying causes of overgrazing, and the management of transhumant livestock, namely of horses (see illustrations 39 and 40).



Illustration 39. Photograph of herd of horses grazing at Ichterbegui pass, in Commons south of Urepele, taken by author, August 2000



Illustration 40. Photograph of herd of horses grazing at Oilharandoi, in Commons south of Urepele, taken by author, October 2002

The practical aspects of managing livestock stocking ratios, whether originating from the local level of the syndicat or at the transnational level of the EU, will impact each individual farmer. It is in light of these pressing needs that the Conseil Général of the Pyrénées-Atlantiques département, in tandem with the Conseil de Développement du Pays Basque, began a consultative process with farmers, agricultural cooperatives, and farmers' unions in order to establish joint protocols for addressing and planning for how to manage livestock stocking ratios, among other pressing issues for local farmers (Conseil de Développement du Pays Basque 2003b, Conseil Générale des Pyrénées-Atlantiques 2003). This final report is headed by is expected to be rendered public in the second half of 2008, subsequent to the appearance of this dissertation. But the joint task forces stated objective is to create a LEADER program (or, Liaison Entre Action de Développement et de l'Économie Rurale) for the Basque Mountains. This LEADER program would unite the prefect of the département of the Pyrénées-Atlantiques who is currently Phillipe Rey, the president of the Conseil Général Jean Castaings, as well as Alain Rousset, Jean-Jacques Lassale and other elected officials. It would draw € 1.6 million for the preliminary stage leading up to the creation of a social contract between multiple-parties for the protocols needed for the sustainable development of Basque Mountain.

Another question concerns the implications of new directives from the European Union, such as Natura 2000. As of 2005, the areas of the Baigorri valley that are to be included within Natura 2000 were already designated by the national government and the European Union, but many farmers were uncertain as to the implication of its limitations in practice. The Natura 2000 directive adds a new layer of complexity to an already

complicated political landscape that farmers must navigate, often with less-than-perfect guidelines (Alphandéry and Fortier 2001). Sites included in Natura 2000 will not prohibit hunting and farming, which is of the greatest concern to inhabitants of the Baigorri valley. Yet the remainder of the Natura 2000 program remains enigmatic to most people in terms of which local customary, perhaps centuries-old practices, will no longer be permitted in the near future and must cease on the directive of an external polity and decision-maker (Wascher and Pérez-Soba 2004). This will also complicate and delay the new LEADER project to establish best-practices for the sustainable development of the Basque Mountains.

One undeniably crystal clear issue is that the quasi-totality of the Baigorri valley was classified as a “Site d’Importance Communautaire” in April 2002. So indeed approximately 19,500 hectares of pastures and forests, from which 14,800 hectares were subsequently reclassified by the EU’s Natura 2000 directive as Special Protection Areas in April 2006 (Pinton et al. 2007). The objective of this designation under Natura 2000 is to preserve open spaces, but it is unclear what practical consequences, if any, this will have for farmers in the Baigorri valley. Natura 2000 may actually homogenize management practices to a certain extent along the border, since this boundary has not just marked the territorial separation of two states, but also the separation of land use management practices.

For example, Natura 2000 may perhaps allow the harmonization of the use of fire in farmers’ land use management practices (Chambre d’Agriculture des Pyrénées Atlantiques 2006). Natura 2000 will protect bird habitats in places where griffon vultures nest in and around the Baigorri valley, such as on Iparla Mountain at the northwestern

corner of the valley (Conseil de Développement du Pays Basque 2003b). Natura 2000 also addresses the issues of water quality and management, which is of some consternation downstream in the Nive River basin from the Baigorri valley because of the water run-off from agricultural fertilizers (Setoain 2004b). It remains to be seen whether, over the long term, Natura 2000 provides different users of the Commons with the chance to cooperation or increases the likelihood of conflicts in the future. The local Basque farmers' union Euskal Herriko Laborarien Batasuna (ELB) has galvanized farmers' attitude towards political mobilization (Itçaina 2005). To a certain extent, their efforts have focalized, even perhaps intensified local farmers' apprehensions surrounding the implications of Natura 2000 in Iparralde, although farmers' in the Baigorri valley have not voiced as much concern as in the Zuberoa Province or the Béarn region to the east, where political mobilization has been particularly vociferous because of the French government's proposal to reintroduce wolves and bears in the Pyrénées (Welch-Devine 2007).

I suggest that farm aid packages in the European Union must be furthered decoupled from production quotas and artificial price support systems, which support large farmers, and instead, aid may be better linked to the individual farmer regardless of the size of their farm. This is precisely what ELB has been advocating for more than a decade now: the cessation of 80% of CAP allocations ending up in the hands of 20% of farmers, arguably many of whom are large industrialized agro-businesses and not small family farmers (Sistiague 1996). The unequal distribution of farm subsidies is a historical product of their conceptualization in the aftermath of World War Two, when the nation states of Western Europe were intent on rapidly and widely promoting adequate food

supply and their independence from food imports. The rationale behind these subsidies which formed the main thrust of European farm policies was once valid; however, by the end of last century, their original objectives appear to have been sufficiently and adequately met. Yet the fundamental structure of these subsidies still persist in much the same form today even though more and more farms in Europe, as elsewhere in the post-industrial economies of the Global North, have been consolidated under the control of large corporations specializing in agriculture (Shucksmith, Thomson and Roberts 2005).

The radical transformation of the logic and structure of farm subsidies in this manner would provide clear and immediate incentives for individual farmers to select longer-term, viable and sustainable agro-pastoral practices. Thus, the EU's own expressed target goals in terms of sustainable agricultural practices, reinforced measures for ensuring water quality, or requirements for farmers to address any potential loss of biodiversity from livestock overgrazing, could be more rapidly and effectively met.

For example, instead of selling milk in bulk, farmers who produce their own cheese make about twice the profits. This would reduce much of the pressure to increase livestock and herd sizes. "There is nothing categorically wrong with a farmer having a large herd, but perhaps not all herds should be large. One reason is that large herds need more pastures, so they stay in largest open meadows which are in the highest reaches of the mountain. A shepherd needs to pay much closer attention to a large herd in order to keep them on their 'parcours' (or grazing run). But shepherds don't stay with their herds during transhumance anymore, or at least not all of the time. Consequently, large sheep herds drift to higher pasture and the lower pastures are not sufficiently utilized and grazed by livestock. This increases the opportunity for invasive species to take over, forcing farmers to increasingly resort to use fire as a land management practice. The Commons

don't automatically make individuals act responsibly.
(Michel Setoain, personal communication, July 19, 2005).

In light of this, I reiterate ELB's platform ideas and suggest that the EU should follow through on its plans for reforming the CAP by 2013 (Itçaina 2005, Marsden 2005). The future development of the Baigorri valley must create a more efficient and sustainable strategy for agro-pastoralists which would maintain or increase their revenue without necessarily increasing herd size.

Agro-pastoralism continues to play a social and economic role in the rural hinterlands of Iparralde, not only in terms of jobs, but also in terms of landscape management practices, particularly in those areas situated in the mountains. The agricultural sector represented over 7,000 jobs in Iparralde in 2000 and some 5,300 farms, each with an approximate average of 20 hectares (Conseil de Développement du Pays Basque 2000). Although agriculture remains a substantial sector in Iparralde, particularly when compared with the rest of the Pyrénées-Atlantiques *département* and much of France, there were nevertheless 40% fewer farms in 2006 than in 1970, a decline that has progressively accelerated over the last three decades (Chambre d'Agriculture des Pyrénées Atlantiques 2006).

There are a number of factors which explain the progressive weakening of the agricultural sector. In addition to food production, farmers are increasingly expected and even required to a certain degree by national and European laws, to also be environmentally responsible and attentive to the overall landscape management and maintenance of rural spaces. This signifies that in addition to the standard exposure to market fluctuations in commodity prices, farmers must also contend with public health

concerns caused by animal epidemics or viral outbreaks (such as foot-and-mouth disease). These diverse economic, political, and safety concerns make agriculture an increasingly risky and uncertain undertaking.

The viability of agriculture as an activity has also been weakened over the past several decades by a dwindling numbers of farmers, although these demographic pressures are not substantially different from those facing farmers elsewhere France and many parts of the European Union. However, I suggest that several factors place Iparralde in a comparatively better position to deal with upheavals in agriculture.

More than half of the farmers over the age of 50 in Iparralde have either already designated or chosen a successor or dependant who would definitely take over their farm upon their retirement (Conseil de Développement du Pays Basque 2000). However, there were geographical disparities in the responses: respondents living nearer to the urban coastal communities of Iparralde were less likely (39.5%) to have clear successors, whereas farmers living in the rural hinterlands (such as the in county of Garazi-Baigorri where this research project was conducted) had a significantly higher incidence (68%) of farm succession. It is somewhat surprising to learn that there is an increase in the number of farmers under the age of 35 in the county of Garazi-Baigorri, up to 23% more in 1997 (Conseil de Développement du Pays Basque 2000). Among farmers in Iparralde, 20% of respondents indicate that they have a 2nd professional occupation in addition to farming. This figure does not include spouses or other family members who work off of the farm. It is difficult to ascertain what the longer-term impact of this diversification will be and the extent to which national and EU financial retirement incentive packages encourage or discourage 2-income families. Certainly it is not a

modern development for multiple sources of income to exist within a single farming; indeed some form of economic diversification at the household level has long been a risk-aversion or minimization strategy for farmers, as well as for other types of activity.

Although the total number of sheep utilizing the common-pool resources of the Baigorri valley has increased from 1964-2005 (see illustration 41), the number of cows dramatically dropped during this same period, although there was a slight uptick from 2000-2005 (see illustration 42). As discussed in chapter 7 of this dissertation, the growing demand for sheep's milk, initially by Roquefort cheese manufacturers and then by other manufacturers such as Berria, has undergirded the market possibilities for agro-pastoralists, and this has been further reinforced through CAP farm subsidies.

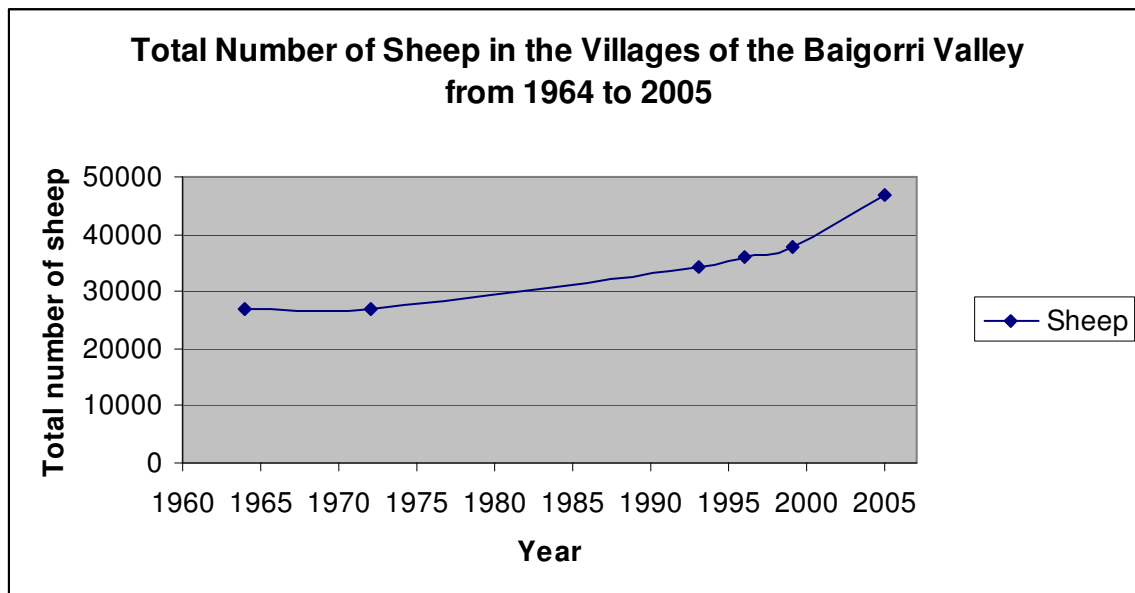


Illustration 41: Evolution in sheep livestock in Baigorri valley, 1964-2005 (Sources: Chambre Départementale d'Agriculture des Basses Pyrénées 1964, Syndicat de la Vallée de Baigorri 2000, and personal communication, Kathy Ernaut, June 3, 2005).

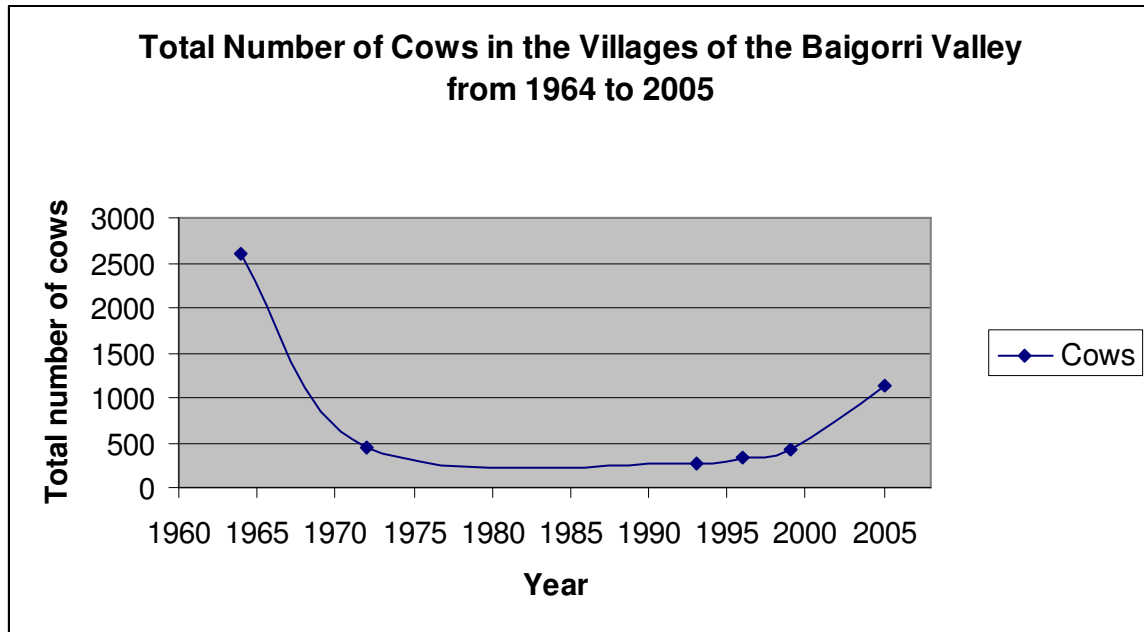


Illustration 42: Evolution in cow livestock in Baigorri valley, 1964-2005 (Sources: Chambre Départementale d'Agriculture des Basses Pyrénées 1964, Syndicat de la Vallée de Baigorri 2000, and personal communication, Kathy Ernaut, June 3, 2005).

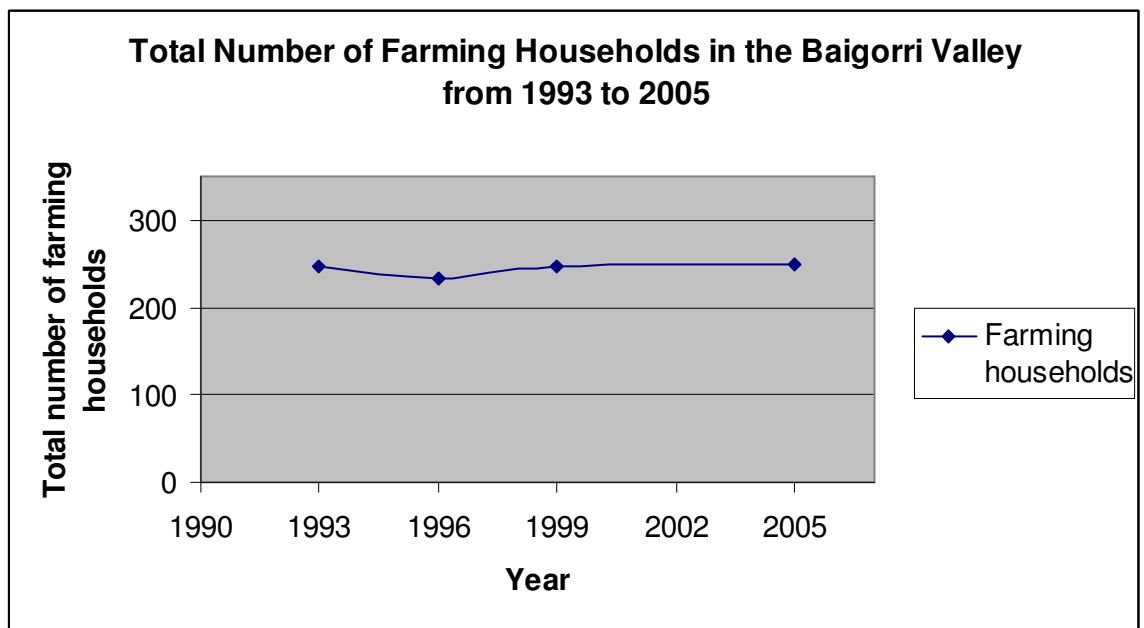


Illustration 43: Evolution in farming households in Baigorri valley, 1992-2005 (Sources: Syndicat de la Vallée de Baigorri 2000 and personal communication, Kathy Ernaut, June 3, 2005).

This does indicate that farmers in the Baigorri valley have specialized to a large extent in raising sheep, and suggests a decrease in economic diversification, or at least a shift away from being solely dependent on agro-pastoralism. On the otherhand, the total number of farming households in the Baigorri valley has stabilized since 1993 (see illustration 43). This implies a measure of continuity within farming households in the Baigorri valley. Although the primacy of *auzolan* may have disappeared, the transmission of property and the persistence of farming practices denote the preservation of the *etxe*.

Creation of transborder partnerships in Iparralde

In this next section, I examine the creation of new transborder partnerships in Iparralde over the past two decades that are inspired and draw from the historical connections between the different Basque Provinces. However, at the same time, these projects turn an eye away from the sometimes antagonistic and contentious nature of these historical links. In chapters 4, 5, and 6 of this dissertation, I presented and discussed several historical examples of interactions between communities of the Baigorri valley and their neighbors to the south, notably in the Baztán and Erro valleys in Spain. These examples describe and analyze a series of interactions, oftentimes quite contentious, between neighboring valleys and communities on both sides of the border. Their disputes frequently revolved around questions of access and use of the common-pool resources in the Baigorri valley, necessitating the intervention of external polities, namely the French and Spanish states.

The geography of the Pyrénées Mountains punctuated the separation between these communities which were often spaces of contestation over their common-pool resources. Over the centuries, treaties were established to normalize the use of the Commons, and by extension, the transborder relationships between villages. As I argued in chapter 4 and 5 of this dissertation, these treaties were also vehicles for the French and Spanish states to progressively assert their sovereignty and influence over these border communities. The various treaties ultimately forged a stable political boundary between the two state polities, which materialized in the 1856 Treaty of the Pyrénées.

From the Atlantic Ocean the Mediterranean Sea, across mountains and valleys, the political boundary can be either concrete or ephemeral. In the Basque region, the Bidasoa River separates the cities of Hendaye, located on the north side, and its counterpart Irun. The river is a natural obstacle that makes the boundary between two adjacent towns feel much more like a boundary two states. Indeed, this boundary has become a political border over the past two centuries increasingly marked by the presence of police and custom officials. These officials, and their capacity as representatives of their respected states, personify the authority and sovereignty of national governments.

By extension, the boundary also underlines the peripheral nature of the Basque region. On the coast, which is considerably more urban and developed, the physical separation between the northern and southern Basque regions is inescapable. Before the Schengen agreements in 1995, it was quite difficult to move across the border without being vividly aware and conscious of it. Today, however, at least most of the time, it is quite possible to cross the border without systematically being aware of it (see illustration

44). The adoption of a common currency, the Euro, in both France and Spain, in 2002 has further transformed people's awareness of cross border movements, making it in many ways less burdensome. The border itself mostly has just vestigial traces, with abandoned customhouses, road barricades, and guard houses littering former cross points as is illustrated in the photograph below of a former checkpoint in Urepele.



Illustration 44. Photograph of old barricade rusted in the up position, Kintoa border crossing in Urepele, taken by author, September 2001

I posit that, for many people living in communities situated at a border, relationship to the state inevitably highlights their own marginal and peripheral status. In the case of Navarra, William Douglass asserted that a border does not signify, or only vary rarely, the same thing to a person who lives at the center of a state and a person living on its border (Douglass 1975). Even illegal smuggling activities (*gaulana*, meaning

literally ‘work of the night’), which took place in spite of the presence of customs officials or police officers, accentuated the uniqueness of a border area. Ultimately, there are many ways for a border area to have multiple social meanings, embody strategies to different people, and represent different economic and political choices. The French and Spanish states each have had separate administrative trajectories, with a different set of implications for the northern and southern Basque region. In this sense the border is a project of the differences between these two states. For example, when the Spanish constitution was adopted after the Franco dictatorship in 1978, the southern Basque region acquired much more autonomy than its northern counterpart with the creation of both the Autonomous Basque Community (Euskadi) and the Foral Community of Navarra (Watson 2003). In France, on the other hand, the Basque region remains a part of a very centralized French state, even after the start of a process of administrative decentralization in 1982 (Cassan 1997). Overall this has set the stage for greater fiscal and political autonomy in the south, whereas Iparralde remains a part of the Pyrénées Atlantiques Département along with the Béarn region, which is in turn itself integrated in the Aquitaine region.

The differential political and economic development of northern and southern Basque regions over the past 20 years has impacted the nature and role of the border. The accession of Spain to the European Union in 1986 further underscored the evolution of this border, particularly by galvanizing and heralding new transborder relationships (Harguindeguy 2004). These initiatives have reshaped, and even rekindled the interactions between Basque communities, as well as enhanced their relationships with the French and Spanish states and the European Union. The role of the European Union

in regional politics has been enhanced as the French government progressively decentralized, and as the Spanish government delegated authorities to the regional level. Local communities in Iparralde have seen some layers of bureaucracy peeled away in recent years, for example, in regards to primary education and urban planning (Bray 2004).

Named after the town in Luxembourg where the agreement was first signed, the objective of the Schengen agreement, which France has adhered to since 1985 and Spain since 1991, was to eliminate border controls between the different member states of the European Union so as to facilitate the movement of people and of goods (Harguindeguy 2004). Instead, this agreement created a single external border for European Union member states. But the Schengen agreement did not do away with borders all together, as they remain all together real and relevant. Indeed, borders and border areas have become privileged sites of social and economic activities, and figure at the center of many European Union policies. In this sense, the Schengen agreement was an important catalyst for how the border in the Basque region was experienced and perceived, in spite of any political or administrative differences that persisted, even presenting major logistical and legal obstacles to transborder relationships.

As the European Union continued to expand in terms of surface area, population, and number of nation-states, cross-border cooperation increasingly became a central policy issue. The overriding concern was to streamline and facilitate economic integration across Europe. So in 1989, the EU Commission began funding the INTERREG initiative, with the intention of promoting borderless economic and social development (Bray 2004). The INTERREG program was originally conceived and

implemented prior to the collapse of USSR and its satellite Soviet states. This major and fundamental shift in the reality of European political economy caused a rethinking and retooling of the INTERREG mission. As the EU began to plan its incorporation of Eastern European states, particularly during its negotiations on Agenda 2000, the European Council articulated its resolve to continue funding the INTERREG initiative and with an eye on its enlargement, expanded the program to receive largest amounts of funding among EU projects (Shucksmith, Thomson and Roberts 2005).

As this program for cross-border projects developed over the years, it was renamed the INTERREG IIA program for the period from 1995 to 1999, and subsequently the INTERREG III program from 2000-2006 (Harguindeguy 2005). Throughout this time, INTERREG continued to emphasize funding for international cross-border initiatives between member states. Border regions such as Iparralde and the Basque region were thought of as the principal locales affected by the intrinsic perils and opportunities of the enlargement of the European Union, asserting that “the creation of an integrated, socially compatible economic area across historic borders is considered a major prerequisite for successfully coping with these challenges” (Wascher and Pérez-Soba 2004:4).

With the support of the European Regional Development Fund (ERDF), the INTERREG program was established in 1989 in order to promote the integration of border regions between different member states into the European Union. INTERREG III, the version of the program in place from 2000-2006, transferred the territorial competency and oversight of transborder programs from the national level to the regional

level (Bray 2004). For Iparralde, this meant that competencies for transborder relations shifted from the French national government to the Aquitaine region.

As mentioned earlier in this chapter, the devolution of competencies from national to regional polities corresponded to a wider process of decentralization within the French bureaucracy. However, the national administration is still ultimately accountable for transborder relationships through the Délégation interministérielle à l'aménagement et à la compétitivité des territoires, or DIACT, a government agency that coordinates development and planning in disadvantaged regions. The INTERREG III phase intended to reinforce the overall social and economic cohesion between European Union member states by increasing the number of sites with transborder relationships (Arzelus, Moreda and Saragueta 2001).

Although the INTERREG program certainly augmented the collaboration between regional and local actors, questions remain as to its longer-term social and economic consequences. For example, will transborder partnerships become vehicles for expanding the role and influence of the states and the EU over the development of border communities in the Basque region and elsewhere? Or will the elaboration of transborder relationships through INTERREG programs be genuine reflections of decentralized, regional economic development policies? These important questions will need to be addressed before transborder partnerships can develop successful relationships between communities shaped by an oft-contested history, such as those described between the Baigorri valley and its neighbors in earlier chapters of this dissertation. I posit that, if left unanswered, these questions will inevitably obfuscate and limit the possibilities for frank and meaningful transborder projects in Iparralde.

INTERREG made funds available to projects promoting transborder relationships, but did not resolve the legal incongruities between French and Spanish law. Thus, a treaty was signed in Bayonne in 1995 in order to simplify European Union directives and to create a legal framework that was lacking for communities in the northern and southern Basque regions who desired to develop or even recreate their transborder relationships. The Treaty of Bayonne proposed that communities could sign a transborder cooperation agreement (Convention) provided that this is justified on the grounds of common interests around a joint project. When this Treaty was signed, communities had the legal means to choose between setting up a Société Économie Mixte Locale (SEML), a Groupement d'Intérêt Public, a Groupement Européen d'Intérêt Économique (GEIE), an Association Loi 1901 (non-profit organization), or a Consorcio.

Several examples of transborder structures now exist in the Basque region. The area of Xareta was established in 2002 after a Convention was signed between the mountain communities of Sara and Ainhoa in the Lapurdi Province of Iparralde and their neighbors of Zugarramurdi and Urdax in Navarra. A feasibility study done by the Mission Opérationnelle Transfrontalière (MOT) in 2003 concluded that an Association Loi 1901 would be an appropriate structure for these communities. Xareta has already instigated several projects, including funding the modernization of local archaeological and touristic sites (Duvert 2004). Future transborder projects include the creation of a trilingual elementary school (in Euskera, French and Spanish), collective waste management program, and the joint creation of a local radio station.

The MOT is an agency of the French government, created in 1997 that works with the various levels of European, national, regional, and local governments to develop and

coordinate transborder initiatives (MOT 2005). The MOT conducts feasibility studies for the DIACT, helping municipalities and regions to establish transborder projects. In this capacity, the MOT provides technical assistance and, to a certain extent, advises different administrative entities on how to develop transborder projects and policies that maximize the use of European Union funds made available through the INTERREG program.

Another example of recent development of transborder relationships is between the coastal cities of Hendaye on the north side of the Bidasoa River, and Irun and Hondarrabia (Bray 2004). These municipalities signed a Convention in 1993 and the Treaty of Bayonne two years later provided them with the legal means necessary to formally constitute their transborder relationships. This ultimately led to the creation of the Consorcio of Bidasoa-Txingudi, also known as the Partzuergo (meaning partnership in Euskera), a transborder structure that includes more than 85,000 inhabitants. Each town has three representatives serving on a joint council, with the presidency rotating between mayors of the three towns. This structure also benefits from regional and European Union funds. Their financial contributions to the joint Partzuergo's budget are proportional to their population, meaning that even though Irun has the largest population base and contributes the most to the budget, it has the same voice on the council as its smaller partners. The Consorcio's competencies in transborder projects include tourism, worker training programs, as well as cultural and sporting events.

Lindux-Orreaga transborder partnership in the Baigorri valley

In the late 1990s, elected municipal officials, members of the syndicat, and other local actors in the Baigorri valley began to discuss strategies for building and improving

transborder relationships with the neighboring communities on the south side of the Pyrénées Mountains. After several years of discussion, a Convention was signed that created the framework for a new transborder project that known as the Lindux-Orreaga. Lindux is the Basque spelling for the Lindus Mountain located at the southeastern corner of the Baigorri valley and Orreaga is the Basque name for Roncesvalles. The Lindux Mountain is on the meeting point between the Baigorri valley and Roncesvalles, between the Basque Provinces of Baxe-Nafarroa and Navarra, and between the states of France and Spain. In the following section, I discuss the original motivations for this project, the different actors engaged in its elaboration, and issues raised during the negotiations. In elucidating this emergent transborder project between Basque communities on both sides of the Pyrénées, my objective is to highlight some of the continuities with the past and the challenges for the future of these mountain communities.

By 2001, there was significant agreement among local leaders, most notably in the Baigorri, Erro, and Baztán valleys, to jointly explore a transborder agreement. But the first steps themselves were quite tentative, if only because there were insufficient funds in individual villages to fund a study and determine how best to proceed. The monetary package was finally assembled through an assortment of state, regional and départementale sources via the Convention Spécifique du Pays Basque. In 2003, the MOT conducted a feasibility study for the creation of a transborder, inter-communal structure (at the same time that it conducted the study for Xareta), in collaboration with Cederna-Garalur, a non-profit agency based in the province of Navarra in Spain that promotes sustainable rural development. One of the challenges in this study for the MOT was to elaborate a proposal that did not infringe on the institutional structures that were

already in place for Baxe-Nafarroa and Navarra, such as the Syndicat of the Baigorri valley or the collective communities of the Baztán valley (MOT 2003b). The MOT study concluded that a transborder project in this area faced a number of obstacles: first of all, any new structure would have to respect the pre-existing agro-pastoral rights, such as the grazing agreements for the use of common-pool resources. Nor could a proposal infringe on the management and oversight powers of organizations like the syndicat, since these were precisely the type of informal and formal transborder relations that already existed, and indeed were built on several centuries of interactions, often quite contentious and contested. A second obstacle in the creation of a new transborder project, according to the MOT study, was the absence of any commercial links between the two sides of the Pyrénées. A third challenge centered on the lack of cultural exchanges between the different communities, be it based around sporting clubs, school outings, or music concert, in spite of the prevailing opinions expressed by the public during the MOT's inquiries (2003b). Conversely, the MOT study highlighted that people in the various communities identified a number of points in common with each other that represented solid grounds for a transborder project. These included similarities in terms of geography (mountainous areas), demography (sparsely populated rural areas), economy (primarily agro-pastoral), language (Euskera), and the more nebulous concept of Basque cultural identity. Ultimately the MOT feasibility study did not suggest that the challenges to the creation of a transborder project were insurmountable, and on the contrary, these challenges provide fertile ground for the different communities to initiate collaboration.

A public forum was organized and held in St. Étienne-de-Baigorry on April 30, 2004 with the mayors from different villages, representatives from the General Council

and Préfecture of the Pyrénées Atlantiques, members of the regional council of Aquitaine and the government of Navarra as well as many individual citizens. The consensus that emerged from this forum was that a Convention offered a promising opportunity to develop transborder relationships between the various communities. At this meeting, Marie-Antoinette Etchebarren, mayor of Urepele from 1977-2008 and president of the Syndicat of the Baigorri valley from 1987-2008, recalled that the original motivations for exploring transborder projects in the late 1990s stemmed from mountain communities' desire to tap into financial resources that were more widely available for agriculture (e.g., Common Agricultural Policy subsidies). "The goal of the MOT study was for us to see how we could develop beyond agro-pastoralism, and they suggested a number of possible avenues for transborder cooperation." Another official from the Aezkoa valley and current member of the Lindux-Orreaga board of directors, Felix Jamar Jauregui, underscored that the rationale behind the Lindux-Orreaga partnership is to "unite communities that have far too often ignored one another. (...) We have to take advantage of this opportunity, without underestimating the government structures that we are a part of." When I spoke with Iñaki Silveti Lecumberri, an elected official from Burgete in Navarra, following the April 30, 2004 meeting, he reiterated another point that Marie-Antoinette Etchebarren had made. In his eyes, the objective of the Lindux-Orreaga partnership was not so much to create a new institutional structure that would supplant previously existing entities, rather "it was to develop and consolidate the agreement and cooperation between Navarra and Baxe-Nafarroa, without necessarily being fixated on our disagreements, so that we can build projects that will enhance our mutual development." Other participants in this forum seemed to agree that a Convention was

not only useful but arguably necessary to ensure the long term viability of marginal and underdeveloped mountain communities. As Marie-Antoinette Etchebarren concluded at the end of the meeting, the partnership is “essential because the future, even the survival of our valleys will be better ensured if there is cooperation rather than competition between our communities.”

The first meeting following the MOT feasibility study was in December 2003, and produced a draft text for a Convention that was circulated amongst the different municipalities involved in the proposal development. The original discussions centered on the creation of a transborder agreement and involved communities from the Baigorri valley as well as from the communities of Erro, Baztán, and Valcarlos in the adjacent province of Navarra in Spain. But the number of communities interested in being involved in these negotiations quickly swelled, and when the Convention was signed in 2005, it included some 45 communities, 2/3 of which were in Iparralde and the other third on the south side of the Pyrénées (MOT 2005).



Illustration 45. Photograph of the signing ceremony Lindux-Orreaga Convention, St. Jean Pied de Port, taken by author, July 2005

The Convention was signed on July 21, 2005 in a ceremony in Donibane Garazi, or St. Jean Pied de Port (see illustration 45). The Convention requires meetings between representatives from the communities twice a year, which alternate between a location on the north side and a location on the south side of the Pyrénées. The objectives in the meetings are to review and evaluate the direction that a transborder project should take, stake out a consensus between the various parties, and review the different proposals that are formulated. The Convention also established a board of 6 directors, with 2 co-presidents, with responsibilities and authorities evenly divided between communities of Baxe-Nafarroa and Navarra. The intention here is to create legal and administrative parity between the various communities.

With the formation of the Lindux-Orreaga partnership, the present and pressing issue is to move beyond mere intentions, regardless of how well placed they may be. The first steps were for elected officials to familiarize themselves with the administrative structures of the other communities which highlights that, while the border may present a medium for future socio-economic development projects, the different institutional actors will nevertheless first have to overcome their separate trajectories of historical development (Marie-Antoinette Etchebarren, personal communication, May 27, 2005). From the beginning, leaders in the various communities recognized that it would take time and effort to build a culture of trust and confidence between the different communities, but that their historical ties were at least a starting point. In an interview with the local press, Marie-Antoinette Etchebarren noted that, in order for projects to simply get off of the ground, people “first have to understand how things operate for each community, and discover our respective territories” (Journal du Pays Basque 2007a).

This motivated two days of exchanges and dialogue between local elected officials, the first held in Donibane Garazi (or St. Jean Pied de Port) in July 2007 and the second in Elizondo in the Baztán valley three months later. The next step for the Lindux-Orreaga partnership is to demonstrate to local inhabitants that, with the aid of European Union funds, transborder projects are financially viable. Alphonse Idiart, the head of the Garazi-Baigorri Communauté de Communes (or the Assembly of Communities), was concerned that the Lindux-Orreaga partnership was not sufficiently tapping into the financial support of the European Union (Journal du Pays Basque 2007b). The Communauté de Communes is a relatively new institution in French bureaucracy that integrates several municipalities into a structure that allows for enhanced cooperation and coordination of development projects. Thus, the Communauté de Communes of Garazi-Baigorri plays a particularly relevant role in the elaboration of transborder projects, but also in coordinating proposals that affect multiple towns.

The first order of business after the signing of the Convention was to establish a contract with the Axura development agency, based in Navarra. Eva Lamothe, a technical advisor for the Pyrénées-Atlantiques département, agrees that the Lindux-Orreaga partnership effectively created new possibilities. “This allows budget resources to be pooled and helps overcome any shortage of technicians or advisors within the individual villages,” and she went on to suggest that “there was strength in numbers” (Eva Lamothe, personal communication, April 20, 2005) The development agency was charged with initiating community outreach and education, creating promotional brochures and web portal, and advising local inhabitants who wished to propose transborder projects. Since 2006, Axura has hired three part-time employees to manage the day-to-day operation and

administration of the Lindux-Orreaga partnership. Thus, while the progressive decentralization of decision-making within the French and Spanish states over the past two decades has given more autonomy to local actors, the communities find themselves needing outside help from agencies like Axura who have the specific expertise and requisite skills that are needed for these development projects.

In the past two years, Lindux-Orreaga has been able to sponsor meetings between the leaders of the local rugby clubs in Baigorri-Garazi and Baztán, who are planning joint team practices sessions and games. During the fall of 2007, the Lindux-Orreaga partnership also began advising small scale cheese-manufacturers in the Valcarlos, Baztán and Baigorri valleys who wish to explore opportunities for milk and cheese production. This has been framed as an opportunity to enhance local cooperation and jointly plan for activities that add value to what they produce without necessarily having to increase capital investment or number of livestock. In an interview conducted with the mayor of Valcarlos, Juan José Camino, he suggested that “the history of the region makes it a rich, productive place for pastoralism. But this heritage has been in decline for over forty years now. So how can we improve on it and make changes towards a more sustainable future? The wealth and livelihood of local farmers requires us to shy away from competition amongst locals” (Juan José Camino, personal communication, April 20, 2005). Instead, Camino believes that the future of farmers can be enhanced through the transborder relationships generated by the Lindux-Orreaga partnership. “The future is best insured through cooperation rather than competition between the valleys. This is why we want to highlight the quality of our products [like cheese] in order to offset or minimize any economic losses.”

In spite of lofty ambitions, the first concrete proposals for transborder projects within the Lindux-Orreaga partnership were “quite timid” in Michel Setoain’s assessment. This partnership is mostly oriented toward economic development, but it is not clear how successful these will be. “The most important element may be in terms of the project’s ability to open up a society that is cloistered and closed-off, where people don’t interact with many others from outside of the valley. That being said, the Baigorri valley is a dynamic place, with more young people than in other rural mountain areas” (Michel Setoain, personal communication, July 19, 2005).

One project that has not yet been successfully implemented, hopes to establish connections between the elementary schools in valleys on both sides of the Pyrénées and to organize joint fieldtrips for students. This proposal was tabled in September 2007 after planners were unable to coordinate the different school schedules and find an opportune time. But the idea of emphasizing and increasing relationships between youth of the various communities that belong to Lindux-Orreaga partnership is very appealing to leaders who are concerned by the steady demographic decline in rural mountain areas. For example, after the Convention signing ceremony in July 2005, I asked a town council member of the Valley of Erro, Alvaro Villanueva Azcarate, about the prospects for young people. He remarked that the perilous demographic situation was oftentimes the “elephant in the room during the discussion leading up to the signing of the Convention. Everyone knows that there is a grave loss of young people moving to urban areas like Iruñea-Pamplona or Donostia-San Sebastián. The average age of the population is increasing. Rural out-migration should be a foundation on which all projects are

considered, and this reality should remain at the heart of our discussion” (Alvaro Villanueva Azcarate, personal communication, July 21, 2005).

François Maïtia has served in numerous capacities as an elected official within both the Pyrénées-Atlantiques département and the wider Aquitaine Region. At a public forum in Bayonne on June 15, 2005, he suggested that the 2003 MOT study intimated that transborder projects in Baxe-Nafarroa were not yet ready to see the light of day since the appropriate structures did not yet exist, and rather that “it is necessary to keep working to create a means for creating, integrating and nurturing transborder projects”. He had already said at a meeting in St. Étienne-de-Baigorry the previous spring that there needed to be “a more comprehensive vision of the link between municipalities, local entities, such as the Garazi-Baigorri Communauté de Communes, and the Aquitaine region” (François Maïtia, personal communication, April 30, 2004). By 2007, however, Maïtia indicated that the Lindux-Orreaga partnership had, in his estimation, matured to a point of viability, and that its projects could flourish with the financial support of the INTERREG program (Campa 2007).

In light of the historical transborder relationships between the Baigorri valley and its neighbors to the south that have discussed throughout this dissertation, agro-pastoralism indeed seems to be a central point of focus for this area. Some cultural events that span across the border already exist, such as Nafarroaren Eguna (or the Day of Navarra), which has been organized on the last Sunday of April in St. Étienne-de-Baigorry for the past 30 years. This event features dance and musical performances, a parade, community lunch, and sporting events that bring out several thousands of participants from villages on both sides of the Pyrénées. Although it was created without

the official support of any administrative structures and to a certain extent maintains its grassroots orientation in spite of its popularity, Nafarroaren Eguna may indeed provide a model for the development of transborder exchanges and cultural events.

Another example of joint cultural and economic initiatives that may provide a practical model for transborder projects is the Fair of the Aldude valley. This event is held in October every other year that is also known as “the open doors of the valley,” and that is organized by the Association of Storekeepers, Artisans, and Farmers of the Baigorri valley. When I attended the 7th edition of the Fair in October 2004, the normally sleepy village square in Aldude was transformed into a bustling social hub. Farmers from across the Baigorri valley set up stalls to show off their livestock so that a panel of judges could evaluate the some 400 hundred sheep, 200 cows, and 20 horses, with prizes awarded to the most aesthetically pleasing animals. This competition underscores the premium placed on the aesthetic of livestock that was discussed earlier in this chapter.

Other events during the Fair included a concert (or *kantaldi*) by Basque accordionist Joseba Tapia and singer Pier Pol Berçaitz, and exhibits by various local artists. While most of the organizers, participants, and the general public attending the Fair were from the Baigorri valley and know each other, at least by sight, there were also a number of visitors from the Baztán and Erro valleys. Therefore the Fair represents a window through which people from neighboring valleys and even further afield can discover and peer into mountain farming communities such as those in the Baigorri valley.

One local elected official, Peio Setoain, the mayor of Aldude, explained that it was the local community’s own responsibility, not that of external polities, to develop

economic initiatives such as the Fair: “In mountain villages such as our own, we have to be the engine that drives change, otherwise nothing will get done” (Peio Setoain, personal communication, October 30, 2004). For Setoain, the Fair of the Aldude valley could be a model for other transborder projects for the Lindux-Orreaga partnership, and even if it is not, “it creates a habit of working together, of collaborating, which is in and of itself quite important.” This opinion was echoed by Marie-Antoinette Etchebarren during an interview that I conducted with her one evening in April 2004, after a meeting of the Commission Syndicale. She affirmed that “the Fair of the Aldude valley could indeed become a model for transborder cooperation, and could help develop and strengthen the relationship between Baigorri, Baztán and the Erro valleys” (personal communication, Marie-Antoinette Etchebarren, April 30, 2004).

Signing the Convention, creating the Lindux-Orreaga partnership, and developing joint transborder projects are ambitious steps for the Baigorri valley. These developments do not necessarily impact more people than in the case of the transborder partnerships of Xareta or Bidasoa-Txingudi. But the Lindux-Orreaga partnership certainly engages more communities, and encompasses a larger total surface area. On the other hand, much of the territory and many of the economic activities in areas included in the Lindux-Orreaga partnership involve the Commons which are managed by the Syndicat of the Baigorri valley. Although transborder projects of the Lindux-Orreaga partnership may relate to agro-pastoralism, I suggest that it is unlikely that these eliminate the potential for conflict over common-pool resource use. It is possible that the progressive expansion of contacts and multiplication of encounters in this area between people from the north and south sides of the Pyrénées will eventually offer new economic outlets and opportunities.

However, it is unlikely that the Lindux-Orreaga partnership will be able to financial self-sustain, and will thus undoubtedly continue to depend of the support of the Pyrénées-Atlantiques département and the Aquitaine region for the foreseeable future. By extension, I suggest the possibility that European Union funds won't be able to continue supporting all of the transborder projects that it is currently involved in since, in light of the EU's expansion into Eastern Europe, the number of member states has increased and more entities are now all vying over an increasingly finite and limited set of monetary resources.

Some of the MOT's recommendations in 2003 were somewhat problematic and shortsighted. For example, the MOT seemed to have completely glossed over the long term and disparate impact that the French and Spanish states have had on the various Basque communities. This same concern was voiced by Izaskun Abril, a rural development consultant for the Baztán valley, after the public forum about the Lindux-Orreaga partnership held in St. Étienne-de-Baigorri in April 2004: "Who cares if everyone is Basque in these valleys? The border has been there for a really long time and has created too many administrative differences, as well as different approaches to working collaboratively" (personal communication, Izaskun Abril, April 30, 2004). This border between France and Spain has existed for a long time and, as I have argued throughout the course of this dissertation, has been the location of numerous instances of conflicts and contestation which have presented obstacles to genuine transborder cooperation over the centuries. Although transborder projects between the Baigorri valley and its neighbors may draw from historical relationships that well predate the creation of the French and Spanish states, the legacies of a differential political and economic

development can not be ignored. In recent decades, the projects nurtured and supported via the European Union have transformed how the border is used. The EU's financial support through the INTERREG program has provided new opportunities for renewing transborder relationships in the Basque region. These emergent properties and the dynamic relationships between the Baigorri valley and its neighbors hold the potential to trigger a cascade of social and economic changes in terms of how people experience and view the border.

CHAPTER 9

CONCLUSION: THE PAST IN THE PRESENT OF AGRO-PASTORALISM

Continuity, Change and Contestation in the Commons

The upland pastures and forests that form the heart of the common-pool resources managed by Syndicat of the Baigorri valley remained relatively sheltered from the wider French political economy throughout the second half of the 19th century and the first half of the 20th century. During this period, agro-pastoralism in the Commons was mainly limited to summer transhumant activities, rather than year round use, for several different reasons. In part this is because, prior to mechanization, access to the upland pastures took several days by foot or horseback, and could only be done under favorable weather conditions. Additionally, there were no paved roads prior to this time, and transporting goods to and from the mountains was a time- and labor-intensive process. This also explains why silviculture in Iparralde was rarely tapped for non-local purposes. In the Baigorri valley for example, the rough terrain and narrowness made it difficult for either timber or charcoal to be transported long distances. Overall, economic activity in the mountains remained largely disconnected from the regional and national economic networks that occurred in the second half of the 19th century.

The syndicat and the economy of communities of the Baigorri valley were increasingly integrated into the French state in following World War II. Paved roads were laid from the lowlands to the upland parts of the valleys in the 1960s, which opened up and accelerated communication and exchange of goods. The syndicat partnered with national agencies such as the Office National des Forêts (ONF) to fund road construction. In Baigorri, a paved road was built at the initiative of the syndicat in 1968 which gave access to the forest of Haira, the largest track of timber in the Baigorri valley (Pétoteguy 1972). By the time this road was paved and extended all the way to the southernmost border between Baigorri and the valley of Roncesvalles in 1974, the Haira forest could be fully accessed by logging equipment and trucks. In comparison, the syndicat of Ostibarret built a five kilometer road linking the lowland communities with its upland Commons, even though it was the smallest of the syndicats in Baxe-Nafarroa and had the least financial means (Pétoteguy 1972). On the other hand, the syndicat in the neighboring Basque province of Zuberoa only built 17 kilometers of roads between 1964 and 1971 in their the Commons (Goyheneche 1979:476).

This development of infrastructure in turn led to an expansion of local economic activities, although agro-pastoral practices in the Baigorri valley per se did not immediately change. But the range of economic possibilities in silviculture and agro-pastoralism expanded, as paved roads made it easier for trucks to transport logs from the upland forests to lumbermills in the valley bottoms, or to deliver agricultural products both to and from mountain communities.

The historical social connections within the Baigorri valley are anchored in the practical constraints of agro-pastoralism and transhumance which, in order to be

successful, involved the participation of community members from different *etxe* and their collaboration in *auzolan*. In a mountain landscape with vast common-pool resources that essentially enable sheep farming to be viable over the long-term, social cohesiveness was reinforced through the political institutions, such as the Cour Générale or the *berrogain*. These bodies allowed individual households to participate in local governance, and thus allowed individual farmers to take greater ownership over their stakes in successfully managing the Commons.

The diachronic importance of the household and of political institutions in the valley is what imbued an important degree of autonomy to local communities, even as the Baigorri valley was progressively integrated into the French state. The legacy of the *fors*, the Capitulations, the Statuts de la vallée, or the different land-use rights enshrined by the Treaty of 1856 for example, have all cumulatively shaped the organization and use of Commons in the mountain landscape of today. Although agro-pastoralism and transhumance have been transformed by the modernization of agriculture over the past half-century, these practices continue to be key activities in the Baigorri valley. It is in this sense that the landscape of the Commons reflects the agro-pastoral past and present, and future of the Baigorri valley.

By the end of the 20th-century, however, agro-pastoralism in Iparralde no longer had the economic clout of centuries past. Rural depopulation had steadily eroded the vitality of small towns and villages over time and by extension, much of the social cohesion and solidarity that had once characterized rural communities was being progressively undermined and lost even. These developments incited a critical rethinking

of the diachronic relationship between rural parts of the Basque region and with the French state.

From the birth of the modern French state until after the Second World War, much of the country was socially and politically conservative, Catholic, dependant on agriculture, and largely rural. In this economic and social milieu, and particularly until 1940, the state began to hammer out and instill the values of and allegiance to the Republic across the countryside (Hazareesingh 1999). The incorporation and integration of France's rural citizenry into the state was achieved through the conscription of males into military service, which was particularly vital to the survival of the nation during the First World War. Schools were also important means of inculcating Republican ideals and values into the youngest members of society, and as education became compulsory and free, it galvanized "the ultimate acculturation process that made the French people French" (Weber 1976:303). Education had a profoundly transformative impact in many border areas of France such as Iparralde, particularly by decreasing illiteracy rates and by increasing the French language proficiency of rural inhabitants which, until the late 19th-century, were in the majority Euskera speakers.

Recently constructed Basques houses have become edifices of contention within the Baigorri valley communities. During the past twenty-five years, property owners in Baigorri valley have increasingly felt the rising pressure of the real estate markets, much like elsewhere in Iparralde and across rural parts of southern Europe. New homes are built to resemble traditional homes, reinforcing the "folklorization" of Basque architecture (Bidart and Collomb 1999). Individuals with an aesthetic taste and penchant for the architectural forms of the "traditional" rural Basque house, many of them from

Paris, northern France or beyond have begun purchasing old Basque houses. Some local residents oppose these purchases by “outsiders” because they equate the demise of the Basque *etxe* with the decline in the social fabric of the Basque household. Those who purchase a Basque house have now come to represent the pervasive nature and influence of French culture on “traditional” Basque ways of life. More than mere material possessions, Basque houses are preserved with the same tenacity as the efforts to preserve Basque language and culture. Organizations such as the GFAM Lurra or ELB are involved in the always delicate, often contentious, issues surrounding the purchase of agriculture real estate, the division of farm property that has otherwise been indivisible for centuries, and the transmission of farms between non-related individuals. In this sense, protecting the structure of the traditional farmstead, valuing agricultural property necessarily involves the preservation of Basque house.

However, current form of economic diversification relates to how the government encourages and assists young people to pursue farming as a profession. Training and education initiatives exist to assist young people in acquiring the skills needed to become farmers, which particularly relevant for those individuals who don’t necessarily have the family background or previous personal experiences in farming. Farmers’ organizations, such as ELB or GFAM Lurra to work towards a consensus on how to best maintain, acquire, and enlarge agricultural real estate. Mountainous areas are particularly difficult and challenging environments for a productivist form of agriculture, and these spaces require special attention from the administration, whether through farm aid programs, transborder projects, or programs funded by the European Union’s INTERREG program.

Convergence, Cohesion and the future of the Commons

The Commons in the Baigorri valley have persisted in part because of ecological constraints which make mountain pastures a vital and valuable common-pool resource for agro-pastoralists limited by the small size of their farms. At the margins of the French and Spanish states, this space also meant that the interests of local Basque farmers were regularly at odds with those of the state. But the common-pool resources were a constant and indispensable bedrock in the socio-economic well-being of the inhabitants this area. The resilience of the Commons and maintenance of common-pool resources by local communities and the syndicat from the encroachment of exogenous forces may be understood in part as a defense of the local Basque community's autonomy and its socio-economic survival over the long-term. Many of the functions performed in turn by the *berrogain*, the Cour Générale or the syndicat have essentially been the same for centuries. Indeed, I argued here that some of the most significant changes in agriculture did not begin to effect the management and use of common-pool resources until the 1960s.

Subsequent technological and material transformations in agriculture have changed the social networks of farming communities. New developments under the Common Agricultural Policy have brought majors changes to the Baigorri valley. Farm aid mechanisms and subsidies have also allowed shepherds in the Baigorri valley to increase their number of livestock in recent years. Over the past fifty years, the number of sheep increased and this trend appears to continue to intensify. During the summers, nearly 50,000 sheep now graze in the common property pastures in the mountains surrounding the Baigorri valley, which puts these common-pool resources under

tremendous pressure from its different users and, along with climatic fluctuations, has increased the incidence of overgrazing. In part, this appears as a consequence of individual farmers seeking to maximize the total amount of subsidies they receive by simply increasing their herd size, regardless of the potential cost to the wider social collective. However, I argue that this situation does not represent the classic dilemma or tragedy of the Commons. Human self-interest is not a new phenomenon either; rather, it is the changing material conditions of the past fifty years that enable farmers to be self-interested and then act upon it. In other words, the political economy of the European Union and of the French state has weakened the social norms for controlling the use of common-pool resources and limiting the potential for its abuse. These structural economic changes and their impact on common-pool resources use in the Baigorri valley exacerbate the fragmentation of Basque social networks, as individual farmers increasingly compete with one another over resources, and these dynamics together create a sense of social crisis.

Farming practices have also transformed individuals' relationships with their neighbors and their communities, as traditional rural social networks such as the *auzolan* have been disrupted through the modernization processes in agriculture, and this has eroded certain aspects of social solidarity and occasionally exacerbated intra-local tensions. There has recently been an increase in the institutional support for the development of mountain agriculture, be it from the French government or from the European Union under the guise of the Common Agricultural Policy. In the Basque region of France, as elsewhere in the Pyrénées, these policies were in part a response to

the perception that the agricultural sector was in a crisis that was demographic, economic, and technological in nature.

Reforms to the common agricultural policy were enacted in 2003 after years of criticism by small, family farmers, more recent European Union member states, as well as some farmers' unions. Much of the impetus behind the changes in the CAP was to shift away from subsidies linked to the amount and volume of agricultural production. Indeed, over time, the CAP had enabled some farmers to successfully compete in the marketplace, although these were disproportionately farmers with larger land holdings, such as grain producers in the plains of central France. Other farmers, however, had been less successful within the CAP's original framework of financial support, and these were disproportionately small, family farms. Instead, the new objectives of the CAP were to make direct payments to farmers that would be decoupled from quotas, and that would encourage farmers to maintain rural landscapes and to engage in more ecologically-sound, sustainable farm practices. Unfortunately, the reforms to the CAP at this point appear incomplete, as farmers continue to struggle to find their place in a new reality where they are expected to be proficient food producers while simultaneously being efficient managers and sustainable users of rural landscapes.

Through the lens of historical and political ecology, we can decipher and diagnose some of the external constraints that influence the Commons in the Baigorri valley, all the while recognizing the agency of social groups and individuals to creatively operate and respond to these influences. As the CAP is transformed and even progressively phased out over the next six years, then additional and potentially more radical changes are in store for farmers in the Basque region, in terms of both their social and economic

livelihoods. All of these processes, whether they are welcomed or not by local farmers in the Baigorri valley, have the potential to further transform the symbolic and material value of the Basque Commons.

The historical ecology of the Commons in the Baigorri valley is rife with tensions, between households and the community, between private and common property, between local institutions and external polities, between new and old forms of agro-pastoral practices. The *etxe* and the individual farmers that use common-pool resources in the Baigorri valley, as well as the syndicat which oversees governance of the Commons, remain the central components to the flexibility of the overall system. This dissertation emphasizes the need to insistently link multiple spatial and temporal scales in anthropological research. The historical analysis and arguments made in the first half of this dissertation provide an indispensable backdrop for integrating local and external actors and for ascertaining the diachronic flexibility of the overall system as is discussed in the second half of this dissertation. All of these elements reiterate the importance of the recognizing the dynamics of continuity and change, and reinforce our need in order to properly distinguish the presence of the past in the present.

APPENDICES - OVERVIEW

The supporting historical documents deal with 1704 Statutes of the Baigorri valley; archival materials that provide rich, detailed examples of the crises between the Baigorri valley and its neighbors on the south side of the Pyrénées (Burgete and Roncesvalles in particular) which erupted in 1716 and again in 1767; the contentious debate between local Basque assemblies in the Baigorri valley and representative of the national French government leading up to and subsequent to the implementation that preceded the Treaty of 1785; the report which followed the creation and first meeting of Commission Syndicale in 1838; the Treaty of 1856 and the amendments to its text from 1858; and a statement from a local representative to the Syndicat of the Baigorri valley in 1860 addressing the possibility of enclosure of the Commons.

Each one of the ensuing appendices is preceded by a brief explanation and overview, followed by the transcription of the original, which are sometimes translated. This irregularity stems from my own inconsistent approach, in the first few months at least, in taking notes while conducting archival research. In keeping with standard practice for the recording or historical documentation, I have named each one of these appendices, which are also listed in the table of content of this dissertation. The heading of each appendix is then followed by its archive of origin, its reference or number (when available), and the date and place where the document was produced (when known). I have organized these appendices in chronological order, from oldest to most recent. This historical order roughly follows the order in which the documents are addressed in the

body of this dissertation, although for the sake of narration, there is admittedly some ebb and flow to this dialectic.

Although I consulted many other documents during my research, I chose to include these documents as appendices to this dissertation since I believe that they best capture the nature of the historical relationships between the actors and organizations in the Baigorri valley with the external polities, most notably the agents and institutions of the French state. I nevertheless recognize that the following documents, to the furthest extent possible, must be read within their specific context, all the while realizing that our retrospective on historical events and praxis can never be fully accurate or perfectly precise. Thus it behooves us to bear in mind that these documents are products of a different time and a different place, and that were not produced for historians or anthropologists. Appendix 18 here provides some of the raw tabular data that is analyzed directly in the text of the dissertation, where it is also synthesized in graphical form. The last appendix here is a glossary of terms in Euskera and French that appear in the text of the dissertation.

APPENDIX 1 - LAND USE STATUTES OF 18-11-1704

Archives Départementales des Pyrénées-Atlantiques, C 21. November 18, 1704, St. Étienne-de-Baigorry. ['Statuts of the Baigorri valley']

This document was produced in a meeting of the representatives from different neighborhoods from across the Baigorri valley, who had gathered in *berrogain* on November 18th, 1704. Their objective was to draw up the statutes and regulations for land use in the Baigorri valley, pursuant to the decisions from the meeting of Cour Générale held on June 8 that same year. The rules and regulations governing the Commons laid forth in this document are thereafter referred to as the Statutes of the Baigorri valley. This document provided some of the criteria that formed the basis for negotiations between the valleys of Baigorri, Erro, Baztán, Valcarlos, Roncesvalles and Burgete, which eventually led to the 1717 Treaty discussed in Appendix 3. The following articles specifically deal with land use issues in the Baigorri valley, and are excerpted from the complete list of 53 articles that comprise the Statutes of the Valley. The archival documents that I consulted on May 22, 2003 were in actuality from a typed transcription dating from 1924, which was in turn based on a 1718 manuscript copy of the original document. So this analysis is not based on the direct, original documents.

Article 2: Qu'à l'avenir aucune Cour Générale du pays ne pourra être tenu qu'en précédente assemblée des *jurats* audit lieu de berrogain pour arrêter ladite Cour Générale, à peine de nullité des actes.

Article 8: Il arrive souvent des désordres entre les habitants du présent pays sur ce que les uns pignent [saisir] aux autres les bestiaux des enfermés, cultures, prairies et autres qu'ils ont aux terres communes, au préjudice de la coutume du pays qui défend la pignoration sauf à celui qui aura été endommagé en ses fruits par le bétail de faire payer au maître du bétail le dommage à dire des experts, l'enclos où le dommage aura été fait se trouvant bien fermé; à quoi étant important de pourvoir, il a été pris règlement qu'à l'avenir on ne pourra pas pignorer aucun bétail de quelle nature qu'il soit, d'aucun enclos ni fermeture du commune, à peine de la cassation de la pignoration, et de réparer au propriétaire du bétail pignoreré tous dépens, dommages, intérêts, sauf aux possesseurs des enfermés de faire payer le dégât qu'ils auront reçu en leurs fruits aux propres dudit bétail au dire d'experts des enclos dont lesdits pignurations se feront se trouvant fermés d'une fermeture de muraille, de pieux [poteaux], ou de fossé de la hauteur de deux coudées et demi, et non autrement, sauf à l'égard des chèvres qui pourront être pignorées, attendu qu'il n'y aura pas de mesure pour la fermeture, et qu'on pourra faire payer 5 sous de droit d'entrée par tête.

Article 10: plusieurs cadets et cadettes se donnent la liberté de vouloir cultiver et fermer aux terres communes et font par ce moyen un grand préjudice aux pâturages des bestiaux ; a quoi étant important de remédier, il a été statué et pris règlement pourtant que défenses sont faites aux cadets et cadettes qui ne sont pas mariés de faire auxdits terres communes aucune culture ni fermeture, à peine de démolition et de perte desdits

fermeture et culture, et de dix ducats [pièce de monnaie, souvent en or, utilisé jusqu'au milieu du 19^{ème} siècle] de peine, applicable un quart pour les Eglises, un quart au profit de la communauté, autre quart pour les pauvres, et autre quart pour le dénonciateur.

Article 14: Défenses sont faites à tous les habitants d'introduire par herbage et autrement aux communaux du présent pays aucune sorte de bétail étranger en aucune saison de l'année, à peine d'un ducat pour chaque tête de vache, bœuf, et jument, et vingt sols par tête de brebis, moutons, chèvres, applicable comme il est porté par le présent article.

Article 15: Et, comme tous les ans les particuliers du présent pays conduisent du bétail étranger au printemps vers les montagnes d'Espagne, en faisant passer et repasser par celles du présent pays, où on les tient quelques fois les 8-10 et 15 jours, ce qui cause une grande ruine au bétail du pays, il a été pris règlement qu'à l'avenir il ne sera pas permis à qui que ce soit de tenir aucun bétail étranger aux herbes communs du présent pays en passant et repassant que durant un jour et une nuit seulement, à peine d'être carnalés, c'est-à-dire une tête de chaque troupeau ; duquel carnal un quart sera pour le profit de la commune, un quart pour les Églises, un quart pour les pauvres et un quart pour les dénonciateurs.

Article 16: Il arrive souvent que les particuliers se saisissent du bétail étranger qui viennent aux communaux du présent pays sans en rendre compte aux *jurats* qui ne manqueront pas de les faire proclamer par les Eglises et par les marchés voisins ; à quoi étant important de pouvoir, il a été statué qu'à l'avenir, les particuliers du présent pays qui feront des arrêtements et captures des bestiaux étrangers dans les communaux du présent pays seront tenus et obligés à les remettre dans vingt-quatre heures entre les

mains des *jurats*, à peine de dix ducats applicables comme dessus, et les *jurats* auront le soin de retirer de vers chez eux lesdits bestiaux et les feront proclamer par les Églises du présent pays et par les marchés voisins, et que si le propriétaire dudit bétail ne parait pas le retirer, qu'en ce cas lesdits bétail seront vendu, et que le quart du prix cédera aux Eglises, autre quart au pays, autre quart aux pauvres et l'autre quart pour le dénonciateur.

Article 17: Plusieurs habitants qui ont fait des cultures aux terres communes du présent pays se licencient de vendre lesdits Terres, ce qui va directement contre les anciens règlements qui défendent la vente de la terre, sauf à ceux qui ont extirpé et fermé de vendre la fermeture et le travail de l'extirpation [déracinement] ; il a été pris règlement qu'il ne sera pas légal à aucun particulier de vendre la terre commune à peine de perte de ladite fermeture culture, sauf à lui de se défaire de la fermeture et de son travail en faveur de d'un autre habitant quelconque qu'il voudra.

Article 19: Il y a plusieurs maitres des maisons ou bordes du présent pays qui ont pris leurs fougères aux communaux, lequel(le)s ensuite par succession de termes veulent les approprier et fermer, ce qui va au grand préjudice de la communauté : a quoi étant important de remédier, il a été délibéré que ceux qui ont ou pourront prendre à l'avenir des terres de pareil nature ne pourront pas les fermer ni cultiver, ainsi qu'elles resteront ouvertes et patentes, à peine contre celui ou ceux qui voudront les fermer d'abattement desdits fermures et de perte desdits terres fougerées.

Article 39: défenses sont faites à tous habitants de vendre du bois commun hors du pays, à peine de confiscation desdits bois et voitures, et dix ducats applicables comme est dit ci-dessus.

APPENDIX 2 - MINUTES FROM COUR GÉNÉRALE OF 17-06-1716

**Archives Municipales de St. Étienne-de-Baigorry, Registre de la Cour Générale,
Tome II. June 17, 1716, St. Étienne-de-Baigorry.**

This document records the deliberations of the Cour Générale after it learned of an incident between farmers from Burgete (on the south side of the Pyrénées) and Baigorry. The discussions clearly indicate their displeasure at Burgete's reprisals and threats in response to the farmers of Baigorry grazing their sheep in this area. The Cour Générale asserted the rights of inhabitants of Baigorry to utilize the pastures in this area, based on the privileges granted in the 1614 Capitulations.

Sur ce qui a été représenté en ladite Cour Générale, que les habitants de Burgete en Haute Navarre, étant venus en nombre armés de fusils et poignards le premier de ce mois aux montagnes des Aldudes et sols de Lindus, Athalosty, Gaharbide et autres lieux dépendants du Quint d'Aldude, où ils n'ont rien à voir, au lieu que les habitants du présent pays de Baigorry sont en droit et opinion depuis tout temps d'y faire paître leurs bestiaux auxdits endroits, en conséquence des Capitulations Royales et autres actes et que non contents de quelques brebis et chèvres, qu'ils ont pignoré aux habitants de Baigorry, depuis quinze ou 20 jours qu'ils ont eu la témérité de pignorer ledit jour premier de présent mois aux habitants du présent pays quarante têtes de vaches, ayant menacé les vachers et pasteurs de les maltraiter s'ils ne quittent ces endroits, et qu'il est important

que ladite cour générale fasse ses réflexions là-dessus, et qu'elle prenne quelque délibération convenable à la vallée pour se faire maintenir en son droit et usage, ladite cour générale, étant entrée en considération, a délibéré d'une commune voix qu'il faut donner connaissance des attentats desdits habitants de Burguete à nos supérieurs, et que pour ne faire point tort à ses droits, que les habitants du présent pays iront avec aussi leurs troupeaux auxdites juridictions, lieux et autres où ils sont accoutumés d'y aller pour les faire paître, et que si lesdits habitants de Burguete leur font aucune pignoration, que la communauté du présent pays assumera leur fait et cause, et leur répondra des événements ou malheurs qu'ils pourront recevoir en leurs bestiaux, que si lesdits habitants de Burguete font des pignurations qu'on leur abandonnera les bêtes pignorées jusqu'à ce qu'il soit autrement pourvu par nos supérieurs sur les procédures que les jurats du présent pays dresseront et leur envoient traitant lesdits pignurations que les jurats d'Ascarat et Apparain, jurat de Leispars, iront dès demain auxdites montagnes pour donner ordre aux particuliers d'aller paître leurs bestiaux auxdits endroits sans pourtant s'approcher des limites de Burguete dans le Lindus, à cent pas pour éviter les désordres qui pourront survenir, etc. (...)

APPENDIX 3 - FRANCO-SPANISH TREATY OF 03-08-1717

Archives Départementales des Pyrénées-Atlantiques, 5 JC 51. August 3, 1717,

Arnéguy.

The following document reproduces excerpts from the text of a Treaty signed between France and Spain in 1717. The most notable aspect of this agreement was to lay out the conditions for use of common-pool resources in the Baigorri valley by inhabitants of the villages of St. Étienne-de-Baigorry, Erro, Baztán, Valcarlos, Roncesvalles and Burgete. The Treaty explicitly acknowledged the continuous conflicts between people from north and south sides of the Pyrénées (“Haute and Basse Navarre” in the text of Treaty), and recognized that previous decision, namely the 1614 Capitulations, had not been able to resolve these disputes, which “embittered spirits and caused many excesses and violence” (from the preamble of this Treaty).

Traité sur la jouissance des Montagnes d’Aldudes, limitrophe de la Haute et Basse Navarre, passé à Arnéguy.

Qu’il soit notoire à tous ceux qu’il appartiendra que comme depuis plus d’un siècle il s’est élevé différentes contestations entre les peuples qui habitent les vallées limitrophes de la Haute et Basse Navarre au sujet de la jouissance des pacages des montagnes appelées les Aldudes, il aurait été nommé en divers temps des commissaires

de la part des rois très chrétien et catholique, pour examiner les prétentions respectives ; et a été fait divers règlements en 1613, 1614, 1615, 1627, 1656, 1687, et 1702, mais les règlements ayant laissé plusieurs chefs indécis et insuffisamment discutés, et la plupart n'étant que provisionnels, ce qui n'a servi qu'à aigrir les esprits et causer beaucoup d'excès et de violences; pour y remédier, entretenir la bonne correspondance et rétablir la tranquillité sur la frontière, leurs Majestés très Chrétienne et Catholique auraient trouvé bon de nommer et envoyer sur le lieu des nouveaux commissaires (...)

Article 1^{er}. Les bustes ou vacheries [étable à vaches] de Roncesvalles, anciennement établis dans les Aldudes, et confirmés par les Capitulations Royales ne subsistant plus, et demeurant supprimés en vertu du présent traité, les habitants des vallées de Baigorry, d'Erro et les prieurs du Chapitre de Roncesvalles pourront librement faire pacager leurs bestiaux de jour et de nuit avec cabane et corrals couverts, dans toute l'étendue des Aldudes, sans avoir égard aux différentes lignes tirées en exécution des Capitulations Royales, lesquelles lignes, étant besoin, sont annulées en vertu du présent traité (...)

4è-Seront les bustes composés de quarante huit portions, et chaque portion, de 24 vaches; desquelles 48 portions, 21 seront fournis par les habitants de la vallée de Baigorry; pareil nombre par ceux de la vallée d'Erro et les six restantes par les Prieur et Chapitre de Roncesvalles (...)

6è-Et attendu que par le présent les habitants de Baigorry et d'Erro peuvent seuls envoyer leurs vaches auxdits bustes, il demeure arrêté que ceux de Baigorry seront reçus de préférence à tout autre à remplir les portions qui manqueraient de l'être par ceux d'Erro; comme aussi que ceux d'Erro le seront également pour les portions que les

habitants de Baigorri ne pourraient pas fournir; et que lesdits Prieur et Chapitre de Roncesvalles ne pourront pas admettre ni recevoir aucun étranger auxdits bustes que dans le cas où les habitants des deux vallées ci-dessus ne seraient pas en état ou ne voudraient pas remplir les portions vacantes les uns des autres.

7è-Les habitants de Baigorri et d'Erro et lesdits Prieur et Chapitre de Roncesvalles ne pourront pas faire paître aucun menu troupeau de brebis ou moutons, ni même des juments sur la montagne d'Altobiscar et dépendances, tous autant que les bustes subsistent.

8è-Pourront seulement et sans tirer à conséquence lesdits Prieur et Chapitre y faire pacager pendant le cours de l'année deux cents têtes de moutons, qui leur sont nécessaires pour la subsistance et la provision de leur maison. Sera de même permis auxdits Prieur et Chapitre de faire passer à la fin de l'été par la montagne d'Altobiscar et dépendances le troupeau de brebis appartenant à l'Hôpital de Roncesvalles, pour aller de la borde d'Arrobia près de Burguete à celle de Gorosgaray au dessous d'Ibañeta, et en revenir ensuite au temps accoutumé, pour raison de quoi il ne leur est accordé que la simple liberté de passage, et sans que le troupeau puisse y séjourner. Sera de plus permis audit Hôpital de Roncesvalles par grâce, et sans que cela puisse tirer à conséquence, de tenir à la pâture sur les dits montagnes d'Altobiscar et dépendances jusqu'à 20 juments et non d'avantage.

9è-Sera pareillement permis aux habitants de Baigorri et aux Prieur et Chapitre de Roncesvalles seulement d'envoyer les cochons pour le glandage à ladite montagne d'Astobiscar et dépendances depuis le 29 du mois de septembre de chaque année, jour et

fête de St. Michel, jusqu'au 3 du mois de mai suivant, fête de l'invention de la Sainte Croix.

10è- Les parages [environs] de la montagne d'Altobiscar et dépendances n'étant point suffisants pour entretenir les vaches desdits bustes pendant l'hiver comme durant l'été, les Prieur et Chapitre de Roncesvalles seront tenus de les envoyer aux montagnes appelées Anhizlaria, dans le temps et forme usités, pour y pacager surement et librement dans la même étendue dont les habitants de Baigorri et d'Erro ont eu l'usage, et sans aucune diminution ou restriction, lesdits Prieur et Chapitre demeurant responsables et garants des dommages qui pourraient arriver. Et où lesdits Prieur et Chapitre ne feraient pas jouir paisiblement et librement, les habitants de Baigorri et d'Erro demeureront déchargés [soulager] desdits pacages dans les montagnes d'Anhizlaria; et on ne ferait pas rétablir les bustes ou vacheries suivant l'ancien usage dans les montagnes d'Altobiscar et dépendances, les habitants de Baigorri et d'Erro demeureront déchargés des obligations auxquelles il sont assujettis par le présent règlement; et en ce cas les habitants de Baigorri et d'Erro auront la jouissance paisible de toutes les montagnes quelque étendue qu'elles puissent avoir, et quelque nom qu'elles puissent porter pour y faire pacager tous leur bestiaux.

11è- L'article ci-dessus sera exécuté à la lettre de bonne foi par les habitants de Baigorri et d'Erro et par les Prieur et Chapitre de Roncesvalles, à peine de milles écus [unité monétaire] d'amende contre le contrevenant; et en cas qu'il survienne quelque incident, les parties se pourvoiront devers leurs Majestés très Chrétienne et Catholique, sans y pouvoir rien changer ni détruire lesdits bustes, jusqu'à ce qu'autrement ait été ordonné par leurs Majestés.

12è- Les habitants de la ville de Burguete, ayant donné lieu à la plupart des contestations et troubles survenus en divers temps; et étant nécessaire d'y pourvoir sans retour, il est convenu qu'ils n'ont aucun droit de jouissance dans les Aldudes, soit par possession légitime, soit par les Capitulations Royales, ni par les traités postérieurs, auxquels ils n'ont été reçus ni appelés. En conséquence, défenses très expresses sont faites auxdits habitants de Burguete de faire passer leurs bestiaux au delà de la ligne qui va d'Antostla [à 1.5 kilometres au sud-ouest de Lindus] à Athaloztico-gulucuya et de là, en droiture à Gabarbide [à 500 metres à l'ouest de Lindus]; à peine de pignoration desdits bestiaux, qui seront trouvés hors des lignes vers les montagnes d'Aldudes. Sera pareillement défendu aux habitants de Baigorri et d'Erro, et auxdits Prieur et Chapitre de Roncesvalles de faire passer les bestiaux au delà de la ligne d'Antostla vers le territoire de Burguete.

13è- Afin d'ôter aux habitants de Burguete tout prétexte à l'avenir de sortir de leurs bornes, et pour établir incontestablement les séparations, il a été convenu qu'il sera tiré une ligne droite de la borne d'Antostla à celle d'Athaloztico-gulucuy, et de celle-ci en ligne droite à Gaharbide; et qu'après que lesdites lignes auront été tirées, le présent règlement et bornage seront rendus notoires à toutes les parties, pour s'y conformer; à peine contre le contrevenant d'être puni rigoureusement, et de mille écus de dommages et intérêts contre la communauté, payables en corps et solidairement, lesquels seront repartis par égales portions entre les habitants de Baigorri et d'Erro, et la maison de Roncesvalles, outre la pignoration des bestiaux; le tout ainsi réglé et ordonné, sauf auxdits habitants de Burguete d'exercer et de faire valoir leurs garanties et leurs prétentions contre lesdits Prieur et Chapitre de Roncesvalles ainsi qu'ils aviseront. Sera

néanmoins permis par grâce et sans tirer conséquence, aux habitants de Burguete de chasser aux palombes dans le temps et quartier accoutumé. (...)

15è-Jouiront librement les habitants de Baigorry du droit de pacage de jour et de nuit avec cabane et corail couverts depuis la borne d'Ourdia [à 5 kilomètres au sud-sud-est du village de St. Étienne-de-Baigorry] tirant en droit ligne à celle d'Adarza [à un kilomètre plus au sud], et de là jusqu'à la ligne de 300 pas vers Valcarlos, et auront en outre le droit de facerie de soleil depuis la borne d'Adarza jusqu'à celle de Mendicocetagaina [sur la crête des partages des eaux à 19 kilomètres au sud du village de St. Étienne-de-Baigorry, et à cinq kilomètres au nord de Lindus], et de celle-ci jusqu'à la ligne par vers Valcarlos, conformément aux Capitulations Royales.

16è-Les habitants des vallées de Baztán et Valcarlos n'auront pas dans les Aldudes que le droit de facerie de soleil à soleil pour tous leurs bestiaux suivant les mêmes Capitulations Royales.

17è-Ceux de la vallée de Baztán sont tenus d'abattre et démolir tous les bâtiments cabanes et sarois [pré clos avec grange et couverture d'arbre pour le bétail dans la montagne] qu'ils ont construit ou fait construire dans les montagnes des Aldudes, et remettre en pacages toutes les terres qu'ils ont extirpées, s'il y en a.

18è-Seront pareillement tenus les habitants de Baigorry et d'Erro de détruire dans les Aldudes les maisons qu'ils ont bâties, et les extirpations qu'ils ont faites, s'il s'en trouve qui puisse porter préjudice au droit de facerie dont jouissent les habitants de Baztán, conformément aux Capitulations royales, ainsi qu'il sera réglé par les Commissaires, qui seront nommés par leurs Majestés très Chrétienne et Catholique pour l'exécution du présent traité.

20è-Toutes les maisons et habitations faites jusqu'à présent tant part les habitants de Baigorry et par ceux de Valcarlos dans l'étendue qui est depuis la borne d'Ourdia , tirant en droit ligne à celle de Mendicocetagaina, et de celle-ci jusqu'à la ligne de 300 pas vers Valcarlos, subsisteront, et seront sous le bon plaisir de leurs Majestés, et par provision conservées dans leur entier ; à cet effet, il en sera dressé un dénombrement par les Commissaires qui seront nommés par leurs Majestés. Ne pourront néanmoins lesdits habitants de Baigorry et de Valcarlos faire à l'avenir de nouvelles maisons ou d'habitations, sous quelque cause ou prétexte que ce soit, à peine contre le contrevenant d'être banni du pays comme perturbateur du repos public, et de mille écus d'amende (...)

21è-Les maisons bâties et extirpations faites dans lesdites montagnes des Aldudes, tant par les habitants de la vallée de Baigorry comme par ceux de la vallée d'Erro et par les Prieur et Chapitre de Roncesvalles avant le règlement conclu à Arnéguy le 8 octobre 1702, subsisteront sous le bon plaisir de leurs Majestés, et les maisons construites depuis ledit traité de 1702 seront détruites et les terres extirpées, s'il y en a aucune, remises en pacages dans le temps et la manière qui sera ordonnée par les commissaires que leurs Majestés nommeront, sans néanmoins en ce comprendre les maisons bâties avant ledit traité, qui ont été depuis rétablies ou rectifiées, lesquelles subsisteront en vertu du présent traité.

Et pour ôter tout sujet de discussion ou de querelle sur lesdites maisons et bordes et extirpations faites avant ledit traité de 1702, il en sera dressé par les commissaires qui seront nommés un dénombrement exact, et levé une carte par un géographe dont lesdits commissaires conviendront, de quoi il sera remis un double à toutes les parties intéressées pour servir de règle certaine et solide à l'avenir sur toutes les montagnes des Aldudes.

22^e séance-Défenses expresses sont faites à toutes les parties de bâtir à l'avenir aucune maison, borde et d'extirper aucune terre dans l'étendue des montagnes d'Aldudes. (...) Pareilles défenses sont faites à toutes les susdites parties de faire paître leurs bestiaux au delà des limites réglées par le présent traité à peine de pignurations des bestiaux qui ne pourront pas être laissés qu'en payant trois livres monnaie de France pour vingt vaches, pareille somme pour vingt mulets ou mules, comme aussi pour chaque troupeau de cent moutons ou chèvres (...)

24^e-Ne pourront être introduits dans les pâturages desdites montagnes des Aldudes des bestiaux étrangers, autre que ceux qui appartiennent auxdits parties, à peine de confiscation de bestiaux étrangers, ou d'en payer la valeur, ainsi qu'il sera réglé par les députés des vallées intéressées, lesquelles s'assembleront chaque année le lendemain de la fête de St Jean Baptiste.

27^e-Le revenu des amendes prononcées sera distribué, savoir : un tiers au dénonciateur, un tiers aux maires, jurats, alcaldes et députés pour les frais, et l'autre tiers aux pauvres, lequel sers remis, savoir (...)

APPENDIX 4 - CORRESPONDANCE FROM COUR GÉNÉRALE OF 10-06-1767

Archives Municipales de St. Étienne-de-Baigorry, Registre de la Cour Générale,

Tome VII. June 10, 1767, St. Étienne-de-Baigorry.

The following document is the transcription of a letter sent by the Cour Générale of the Baigorry valley to the Intendant, who represented the French king in the area. The Intendant had already recently written on behalf of the Count of Roncesvalles to reprimand the inhabitants of Baigorry for seizing livestock that belonged to farmers of Baztán. Their response reiterated the Cour Générale's land use rights in these Commons on the basis of both the 1717 Treaty and its antecedent Capitulations of 1614.

Il a été délibéré de représenter très humblement à Monseigneur le Comte de l'Hospital: 1. qu'il s'agit du maintien des droits de Sa Majesté , et de ceux de la présente vallée sur les Aldudes, et notamment sur les montagnes d'Altobiscar et dépendances; 2. qu'en vertu des deux décisions de Monseigneur le Comte de St. Florentin en date des 2 janvier 1759 et 14 janvier 1761, sa Majesté entend que le Seigneur Intendant de la province prenne connaissance du cas dont il est question et de tous autres semblables; 3. que la saisie ou pignoration dont il s'agit, et dont il a été rendu compte a M. de Salenave, Subdélégué General, est fondée sur les articles 2, 10 et 24 du traité conclu à Arnéguy en 1717 entre les commissaires du Roy et ceux de Sa Majesté Catholique, lequel traité à pour base les Capitulations Royales de 1614; 4. qu'aux termes du traité de 1717, les

montagnes d'Altobiscar et ses dépendances de quelque étendue qu'elles soient, doivent être possédées par la présente vallée de Baigorri, par le Chapitre de Roncesvalles et par la vallée d'Erro, à l'exclusion de tous autres; 5. que l'article 24 du traité de 1717 porte en termes exprès que ne pourront être introduits dans les pâturages desdites montagnes des Aldudes des bestiaux étrangers autres que ceux qui appartiennent aux susdites parties à peine de confiscation desdits bestiaux; 6. que néanmoins pour un bien de paix par déférence pour ledit Seigneur Comte de l'Hospital et sous le bon plaisir de Sa Majesté, et sans tirer à conséquence, lesdits jurats rendront et restitueront lesdits bestiaux pignorés aux propriétaires, étant payés des frais de garde seulement et à la charge toutefois que les sieurs alcaldes [maires] et députés de Baztán promettent par lettre misible ou par tel autre écrit qu'il appartiendra de faire retirer dans huitaine desdites montagnes ou dépendances d'Altobiscar les bestiaux qui y sont actuellement appartenant aux habitants de ladite vallée de Baztán.

APPENDIX 5 - MINUTES FROM COUR GÉNÉRALE OF 09-07-1767

**Archives Municipales de St. Étienne-de-Baigorry, Registre de la Cour Générale,
Tome VII. July 9, 1767, Lau-herrieta, St. Étienne-de-Baigorry.**

This document is from the official record of the Cour Générale, and describes a confrontation between the inhabitants of the Baigorry valley and a police official representing Roncesvalles. This account is part of a series of conflicts between inhabitants of communities from north and south sides of the Pyrénées that had been unfolding in the valley over the previous months of 1767 (also see Appendix 4).

Cavalier de Marechaussée soi-disant à se faire autoriser par ordre de Monseigneur le Comte de l'Hospital, commandant pour le Roi en Navarre, de s'assembler dans le présent lieu pour y recevoir ses ordres, et après que l'assemblée desdits jurats s'est formée le Sieur Chevrier, commandant de Maréchaussée s'y est présenté sur les quatre heures de relevée, étant accompagné de deux autres cavaliers de Maréchaussée, d'un chanoine de Roncesvalles, des Messieurs et particuliers qui se disaient espagnols et habitants de la vallée de Baztán, et à quelques pas de ladite assemblée étaient placés un grand nombre d'employés aux fermes et avec armes (...) ensuite de quoi le chevalier Chevrier aurait produit un paquet cacheté, il s'est trouvé dedans un ordre touchant la saisie des bestiaux appartenant à des particuliers de Baztán, et pignorés ou saisis à la diligence desdits jurats sur les montagnes d'Altobiscar et dépendances possédées par

indivis par la présent vallée, par la Chapitre de Roncesvalles et par les habitants d'Erro en la Haute Navarre à l'exclusion de ceux de Baztán, et lecture a été faite par le secrétaire soussigné dudit Ordre contenant deux grandes pages d'écriture ou environ, ledit Chevrier aurait incontinent [tout de suite] retiré devers lui ledit ordre, dont il n'a pas même permis auxdits jurats de prendre copie, et lesdits jurats auraient été néanmoins sommés de rendre et restituer lesdits bestiaux auxdits espagnols ci-présents, sur quoi, lesdits jurats étant entrés en délibération, considèrent que les cas dont il s'agit intéresse également les droits de Sa Majesté, il a été arrêté qu'il sera envoyé demain dix juillet aux formes ordinaires une assemblée générale de la présent vallée, pour y être délibéré, ainsi qu'il appartiendra, dont acte.

APPENDIX 6 - REPORT MADE TO COUR GÉNÉRALE OF 10-09-1768

**Archives Municipales de St. Étienne-de-Baigorry, Registre de la Cour Générale,
Tome VII. July 10, 1768, Lau-herrieta, St. Étienne-de-Baigorry.**

This document reports to the Cour Générale on a letter that the *jurats* of the Baigorry valley wrote to the Count of l'Hospital, that is, of Roncesvalles. In their correspondence, they criticized the farmers from the Baztán valley for having acted in a manner incongruent with the spirit of the 1717 Treaty that governed use of the Commons, while the *jurats* emphasized that their actions kept to the spirit and letter of the Treaty. The letter highlighted the abuse perpetrated by the leaders of the Baztán valley, and criticized the conduct of a Spanish army officer.

1. Qu'il parait, soit par les innovations pratiquées aux Aldudes par les alcaldes et habitants de la vallée de Baztán pendant le printemps dernier, soit par les voies de faits qui y ont été commises par ordre du Monsieur Clairac officier d'artillerie au service d'Espagne et préposé aux forges de Euguy, que leur dessein est d'usurper la majeure partie de ses montagnes.

2. Que néanmoins il est indubitable que les habitants de la présente vallée de Baigorry et ceux d'Erro en Haute Navarre, ont de tout temps jouis des Aldudes, et que les uns et les autres y possèdent des maisons, domaines, prés, champs et autres sortes de cultures, à

l'exclusion des autres habitants frontaliers, de l'une et de l'autre dominations, et qu'il ne compète surtout auxdits habitants de Baztán sur les Aldudes qu'un simple droit de pâturages, ou d'usage momentané depuis un soleil jusqu'à l'autre. Les traités et conventions arrêtées en différentes fois s'en expliquent formellement. L'article 2 des Capitulations Royales ou concordat de 1614 porte ce qui suit: *Et pareillement, ceux de Baztán et Valcarlos de la Haute Navarre, et de l'obéissance de Sa Majesté Catholique auront la facerie de soleil à soleil en dites montagnes (Aldudes)*. Et voici ce que porte l'article 16 de la convention arrêtée en 1717 entre les commissaires de France et d'Espagne: *Les habitants des vallées de Baztán et Valcarlos n'auront dans les Aldudes que le droit de facerie de soleil à soleil pour tous leurs bestiaux, suivant les mêmes Capitulations Royales*.

3. Que dans cet état, le dix juin dernier les jurats de la présente vallée, ayant fait à l'ordinaire leur tournée aux Aldudes en parcourant la montagne appelée Sorogain qui en dépend, ils y trouvèrent parmi les troupeaux de Baigorri des bestiaux appartenant à des étrangers, entre'autres plusieurs juments et sept vaches qui au rapport des bergers y étaient tenues depuis quelque peu de tems, soit de jour, soit de nuit, et que les jurats saisirent par cette raison.

4. Que l'alcalde de la vallée de Baztán, ayant fait savoir auxdits jurats, que les sept vaches saisies appartenaient à des habitants de cette vallée et ayant demandé qu'elles fussent renvoyées gratuitement, lesdits jurats, considérant que c'était pour la première fois, que les habitants de Baztán s'étaient avisés de conduire leurs bestiaux à ladite

montagne de Sorogain, dont, à la cause de l'éloignement ils ne peuvent rien depuis un soleil jusqu'à l'autre, lesdits jurats crurent devoir pour cette fois seulement, et sans tirer à conséquence, condescendre à la demande de l'alcalde, dans l'espérance qu'un procédé si amiable le porterait à contenir les habitants soumis à sa juridiction, et à les tenir dans les bornes prescrites dans les traités et conventions, dont il a été rendu compte.

5. Que, bien loin delà, les habitants de Baztán ont affecté pendant le mois de juin dernier de faire passer aux Aldudes, du côté d'Altobiscar, environ deux cent vaches à eux appartenant, qui y sont gardées nuit et jour par des vachers de la même nation; et il parait par la lettre écrite par l'alcalde de Baztán à M. le Vice Roy de Pamplune, que cet alcalde non seulement se prête à une entreprise si contraire à l'union et la paix, mais que même il n'a pas tenu à lui de faire envisager la générosité des jurats touchant la restitution des sept vaches, comme un aveu de leur injustice prétendue par rapport à la saisie qui a été faite, ce qui blesse en même temps la bonne foi et les sentiments qu'on se doit entre voisins.

6. Qu'il est étrange que par la même lettre que l'alcalde de Baztán oppose contre les droits de la vallée de Baigorri les capitulations royales ou concordat de 1614, tandis que ce traité n'accorde, comme il a été observé, aux habitants de Baztán sur les pâturages des Aldudes qu'un simple droit de facerie ou usage depuis un soleil jusqu'à l'autre, et que la montagne de Sorogain, étant à la distance de plus de deux lieues des limites de Baztán, se trouve hors de leur portée, en sorte que dans le dessein où ils sont d'occuper plusieurs montagnes à préjudice de la vallée de Baigorri, ils ont commencé cette année à y faire pâturer leurs bestiaux, de nuit et de jour; il est essentiel d'observer qu'il suffit de jeter un

coup d'œil sur les Capitulations Royales de 1614 pour remarquer que la jouissance des Aldudes appartient à la vallée de Baigorry d'une part et à celle d'Erro de l'autre, et que l'une et l'autre y sont traitées comme principales parties intéressées. Enfin, les changements survenus par rapport aux jouissances entre ces deux vallées, lesquels ont été approuvés par la convention de 1717, et dont il serait trop long et même inutile d'expliquer les causes, ne sauraient autoriser les habitants de Baztán à s'emparer de la montagne de Sorogain et autres dont il s'agit, et qui depuis un temps immémorial sont possédées paisiblement par les habitants de Baigorry et d'Erro à l'exclusion de ceux de Baztán.

8. Que trois bordes et bergeries situées aux Aldudes, quartier de Souhanoy, appartenant aux nommés Elissague et Souborou de la présente vallée de Baigorry, et qui existaient depuis un temps immémorial, ayant été dans le mois de juin dernier brulées et détruites avec effets qui étaient dedans par ordre du Monsieur Clairac, officier d'artillerie au service d'Espagne et préposé aux forges D'Euguy, lesdits jurats prirent le partie d'écrire audits officier tant pour l'informer que les établissements qu'il avait fait détruire appartenaient à des habitants de Baigorry, que pour l'engager à se porter de lui même à réparer sa faute.

APPENDIX 7 - REPORT MADE TO COUR GÉNÉRALE OF 03-03-1785

Archives Départementales des Pyrénées-Atlantiques, C 1597. March 3, 1785, St. Étienne-de-Baigorry.

This document is the transcription of a report from the Cour Générale to the inhabitants of the Baigorry valley, which also critiqued the Count of Ornano's negotiation of the Treaty with the Spanish of behalf of France. This report emphasized the inconveniences imposed on farmers of the Baigorry valley under the proposed Treaty, which limited their access to common-pool pastures. The Cour Générale specifically asked that issues pertaining to pasturages be excluded from the discussions.

Les Capitulations-royales (*Traité conclu en 1613 à Madrid*) qu'on nous oppose sans cesse n'étaient au fond qu'un arrangement provisionnel et purement économique : on doit présentement les regarder à peu de chose près, comme non avenues ; parce qu'on y a contrevenu de part et d'autre formellement. Elles faisaient défenses de bâtir ni défricher dans le territoire indivis ; l'infraction a été réciproque à cet égard, avec cette différence que la Cour Générale de Baigorry s'y est constamment opposée, comme on le voit presque à chaque pas dans les registres de ses délibérations. (...) Ce n'est pas tout, ce sont [début de p. 3] des particuliers d'Erro eux-mêmes, qui non seulement ont excité les nouveaux tenanciers de Baigorry à étendre leurs possessions, mais même leur ont vendu beaucoup d'héritages, après les avoir mis en valeur. Ces circonstances, trop graves pour

ne pas être senties, forment la meilleure réponse qu'on puisse faire aux reproches dont on affecte d'accabler à ce sujet la Vallée de Baigorry. (...)

Mais, à l'exception des lieux habités ou mis en culture, qui, malgré ce qu'on en dit, ou ce que l'on en a pu croire, ne comprennent pas la trentième partie du pays indivis ; partout ailleurs les pâturages sont subsistants. Il est indubitable que, suivant l'article 3, la conservation des pâturages, pour la manutention des *vacheries*, ou la nourriture des bêtes à cornes appartenant aux parties intéressées était l'objet dominant des Capitulations-royales. Il n'est [début p. 4] pas moins certain, que non seulement ce motif intéressant subsiste dans toute sa force, mais que même il a acquis plus de poids par rapport aux habitants de la Vallée de Baigorry, ou la population a reçu des accroissements plus que sensibles, comme il parait par le dénombrement fourni à M. le Comte d'Ornano, et accompagné d'états comprenant la quantité de leurs bestiaux.

Personne n'ignore que les bestiaux, et notamment les bêtes à cornes sont, pour ainsi dire l'âme de la culture des terres, principalement dans les pays appelés de petite culture tels que les vallées des Pyrénées. Par cette raison, il est clair que la quantité de bêtes de cette dernière espèce doit être proportionnée aux besoins des cultivateurs ; ou la nombreuse population de Baigorry ne saurait souffrir de réduction à cet égard, sans nuire à sa subsistance, en détruisant leur culture.

Telle est la situation des habitants de Baigorry sur l'article essentiel des bestiaux ; ce qu'il y a encore de remarquable, c'est que les montagnes qui avoisinent leurs villages, et qu'ils possèdent privativement sont tellement stériles ou parsemées de rochers, qu'on n'y trouverait pas de pâturages suffisants, même au printemps, pour l'entretien de dix têtes de bétail à cornes.

Il y a plus, il n'est guère à Baigorry de cultivateur [début p. 5] qui ait dans ses héritages particuliers aucune espèce de pâturages ou fourrages d'été, à moins de sacrifier les petites prairies destinées à l'approvisionnement de fourrages d'hiver ; de sorte que les habitants sont dans la nécessité de faire passer au printemps leurs bêtes à cornes aux Aldudes; et de les y laisser vagues jusqu'à l'automne sans garde, parce qu'il n'y a guère parmi eux de particuliers assez riches pour y tenir leurs troupeaux à *garde faite*. (...)

L'état actuel des habitants de Baigorry est tel qu'il ne comporte pas de diminution de pâturages à leur préjudice, à moins de les condamner à la misère la plus affreuse. Si cela arrivait, ce serait un malheur dont ce pauvre peuple ni ses descendants ne sauraient jamais plus se relever. (...)

Du reste, nous voyons sans envie que les frontaliers voisins, les uns copossesseurs, et les autres co-usagers sont mieux partagés que nous par la fortune: à la vérité, leur population s'est moins accrue; mais en revanche leurs communaux particuliers sont [début p.6] plus fertiles, et leurs troupeaux y trouvent une abondante nourriture; de sorte que les pâturages des Aldudes leur sont moins nécessaires. Ils pourraient même à la rigueur s'en passer pour la majeure partie; mais entraînés par la cupidité naturelle aux hommes, ils se flattent depuis bien d'années de l'espoir de nous expulser de la partie des Aldudes qui confronte avec leurs communautés; laquelle partie fournissant toutefois les meilleurs pâturages, est la principale ressource des habitants de Baigorry. (...)

[p. 7] Ce qui est bien certain, et que les Députés soussignés garantissent pour vrai, c'est que ces querelles n'ont jamais occasionné d'effusion de sang entre les sujets frontaliers copossesseurs ou co-usagers. Il faut cependant avouer que vers 1719, les

habitants de Burguete, petit village limitrophe des Aldudes, où ils n'ont toutefois rien à voir ni à prétendre, ayant enlevé de vivre force une grande quantité des bestiaux appartenant aux habitants de Baigorry, ceux-ci se présentèrent pour revendiquer leurs troupeaux; les gens de Burguete eurent la témérité de faire feu sur les nôtres, dont l'un perdit la vie sur le champ; en revanche ces derniers, après avoir mis le feu au village, ramenèrent avec eux leurs bestiaux. (...)

[p. 8] On ne saurait cependant dissimuler, que depuis environs 25 ans, des gens malintentionnés, qu'on ne désignera pas ici, ne cessent de fomenter la discorde, dans l'espérance d'obtenir un partage quelconque; mais on doit aussi convenir que les habitants de Baigorry n'ont jamais été les agresseurs, et qu'assez souvent même ils ont porté la modération au-delà des bornes ordinaires. (...)

[p.9] Ainsi quelle précaution que l'on prenne, quelle que soit la sagacité des Ministres, des Négociateurs, on ne saurait prévenir toutes disputes entre frontaliers de deux nations. Ce qui éprouverait ailleurs de difficultés, rencontre, par rapport aux Aldudes, une impossibilité plus que morale. Cette contrée de dix à douze lieues de circuit, est montagneuse dans presque toutes ses parties. Chaque montagne y est séparée par des ravins ou par des vallons étroits, tellement qu'on n'y peut établir des lignes de démarcation, ni par les crêtes des montagnes, ni par le versant des eaux pendantes, moins encore par les cours de rivières ou des ruisseaux, qui sont les seules limites nettes, et les plus propres à reconnaître les véritables points de séparation.

Dans cet état, si l'on convenait des lignes transversales de séparation, qui passeraient par exemple, par les revers ou par les pentes des montagnes; qu'en arriveroit-il? C'est que les troupeaux des uns et des autres, dépassant à chaque instant, dans une

partie ou une autre, ces lignes, sans qu'il fût possible de l'empêcher, les Bergers, les Pasteurs et autres habitants frontaliers seraient sans cesse aux prises ensemble; ce serait en quelque façon leur mettre les [début p.10] armes à la main; et de là, que de désordres et de troubles! (...)

[p. 11] On pourrait objecter que, pour simplifier et prévenir tous sujets de dissension, il serait mieux que nous n'eussions rien de commun ensemble, en abolissant les *faceries*, ou tous droits de compascuité, comme aussi la liberté ou la réciprocité de pâturages.

Nous répondons, qu'en général les parties les plus simples méritent la préférence; mais comme il n'y a point règle sans exception, nous soutenons que, par rapport aux pâturages sur les frontières montagneuses, la police en général et en tous les temps a été complexe; et combinée avec le bien commun des frontaliers; et elle le sera éternellement, si l'on [début p. 12] veut maintenir l'ordre dans ces régions particulières.

Il reste à savoir que les lois, et notamment celles qui ont trait à la police varient selon les circonstances, qui elles-mêmes varient à l'infini. Telle conviction fondée sur les convenances locales, et d'ailleurs très sage en elle même, peut néanmoins paraître contraire au bien à quiconque n'aurait pas été apporté de connaître les lieux avec tous leurs tenants et aboutissants, circonstances et dépendances. On peut dire qu'il n'appartient guère qu'à des montagnards instruits d'apprécier, comme il faut, les motifs servant de base aux droits de compascuité, ou de réciprocité de pâturages, sous quelque dénomination qu'ils soient connus.

(...) Dans le cas d'un partage dans les Aldudes, qu'importerait-il par rapport aux droits de souveraineté sur un pays si misérable et si dévasté, sauf les pâturages, qu'on en

stipulât la réciprocité dans toute [début p. 13] l'étendue de ces montagnes et leurs alentours? La réciprocité met tout à couvert quant au droit. Il y aurait à cet égard parité et égalité la plus parfaite; et si les besoins indispensables des habitants de Baigorri ne permettent pas de partager autrement, comme il a déjà été démontré, faudrait-il pour cela même abandonner à ce malheureux pays aux inconvénients d'une sorte d'anarchie? Si cela arrive, ce qu'on ne saurait présumer, on y perdrait de part et de l'autre tellement, qu'il ne resterait que le regret d'avoir pu mieux faire.

APPENDIX 8 - MINUTES FROM COUR GÉNÉRALE OF 30-03-1785

Archives Départementales des Pyrénées-Atlantiques, C 1597. Not specified, but probably written during the first week of April, 1785, St. Étienne-de-Baigorry.

The document appears to be a rejoinder to the aforementioned report dated March 3, 1785 [Fernando de Arvizu (1990) consulted this same document and reached a similar conclusion]. The Cour Générale reiterated their concern about the limitations that would be imposed on them by the Treaty under negotiation between France and Spain, in terms of their access to upland pastures, the difficulty of enforcing the projected boundary, and the likelihood that more farmers from the south side of the Pyrénées would be able to infringe on their resource use.

La célérité avec laquelle il a fallu rédiger le Mémoire du 19 mars 1785, afin de pouvoir la présenter à M. le Comte d'Ornano, commissaire du Roi avant son départ pour Paris n'avait pas permis d'y suppléer pour satisfaire aux vœux unanimes de nos commettants consignés dans leur délibération du 30 du même mois, dont on joint ici, une copie.

La nombreuse population de la Vallée de Baigorry est composée pour la majeure partie de laboureurs: ils sont presque tout propriétaires, et leurs possessions très bornés. Les vallons resserrés qu'ils habitent se prêtent passablement à la culture de grains, en employant – comme l'on fait régulièrement – de puissants engrais. Quant aux terres

labourables, qu'ils cultivent en plus grande quantité dans les montagnes, elles sont maigres et stériles, qu'on ne saurait leur faire produire des fruits; à moins de les fumer tous les ans; et les chauler de dix en dix ans, ce qui entraîne des dépenses énormes, et qui le plus souvent absorbent le produit net de ces terres. Malgré tout cela, il est notarié que les laboureurs de la vallée de Baigorri ne récoltent pas dans les années les plus abondantes assez de grain même pour leur propre subsistance. Ils vont acheter constamment la majeure partie des grains qu'on expose en vente au marché public de la ville de St. Jean Pied de Port; et dans les temps de disette, ils éprouvent les plus grands embarras au point qu'alors ils sont réduits à se refuser une partie de leur nourriture ordinaire. (...)

Personne n'ignore que les bestiaux sont la principale ressource de la Vallée de Baigorri. Ils fournissent les meilleurs engrais, c'est de leur produit qu'on pourvoit aux besoins de la vie. Les bêtes à cornes servent au labourage, ainsi qu'aux charrois. Le lait est principalement employé à la subsistance du peuple. (...)

Or, du moment – comme il a déjà été observé dans notre premier mémoire – que les montagnes qu'avoisinent les villages de Baigorri, ainsi que celles qui sont dans la partie des Aldudes la plus proche de cette vallée, ne produisent pas assez de pâturages pour alimenter la plus petite partie des bêtes à cornes, il s'en suit de là que la soustraction meilleurs pâturages, tous situés au-delà de la ligne de démarcation, qu'on dit être sur tapis, serait une perte irréparable pour les habitants de Baigorri.

On n'hésite pas d'avancer que la valeur de ces derniers pâturages est, arpent pour arpent, l'un dans l'autre par rapport aux bestiaux tout au moins sextuple de celle montagnes qui appartiennent présentement en propre à ces habitants et qui pourraient

dans la suite leur appartenir au même titre en cas de partage des Aldudes. Ce qui le prouve invinciblement c'est que les bêtes à cornes qu'on lâche et laisse vaguer sans garde chaque année à commencer en mai dans les montagnes sont entraînées par instinct vers les parties situées au-delà de la ligne de démarcation; fussent-elles à quatre ou cinq lieues de distance de ces pâturages, elles y aboutiront sans conducteur, à moins de les tenir nuit et jour à l'attaché. C'est un fait que MM. les Commissaires eux mêmes pourront vérifier personnellement lorsqu'ils se rendront sur les lieux. La préférence que la nature indique à ces bêtes est - sans contredit - l'argument le plus victorieux qui puisse militer en notre faveur.

Ce qu'il y a encore de plus remarquable, c'est que les bêtes à cornes étant accoutumées à se porter à ces mêmes pâturages, et à pâturer la nuit pendant les chaleurs. Attendu que la nudité des montagnes occasionnée par la dégradation presque totale des bois ne leur permet pas de supporter pendant le jour l'ardent du soleil; rien ne serait capable de les empêcher, surtout dans les ténèbres de la nuit, de franchir sans cesse la prétendue ligne de démarcation. D'où résulte la nécessité de stipuler même pour un bien de paix la réciprocité de pâturages.

Au demeurant, l'idée que nous avons donnée dans notre premier mémoire des maux et pertes qu'occasionnerait indubitablement un partage exclusif de faceries et de réciprocité des pâturages, loin d'être au dessus de la réalité, n'exprime que faiblement les justes alarmes du peuple. Chaque famille, pénétrée de ce qu'elle perdrait dans ce cas, dit et ne cesse de répéter qu'on veut donc nous ôter le pain, que deviendrons-nous? Que feront nos enfants, nos neveux? Est-il au moment de peuple plus peiné que nous, et plus digne de commisération?

Le(s) choses dans cet état, et d'après tout ce que nous avons observé jusqu'à présent avec tout l'intérêt et zèle qu'inspire l'importance de la matière, il n'est pas étonnant qu'à l'époque des capitulations royales de 1613, et des lors des conférences d'Arneguy en 1702 et 1717 ou l'on avait discuté tout à l'assistance des députés des communautés respectives, il n'est pas étonnant, disons-nous, qu'en tel partage serait trop désavantageux à la population de Baigorri qui s'est établie, et accrue à la faveur de la jouissance des Aldudes; et si nos voisins et associés en ont moins profité c'est que les besoins sont moindres. Ils sont de trop bonne foi pour ne pas convenir de la vérité de ces assertions. (...)

Quelque onéreuse que soient les charges et subsides, les contributions locales, les corvées, le contrôle des actes et droits accessoires, nous préférons sans difficulté la conservation ou réciprocité des pâturages, dont s'agit, à l'exemption totale et perpétuelle de ces charges et impôts. (...)

La peuple, principalement dans les montagnes, méridionales est plus éclairé qu'on ne saurait s'imaginer sur ses propres intérêts. Il sait les discuter et calculer à l'aide du flambeau de la raison, qui nulle part n'est plus pure.

APPENDIX 9 - CORRESPONDANCE FROM FRENCH COURT OF 15-04-1785

Archives Départementales des Pyrénées-Atlantiques, C 1597. April 15, 1785.

Versailles.

This document is the transcription of letter from the Count of Vergenners (1717-1787), Secretary of State under the king Louis XVI, in which he responds to the Cour Générale of the Baigorri valley. Vergenners pointed out that, since the Capitulations in the early 17th-century, upper parts of the Baigorri valley had been illegally settled, thus necessitating a new Treaty. This letter highlighted the monarchy's unequivocal authority to limit land use rights and to establish an international treaty with Spain as deemed suitable.

J'ai reçu, Messieurs, la lettre que vous m'avez écrite le 19 du mois dernier, ainsi que le mémoire et la délibération dont elle était accompagnée. J'ai mis le tout sous les yeux du Roi, et Sa Majesté m'a ordonné de vous faire la réponse suivante: savoir que la jouissance commune dans les Aldudes ayant constamment et par sa nature même occasionné des querelles et mêmes des scènes tragiques entre les frontaliers respectifs, il était du devoir (...) d'autre expédient que de partager la jouissance de toutes les parties qui ont quelque droit aux montagnes dont il est question; que le Roi s'est d'autant plus empressé à adhérer à cet expédient adopté par le feu Roi, que d'un côté il a reconnu que la communion actuellement existante ne cesserait jamais d'occasionner du trouble dans

cette partie de la frontière, et de l'autre qu'en ne s'accordant pas à l'amiable sur le partage à faire, Sa Majesté ne pourrait se refuser à remettre les choses, comme la Cour de Madrid le demande, et à droit de demander, dans l'état où elles devraient être suivant les Capitulations Royales; c'est-à-dire, sans ruiner les Baigorriens en les obligeant de détruire des défrichements et des établissements très considérables qu'ils ont faites depuis l'année 1613, contre la teneur du règlement fait en cette même année.

Le Roi se persuade, Messieurs, que ces explications convaincront qu'il n'a adopté l'idée de partager la jouissance des Aldudes qu'en pleine connaissance de cause, que ce partage vous assurera une existence paisible, et que vous sentirez combien les représentations que vous venez de faire sont déplacées. Sa Majesté m'a ordonné d'ajouter, Messieurs, qu'elle espère que, loin de vous permettre de nouvelles plaintes, vous vous soumettez au contraire avec reconnaissance au règlement dont elle va convenir, et que si quelqu'un d'entre vous, plus occupé de son intérêt personnel que du bien général de votre vallée, et surtout de sa tranquillité osait murmurer ou vous exciter à faire cause commune avec lui, vous vous ferez un devoir de la réprimer et de le ramener dans les bornes du respect et de l'obéissance qu'il doit à son souverain. (...)

APPENDIX 10 - MINUTES FROM COUR GÉNÉRALE OF 28-04-1785

Archives Départementales des Pyrénées-Atlantiques, C 1597. April 28, 1785. Lauherrieta, St. Étienne-de-Baigorri.

These are the minutes from the meeting of the Cour Générale which followed reception of the letter that the Count of Vergenners had written on April 15, 1785. The representatives reiterated that their intentions were not to question the king's decisions, nor to challenge his authority to establish treaties. In their estimation, the upland pastures in the Baigorri valley were the most valuable pastures with the most plentiful grass and were "had always been considered absolutely necessary" to their survival. Thus, the *jurats* nevertheless requested that France not concede use or dominion of these resources to Spain. However if this be the case, the inhabitants of the Baigorri valley beseeched the King that a deferral of twenty years be written into the Treaty and granted, so as to allow local inhabitants the time to teach their children occupations other than farming since without these uplands pastures, they would no longer be able to farm or raise livestock. But the letter that the Count of Vergenners transmitted to the Cour Générale was evidently not well received and these disagreements over the negotiations of the Treaty that year point to longer-standing, unresolved tensions between representatives of the French state and this local community of Baxe-Nafarroa.

Les sieurs Larre, Ernautena, Harismendy, députes ont rendu compte des mémoires touchant les Aldudes, qu'ils ont adressés au gouvernement, et reçu une lettre en date du 15 du présent mois de Monseigneur de Vergennes, Ministre et Secrétaire d'Etat; et explication faite en langue vulgaire desdits mémoires et lettre, sur ce eûe délibération, il a été arrêté unanimement de marquer à ce Ministre que le Roi n'a pas de sujets plus soumis à ses volontés que les Baigorriens, qui dans tous les siècles ont donné le plus fortes preuves de fidélité, mais que malgré cela, ils ne peuvent pas dissimuler que rien ne saurait les dédommager de la perte absolue des meilleurs pâturages, tous situés au delà de la ligne projetée de séparation, et que, si cela doit avoir lieu, Sa Majesté, sera suppliée de faire en sorte que par rapport aux pâturages, il soit sursis pendant vingt ans à l'exécution du règlement, dont on pourrait convenir afin que les pères et mères de famille puissent pendant ce laps de temps donner à leurs enfants des métiers qui puissent les faire subsister, attendu qu'ils ne sauraient soutenir la culture des terres sans les bestiaux, ni entretenir des bestiaux, si l'on est privé des pâturages des Aldudes, qui ont de tout temps été jugés absolument nécessaires à la culture des terres dans la présent vallée.

APPENDIX 11 - CORRESPONDANCE FROM FRENCH COURT OF 05-09-1785

Archives Municipales de St. Étienne-de-Baigorry, Registre de la Cour Générale,

Tome IX. September 5, 1785, Versailles.

This letter is a response from the Count of Vergenners to the Cour Générale on September 5, 1785, in a continuation of the exchange between local officials and the royal court following the signature of the Treaty of Elizondo the previous month. One of the notable features in this communication is that the Count of Vergenners asserted the involvement of the French king in discussions about the Baigorri valley, in what appears again as an inordinate level of royal interest. Another point of emphasis for the Count of Vergenners is the unequivocal support that the monarchy extended to the Count of Ornano in his oversight of the negotiations leading to the 1785 treaty. As was already apparent by this point, the Treaty of Elizondo had become a flashpoint in between local and national prerogatives as they pertained to the use of common-pool resources.

The Count of Vergenners communicated the king's astonishment with regards to Lord of Urdos' lack of responsibility in "calming tempers and doing everything possible to maintain the spirit of obedience and respect." This allusion to Lord of Urdos' behavior highlights the expectations of solidarity amongst the nobility with the French feudal system. The Count of Vergenners' reprimand suggests to me that the third estate (the quasi-totality of the inhabitants of the Baigorri valley) was not the only group unhappy with the Count of Ornano's handling of treaty negotiations and questions the local nobility's allegiances.

In this letter, the Count of Vergenners went so far as to order the Cour Générale to strike their dissension and critique of the Count of Ornano and the 1785 treaty from their written record of their August assembly. This appears as a deliberate and explicit attempt to erase any hint or documentation of local opposition, which demonstrates the Count of Vergenners' vision of hierarchical power relationships. Although France did not necessarily make significant territorial concessions in the Treaty of Elizondo, the royal court had a vital interest in preserving its authority over the third estate.

The closing sentence of this letter provides a pointed, almost condescending comment from the Count of Vergenners to the Cour Générale: "Your communities should appreciate the beneficent and truly paternal manner in which he [the king] treats you; you will henceforth only strive to prove your obedience to him; and now that you are apprised of the erratic behavior you have engaged in, you should also be aware of the danger that you expose yourself to should you repeat this behavior." In light of the flowery, diplomatic language of the Ancien Régime of France, this was unusually strong language for a Minister of the court and constituted an explicit threat.

(...) Le roi, Monsieur, après avoir murement pesé tous vos dires, m'a ordonné de vous montrer qu'il donne une entière approbation à la conduite de son Commissaire, et notamment à l'emprisonnement du nommé Harismendy et de quatre autres sujets, et qu'il a du mécontentement extrême des propos et des démarches que les habitants de votre vallée se sont permis tant à l'occasion de cet emprisonnement, qu'à l'occasion du

partage qu'il s'agit de faire des Aldudes. Sa Majesté a surtout trouvé étrange que le sieur D'Urdo au lieu de calmer les esprits et de faire son possible pour les contenir dans les bornes de l'obéissance et du respect, se soit au contraire attaché à les échauffer, et à les exciter en résistance (...)

Sa Majesté (...) s'est portée en conséquence à oublier le passé dans la fervente attente que la protestation que vous faites au nom des habitants de Baigorri de (*illegible*) parfaite soumission est sincère; qu'elle sera consignée dans les registres de vos assemblée dont vous bifferez vos délibérations des 18 et 19 du mois dernier, et que dorénavant le Commissaire du Roi n'éprouvera plus de la part de vos communautés le moindre obstacle dans l'exécution de la commission qui lui est confiée, et pour mettre le comble à sa bonne foi, le roi veut bien autoriser le compte d'Ornano a faire mettre en liberté les jurats détenus dans la citadelle de St Jean Pied de Port (...) Le roi se persuade, Monsieur, que vos communautés sauront apprécier la manière bienfaisante et vraiment paternelle avec laquelle il veut les traiter; qu'elles ne s'occuperont plus désormais que des moyens de lui prouver leur obéissance; et que, pénétrés de l'irrégularité de la conduite dans laquelle elles ont été entraînées, elles se pénétreront également du danger auquel elle s'exposerait si elle se permettait de la renouveler.

APPENDIX 12 - MINUTES FROM COUR GÉNÉRALE OF 15-09-1785

**Archives Municipales de St. Étienne-de-Baigorry, Registre de la Cour Générale,
Tome IX. Septembre 15, 1785, St. Étienne-de-Baigorry.**

This document is a record of the minutes of an assembly of the Cour Générale that was held on September 15, 1785, that dealt with events from the end of the previous month when representatives of the French and Spanish crowns had met to determine and verify the boundary of the Commons in the Baigorri valley. This document records a statement from the Syndic de la vallée to the Cour Générale concerning the Treaty of Elizondo and the Count of Ornano's demarcation of the boundary. The Syndic de la vallée was a position originally created in 1771 to mediate conflicts or disputes between households in the upper and lower parts of the valley. At the end of these minutes, the Lord of Urdos (who lived on the northern edge of the village of St. Étienne-de-Baigorry) also lodged a complaint about the Treaty during this assembly, which was ardently supported by a majority of the *jurats* present at the Cour Générale.

(...) On est informé qu'il a procédé ces jours passés aux Aldudes à un abornement relatif au partage de ce pais indivis et que cette opération a été commencée et continuée sous les yeux de M. le Comte d'Ornano, Commissaire du Roi et du Commissaire de Sa Majesté Catholique, avec une différence: que par rapport aux formes et à l'appareil: que le dernier était assisté d'un grand nombre de députés de sa nation revêtus de pouvoirs requis, ainsi que d'un multitude notables ; au lieu que M. D'Ornano s'est contenté de

remettre au jurat de la commune de St Étienne, membre de la présent vallée, un ordre daté de la vallée de Baztan en Haute Navarre du 27 du mois dernier, portant en propres termes : « Il est ordonné aux jurats de St Étienne, d'Irulegui, d'Ascarat, de Lasse et d'Occés avec un de leurs députés de se rendre auprès de nous lundi prochain 29 de ce mois à six heures du matin à place basse des Aldudes pour nous accompagner pendant tout le temps que durera la démarcation du pays indivis, Quint Royal, que nous commencerons ledit jour vingt neuf aout ».

« Il sera loisible – ajoute M. d'Ornano – à tous les habitants de la vallée de Baigorry de quelque rang et condition qu'il puisse être d'assister à ladite démarcation » (...) Il est clair que ces jurats n'ont pas eu le temps de faire part de cet ordre aux autres jurats de la vallée leurs confères, répandus dans différentes communautés éloignées les unes des autres, n'y de convoquer l'assemblée de la Cour Générale à l'effet de nommer des députés avec les pouvoirs requis pour représenter la vallée à l'opération en question. Néanmoins, ces jurats ont rapporté qu'on a inscrit leurs noms ainsi que ceux de leurs compagnons comme s'ils étaient tous revêtus de pouvoirs suffisants, dans un acte rédigé sur lieu devant deux notaires, l'un français et l'autre espagnol ; ce qui tire à conséquence à cause du défaut de qualité, et de ce qu'on pouvait inférer que la présente vallée a été représenté par les cinq jurats appelés nommément et par leurs compagnons, ce qui serait faux. Il y a plus, le bruit est général, que M. d'Ornano a, ces jours passés, déclaré publiquement à St Jean Pied de Port et ailleurs en présence de plusieurs personnes de distinction qu'il lui a été fait de la part des Baigorriens une députation pour le remercier et lui témoigner qu'ils sont contents et satisfaits de la nouvelle démarcation des Aldudes, ce qui toutefois est contraire à leurs vœux, parce qu'il est indubitable et aussi clair que la

lumière du jour, que si celle a lieu sans restriction ni modification, ils perdent non seulement la majeure partie des forêts, dont ils ont joui depuis un temps immémorial, ce qui est justifié par instance présenté à M. d'Ornano, qui a par n'en faire aucun état, mais même les pâturages les plus précieux et les plus nécessaires qu'ils ont de tous temps possédés. La perte des possessions immenses, qui comprennent au-delà de vingt mille et peut être même trente mille arpents, ne peut manquer d'entraîner la ruine des Baigorriens, parce que leurs bestiaux font leurs principale ressource. Tel est le cri général de la vérité, dont je ne suis que l'écho ».

M. d'Urdos, premier opinant, ayant repris la parole, a dit : « Attendu que suivant la rubrique trente cinquième des fors et coutumes de Navarre autorisés par lettres patentes de Louis 13 du mois d'avril 1611, dument enregistrés au parlement, les affaires qui intéressent les différents districts de la Navarre et notamment celles qui regardent les pâturages et communaux doivent se traiter aux assemblées des cours générales, convoquées aux formes ordinaires. Et, attendu aussi que les cinq jurats et leurs compagnons appelés par M. d'Ornano n'étaient pas revêtus de pouvoirs de la présente cour générale, et que conséquemment ils étaient sans qualité pour manifester nos vœux touchant à la démarcation des Aldudes, je suis d'avis de protester tout ce qui a peu être dit, allégué et proposé par eux à ce sujet, comme aussi contre l'inscription de leurs noms dans ledit acte de démarcation, surtout si l'on prétend inférer de cette inscription que la vallée, dûment appelée en cette occasion, a été représenté par lesdits jurats et leurs compagnons. Je suis pareillement d'avis de remettre à délibérer plus amplement à un temps plus opportun sur la matière, en considération de son importance, pensant comme

j'ai toujours pensé que le sort des Baigorriens pour le présent et pour l'avenir dépend de l'issue de cette affaire ».

APPENDIX 13 - BAIGORRI VALLEY PROCLAMATION OF 08-11-1800

**Archives Départementales de Pyrénées-Atlantiques, 5 JC 51. November 8, 1800,
Bayonne.**

This is a report co-authored by the mayors of four villages in the Baigorri valley in which they laid out their rights to certain resources in the Baigorri valley. The commentary and debate by inhabitants of the Baigorri valley was in reality a thinly-disguised critique of the 1785 Treaty, which these leaders saw as improper and unjust. This document roundly criticized the arbitrators of the Treaty for excluding local parties such as the *jurats* from the negotiations, nor even having solicited their input (keep in mind that the French Revolution eliminated the *jurats* of the Baigorri valleys, when mayor and municipal counsels became the new labels of local leadership). Furthermore, the mayors criticize the Count of Ornano and the General Caro, who negotiated the 1785 Treaty on behalf of their respective monarchs, for not having submitted the final text of the Treaty to the Parlement de Navarre afterwards. In this report, the mayors' opine that this effectively made the Treaty null and void in the eyes of the citizens of the Baigorri valley.

Mémoire pour les habitants de la Vallée de Baigorri. Au soutien de leurs Droits sur les Aldudes, attéances et dépendances.

Le bien-être des exposants dépendant principalement de la conservation de leurs droits sur les Aldudes, il est de leur plus grand intérêt, non seulement de les développer, mais même de dissiper les nuages dont on s'efforce en ce moment de les couvrir ou affaiblir. Tel est l'objet de ce mémoire.

On appelle Aldudes ou Quint, un canton qui, traversant le chaîne des Pyrénées, passe pour avoir environ dix lieux communes de circuit. Depuis un temps immémorial il est possédé par indivis, d'une part par les exposants, et de l'autre par les frontaliers de la domination Espagnole. (...)

[début p. 2] D'après différents traités et documents authentiques, les exposants ont toujours considéré les habitants d'Erro comme vrais copossesseurs des Aldudes, revêtus des mêmes droits qu'eux. Quant aux habitants des autres lieux précités, on ne doit les regarder que comme simples co-usagers, ou comme rameux collatéraux n'ayant en partage que des droits momentanés de compascuité, tels que d'un soleil à l'autre. Il faut cependant excepter les habitants de Burguete, les plus entreprenants, au point qu'ils ont cherché, mais en vain, à figurer avec les vrais co-usagers.

On sait que depuis plus de deux siècles, les divers traitements compétents aux parties intéressées à la jouissance des Aldudes ont, en différentes fois, fait naître des contestations provenant communément, non du côté des habitants d'Erro, vrais copossesseurs, en général gens pacifiques, mais le plus souvent des habitants de Burguete et Chanoines réguliers de Roncesvalles: ce qui en excitant l'attention des deux cours de France et d'Espagne a quelquefois donné lieu à des mesures diplomatiques suivies de conventions ou traités provisoires. Le plus important, comme le plus ancien de ces traités,

est celui qui sous le titre de capitulations royales fut conclu en 1614 à Madrid, entre l'ambassadeur de France et les ministres de Sa Majesté Catholique.

Il est à remarquer que les principales dispositions de ce traité, et notamment certaines lignes économiques de démarcation dont on était convenu, se référaient à la manutention des pâturages destinés pour l'entretien de différentes espèces de bestiaux, notamment de bêtes à cornes. Enfin, dans le même objet, il fut défendu non seulement par ce traité mais même par d'autres conventions postérieures, de défricher ni bâtir dans l'étendue des Aldudes.

[début p. 3] Mais malheureusement ces dispositions, quelque sages qu'elles fussent, n'obtinent pas le succès qu'on s'en était promis : car d'un côté les guerres, qui depuis l'époque des capitulations royales se succédèrent pendant près d'un siècle, ne permirent pas de suivre l'exécution, et de l'autre on ne craignit pas d'y contrevenir de part et d'autre.

Le fruit de ces infractions fut la formation d'une peuplade sur tous les points de la partie septentrionale du territoire indivis. Du reste, elle est composée d'individus de l'une et de l'autre nation, avec cette différence: que la peuplade Baigorrienne est beaucoup plus nombreuse que l'Espagnole avec laquelle elle est entrelacée, attendu que la partie des Aldudes la plus rapprochée du sol particulier de la vallée de Baigorry, s'est trouvée aussi la plus susceptible d'habitation.

Qu'on sache que la très-grande majorité des habitants de Baigorry était intéressée à s'opposer à l'accroissement de cette nouvelle peuplade Gallo-Espagnole. Il paraît par leurs registres publics qu'ils n'ont rien négligé pour cela ; mais des circonstances

particulières qu'il serait trop long de détailler, ont rendu inutiles leurs réclamations à cet égard.

Au contraire, les communes réunies de la vallée d'Erro, au lieu de suivre les mêmes errements, se sont constituées aux Aldudes un gros revenu patrimonial : c'est par la construction d'un vaste édifice qu'ils qualifient de maison commune, mais qu'en réalité est une auberge, et ils y ont annexé à la proximité des possessions territoriales, après les avoir mises en valeur: ce qu'on doit regarder comme un acte appratif des progrès de la peuplade en question, et en conséquence comme une infraction formelle de l'article des capitulations royales, portant défenses de défricher ni bâtir.

[début p. 4] Malgré cela, on ne cesse d'invoquer contre les exposants le texte même de ce traité...quelle contradiction !

Quant aux traités postérieurs, notamment ceux conclus solennellement à Arnéguy en 1702 et 1717, quoiqu'ils viennent à l'appui des droits des exposants, ils se dispensent de présenter en ce moment l'analyse, sauf à y revenir para la suite en tant que de besoin: mais il leur importe maintenant de combattre de toutes leurs forces une convention arrêtée en 1786 et 1787 entre le comte d'Ornano, commissaire de France, et le général Caro, commissaire d'Espagne, et suivis d'une ligne de démarcation tracée sous leurs yeux : ce qui exige quelques détails à l'effet de mieux faire sentir les griefs des exposants.

1. Il est reçu, soit en diplomatie, soit dans l'ordre judiciaire, que lorsqu'il arrive que des commissaires procèdent, opèrent ou négocient sur les lieux contentieux, dans les formes légales ; il est reçu, disons-nous, que dans ce cas, il est indispensable d'appeler les parties intéressées, et des entendre contradictoirement. (...)

3. Soit pas ces raisons ou autrement, les deux cours, sans doute de bon accord, se déterminèrent à ne donner aucune suite à l'opération dont il s'agit ; puisque la convention qui l'avait pas seulement été notifiée au corps municipal de la vallée de Baigorri, ni conséquemment transcrite, comme devait l'être sur les registres. Voilà toutefois autant de formalités légales requises et même de rigueur, pour rendre exécutoire l'ouvrages des commissaires.

(...) Il est de notoriété publique, que depuis environ un siècle, presque sur tous les points de notre vallée, la population a reçu un accroissement extraordinaire, comme bien a paru pendant la courte, mais sanglante dernière guerre contre l'Espagne. Or il est constant qu'on doit cet avantage à la faculté dont nous avons joui de faite pâturer dans toute l'entendue des Aldudes, tant nos bêtes à laine: or, personne n'ignore que ces différentes espèces de bestiaux font notre principale et presque unique ressource pour subsister, même dans l'état de médiocrité où la fortune nous a placés. A partir de là, n'étant pas douteux que les meilleurs pâturages des Aldudes existent vers le versant [début p. 6] des montagnes, notamment du côté de la haute-Navarre, il était naturel et convenable de nous ménager autant que possible de ces pâturages précieux, ce qui devait entrer dans la balance des intérêts respectifs. Bien loin de là, il est certain que la ligne de démarcation susmentionnée a été convenue et tracée fort en deçà du versant des montages. Cette circonstance seule serait plus que suffisante pour la proscrire à jamais.

Autre motif puissant qui n'a pas été non plus pris en considération par les commissaires conciliateurs. Personne n'ignore que les habitants d'Erro, copossesseurs au même titre que les exposants, n'ayant pas de ressources comme ceux-ci pour l'hivernage, s'attachent moins au nourrissage des bestiaux; de sorte que, ne pouvant comme nous

profiter des pâturages de l'été, ils s'avisent d'y introduire à prix d'argent, ou y tolèrent des bestiaux étrangers: ce qui souvent fait naître des discussions fâcheuses partout, et principalement entre montagnards frontaliers.

D'après ces observations sur le site et l'historique des Aldudes, circonstances et dépendances, dont il a paru avant tout convenable de rendre compte, on va passer à l'exposé de l'affaire de jour, qu'on cherche à embrouiller au préjudice des exposants:

Voici le fait:

Un trafiquant renommé, appelé Etcheberry, habitant de la vallée d'Ossès, ayant entrepris ou été chargé de faire en France des achats considérables de moutons à la destination de l'Espagne, notamment pour les boucheries de Madrid, parvint en prairial [9^{ème} mois du calendrier révolutionnaire, du 20 mai au 18 juin] dernier à réunir environ de quatre cents; et quoiqu'il fut étranger à tous droits de possession, d'usage ou de compascuité dans l'entendue des Aldudes néanmoins il s'avisa de les faire passer et séjourner. Il y a plus; il les plaça à garde faite dans [début p. 7] les pâturages le plus gras, savoir au quartier appelé Urdan-Saroi, où on les laissait vaguer nuit et jour, cela en vertu de la permission qu'il en avait obtenue à prix d'argent des habitants de Burguete.

Il n'en fallut pas d'avantage pour jeter l'alarme parmi les principaux propriétaires de la vallée de Baigorri, qui ne purent voir d'un œil indifférent les pâturages les plus précieux dévorés par un si grand troupeau étranger. Ils soupçonnèrent aussi que peut-être, par de semblables actes prémédités, les gens de Burguete cherchaient à s'approprier la jouissance exclusive de ces pâturages destinés de tout temps pour les troupeaux des exposants et de vallée d'Erro.

Les choses dans cet état, les autorités constituées de Baigorri ne balancèrent pas à user des voies usitées en pareil cas; de sorte qu'on fit saisir en forme de pignoration le troupeau de moutons sous-mentionné, et il en fut dresse procès verbal.

Le Citoyen Etcheverry ne tarda pas à se présenter, et commença par demander la mainlevée de la saisie faite à son préjudice: l'offre qu'il fit de déposer en tant que besoin en main tierce une somme de huit quadruples, ayant été acceptée et réalisée, ses moutons lui firent rendus ; mais peu de temps après, et dans le courant du même mois de prairial, excité peut-être par les gens de Burguete, il se porta à faire conduire aux pâturages des Aldudes, quartier d'Atahalousti, un troupeau de moutons encore plus nombreux, lequel reçut de la part des autorités constituées de Baigorri le même traitement que le premier: il fut saisi, mais peu de temps après relâché, à la sollicitation du sous-préfet. On jugera sans peine que des faits de cette nature ne pouvaient manquer de faire sensation : en effet, le gouvernement de la République française et de l'Espagne en ayant [début p. 8] été informés, il a été expédié, de part et d'autre, des ordres dans l'objet d'en tarir la source, et d'employer les moyens les plus propres à maintenir l'union et la concorde entre les frontaliers de l'une et de l'autre nation: de sorte qu'en conséquence, le Citoyen Dhiriart-Detchepare, sous-préfet de l'arrondissement de Mauléon, et le consul d'Espagne à Bayonne, se sont rendus dans le courant de vendémiaire dernier [1^{er} mois du calendrier révolutionnaire, du 22 septembre au 22 octobre], au monastère de Roncesvalles, à l'effet de conférer à ce sujet. Au rapport d'un de nos fonctionnaires publics qui a assisté à ces conférences, le sous-préfet y a déployé avec intelligence, main en vain, le zèle qu'on lui connaît pour les intérêts de ses administrés: il n'a pas été possible de détromper le commissaire d'Espagne d'ailleurs digne d'éloges; « Sachez, disait-il, Baigorriens, qu'en

vous emparant à Urdan-Saroi et à Athalousti à titre de pignoration, de deux grandes quantités de moutons destinées pour Madrid, vous avez manifestement contrevenu à la convention de 1786 (précité), et dépassé la ligne de démarcation y stipulée: sachez aussi qu'en bonne règle vous ne sauriez pas en tomber d'accord. »

Voilà une assertion qui paraît sérieuse, et qui peut-être aurait de quoi nous embarrasser si d'ailleurs, par une foule de raisons que nous avons déjà exposés, nous n'avions prouvé qu'on ne peut s'empêcher de regarder comme non avenue cette convention si vantée en 1786, aussi bien que tout ce qui s'en est ensuivi et fait conséquence. Il serait superflu de s'arrêter d'avantage sur ce point.

Les gens de Burguete étant les principaux moteurs ou fauteurs de la présent contestation, il ne saurait être indifférent de dévoiler leurs vues ambitieuses, pour les combattre. Il est manifeste que leur dessein est de s'approprier la jouissance exclusive [début p. 9] des quartiers d'Urdan-Saroi et d'Athalousti. (...)

Par cet ordre il est manifeste que les traités supposent qu'il ne compète sur cette partie aux habitants de Burguete aucun droit de jouissance ni d'usage : enfin, de ce que la palombière du centre de celui que le quartier susmentionné d'Athalousti, il s'ensuit évidemment que la saisie des moutons effectuée dans ce dernier lieu est hors d'atteinte; il est également certain qu'il en est de même de celle exploitée à Urdan-Saroi, attendu que ce dernier quartier et celui d'Athalousti y sont situés sur une même linge partant de l'orient à l'occident.

En faut-il d'avantage, d'une part pour justifier la conduite observée par les Baigorriens à l'occasion des saisies en question, et de l'autre pour démêler les motifs secret des habitants de Burguete protégés par les Chanoines de Roncesvalles? (...)

Les exposants observent, par surabondance, qu'on a évidemment erré en argumentant à leur désavantage de ce qu'il a été placé ci-devant, au milieu de la peuplade Gallo-Espagnole, un bureau français de Douanes: d'où on a prétendu inférer leur assentiment à la démarcation de 1785. Ils protestent que s'ils avoient été consultés sur ce nouvel établissement, il n'aurait certainement pas eu lieu; et comme ils n'y ont eu nulle part, ni directe ni indirecte, il est clair qu'il n'en doit résulter ni bien ni mal à leur égard.

Ce mémoire ayant été communiqué aux nouveaux maires des communes des sections composant la vallée de Baigorri, ils l'ont unanimement approuvé (...)

Finalement, pour preuve de leur modération et de leurs dispositions pacifiques, ils ont arrêté que, par grâce et sans tirer [début p. 12] à conséquence, on rendra au Citoyen Etcheverry l'argent qu'il avait consigné lors de la première saisie de ses moutons.

APPENDIX 14 – MINUTES FROM COMMISSION SYNDICALE OF 20-11-1839

Archives Départementales des Pyrénées Atlantiques, 1 J 234/1. November 20, 1839,

St. Étienne-de-Baigorry.

This document is a partial transcript from the minutes recorded during the first meeting of the Commission Syndicale in 1839 after its creation. The meeting was convened in order to verify the boundaries of the upland pastures held as common-pool resources. Representatives recognized the demarcations set by France and Spain in the 1785 Treaty, but refused to give up their usufruct rights of pastures in the Baigorri valley.

(...) Nous avons convoqué, en vertu de la lettre de M. Le Préfet de 8 de ce mois, les membres de la Commission Syndicale, à l'effet de prendre une résolution relativement aux difficultés des limites existantes entre la Vallée de Baigorry et l'Espagne. (...)

La Commission étant en nombre suffisant pour délibérer, après avoir entendu lecture de la lettre sus énoncée de M. le Préfet, et les explications données par M. l'Inspecteur des Contributions, et avoir examiné les lignes de démarcation décrites au procès verbal de délimitation de la Commune des Aldudes, approuvée par M. le Préfet le 17 avril 1837 a été d'avis.

Que la délimitation indiquée par M. le Maire des Aldudes doit être abandonnée comme n'étant conforme ni aux droits des propriétaires français du Pais Quint, ni à la ligne politique résultant du traité du 17 août 1785.

Que cette dernière ligne paraît être provisoirement conservée pour servir de limite aux opérations cadastrales, mais avec cette réserve: qu'elle ne sera point considérée comme un consentement de la Vallée de Baigorri à l'abandon du droit de jouissance et de propriété qu'elle prétend sur la partie du Pais Quint située au delà de cette ligne; droit qu'elle entend conserver dans leur intégrité comme si l'opération cadastrale n'eût pas été faite.

Qu'elle ne croit pas avoir à s'expliquer maintenant sur les inconvénients de cette ligne de démarcation, qui laissera dans le territoire espagnol des terrains et des habitations soumis actuellement aux lois françaises, de même qu'elle comprendra des enclaves espagnoles dans le périmètre des Aldudes, enclaves qui ne sont soumises à aucune contribution en France.

"(...) In light of the difficulties over the existing borders between the valley of Baigorri and Spain (...) the Commission [e.g. the *syndicat* of the valley] agrees that:

The territorial boundary indicated by the mayor of the village of Aldude must be abandoned since it neither conforms to the rights of the French property owners (*feux*, or households) of the Kintoa, nor to the political boundary demarcated in the treaty of August 17, 1785.

This boundary was provisionally maintained because of the mapping project undertaken that year [in 1785], but with these caveats: that this line does not equate

consent by the Valley of Baigorri to abandon their usufruct rights and the property claimed in the Kintoa, beyond this political boundary [e.g., on the Spanish side of the border]; a right that [the Syndicate of the valley] intends to conserve in its entirety as if the mapping project itself never occurred.

[The Syndicate of the valley] does not believe that it now has to explain itself concerning the inconveniences of this boundary, which places lands and houses that are currently subject to French laws in Spanish territory, just as it includes Spanish enclaves in the perimeter of Aldude, enclaves that are not subject to any taxation in France. (...)

Lastly, pertaining to the boundary separating the *communes* of [St. Étienne-de] Baigorry, La Fonderie, and Aldude from the valley of Baztan, and that reproduces the boundary laid forth in 1785, there is no need to rectify this prior agreement, with the exception of the boundary between Aldude and the Erro valley.”

APPENDIX 15 - FRANCO-SPANISH TREATY OF 02-12-1856

Treaty delimiting the frontier from the mouth of the Bidassoa to the point where the Department of Basses-Pyrénées adjoins Aragon and Navarra. Signed at Bayonne on 2 December 1856. Treaty recorded and filed in English in 1979 with the United Nations, Vol. 1142, II 838.

The Treaty provides a description of the dividing line between France and Spain in article 7 (not transcribed here). The international demarcation is described in relatively broad strokes, and principally relied on a depiction of the main topographical features (e.g., mountain peaks) to outline the boundary line. This was apparently sufficient enough detail for the 1856 Treaty, but later required a much more elaborate, lengthy and precise description, which appeared in the comprehensive account given in the Supplement to the Treaty two years later.

Article 12. Since the dividing line specified in the preceding articles follows streams or paths in several parts of its course and passes a number of springs, it is hereby agreed that these streams, springs and paths shall be owned jointly and that livestock and inhabitants on each side of the frontier shall be free to use them.

Article 13. Since permanent common pasture or joint grazing arrangements between the frontier inhabitants of the two countries have often been prejudicial to tranquility and

harmony on the frontier, it is hereby agreed that the agreements to this effect which used to exist or still exist today by virtue of ancient decisions or treaties shall be abolished and declared null and void as of the first day of January following the entry into force of this Treaty; it is expressly agreed, however, that the permanent common pasture arrangements which currently exist *de jure* and *de facto* between the valley of Cize and Saint Jean Pied de Port in France and the Aescoa (Aezcoa) valley in Spain, and between the inhabitants of Barétous in France and those of Roncal in Spain, by virtue of the arbitral decisions of 1556 and 1375 and of subsequent decisions confirming them, shall continue, for their own special reasons, to be observed faithfully by each side.

Article 14. It is also agreed by the Contracting Parties that their respective frontier inhabitants shall maintain the right they have always enjoyed to draw up between themselves, for a given period which may never exceed five years and with the express authorization of the competent authorities, such grazing or other agreements as may benefit their interests and their good-neighborly relations. Such agreements for limited periods as currently exist between frontier inhabitants, or may be concluded in the future, shall be deemed superseded once the period allotted to them in the written or verbal agreement reached to this effect has expired.

Article 15. It is further agreed that the inhabitants of the Baïgorry valley shall have exclusive and permanent use of the pastureland in that part of the Aldudes (Alduides) situated between the main range of the Pyrénées and the line from Lindusmunua to Beorzubustan (Beorzubuztan), via Isterbeguy (Isterbegui), specified in article 7 as

dividing the two territories in this place. The Land on which permanent grazing rights are granted to the inhabitants of the Baïgorry valley is that enclosed by a line which, starting at Beorzubustan, follows the main chain of the Pyrénées formed by the Hurisburu (Urisburu), Urtiaga, Ahadi (Adi), Odiá, Iterumburu, Sorogaina, Arcoleta, Berascomzar, Curuchespila, Bustarcortemendia and Lindusmunua mountains and from these runs to Beorzubustan via Isterbeguy. The inhabitants of Baïgorry shall obtain exclusive and permanent use of this pastureland in return for an annual rent of 8,000 francs, representing, at an exchange rate of 19 reales to 5 francs, an amount of 30,400 Spanish reales de vellón.

Article 16. In order to avoid any misunderstandings which might arise regarding the interpretation of the preceding article, it is hereby agreed that exclusive and permanent grazing rights on the land in question shall entitle the inhabitants of Baïgorry to take their livestock there freely, and without paying any duty, and to keep them there throughout the year if they so wish. It shall also entitle them to build wooden huts there, with planks or branches, to provide shelter for wardens, herdsmen and their herds and flocks, in accordance with local custom. In order to build these huts and for their everyday needs, French wardens and herdsmen shall have the right to cut all the wood they need on this land, without, however, removing, trading or exporting the wood they have cut. In order to ensure that these wardens and herdsmen always have the wood they need for the purposes referred to above, the valleys owning the land on which grazing rights are granted shall be required to regulate the use of the woodland they own there in accordance with Spanish law and in such a way that this wood land is at all times

sufficient for the everyday needs of the wardens and herds-men and that livestock have the necessary shelter from inclement weather or the sun. The herdsmen concerned shall be subject to the conditions imposed by Spanish law on anyone leasing pastureland: namely, they may never change the nature of the land by clearing it, felling woodland or cultivating the soil, or by erecting structures other than those mentioned above. The Spanish inhabitants of the valleys owning this land shall be required, for their part, to make no changes in the current condition of this pastureland, and to refrain from clearing or cultivating the land or carrying out any construction on this pastureland or in the woodland. In order to patrol this pastureland and French livestock, the inhabitants of Baïgorry shall have the right to appoint sworn wardens who, together with Spanish sworn wardens, shall jointly and collectively ensure that law and order are maintained and that the rules in force are observed. These wardens shall be required to file complaints with the territorial authority in the event of offences or violations of the rules.

Article 17. It is agreed that herds and flocks of all kinds, whether French or Spanish, which pass from one country to the other under the two joint pasture arrangements which are maintained in full force by article 13, or further to individual agreements now in existence or to be concluded in the future in the manner laid down in article 14 between the frontier inhabitants of the two countries, shall not be subject to any customs duties on crossing the frontier. Herds and flocks from the Baztan valley, which, in accordance with present customs, cross the French Aldudes to go to and from Valcarlos, shall also be exempt from these duties. Such livestock may not, on any pretext, stop or graze while crossing French territory, and proceedings shall be instituted in respect of offences

committed in violation of the provisions of this article, so as to secure reparation from the competent authorities.

Article 18. French nationals who, prior to the conclusion of this Treaty, built houses and cleared land in that part of the Aldudes referred to in article 15, shall be recognized by Spain as the legitimate owners of these houses and this land, and they and their property shall be subject to the legislation governing French nationals living in Spain. Similarly, subjects of Her Catholic Majesty living in the French Aldudes shall be recognized as the legitimate owners of the houses and land they possess there, and they and their property shall be treated in the same manner as all other Spanish nationals residing in France.

Article 19. French and Spanish nationals who are in the situation described in the preceding article must, within a period of 18 months from the day on which this Treaty enters into force, request their property deeds from the civil authorities of the territory in which the property is situated; these deeds may not be denied them, and property owners shall not be required to pay any costs other than those involved in the actual issue of these deeds. Property owners who allow the above-mentioned time-limit to elapse without requesting their deeds shall be deemed to have waived the rights accorded to them under the provisions of this Treaty.

APPENDIX 16 - SUPPLEMENT TO TREATY OF 02-12-1856

Supplementary Convention to the Treaty delimiting the frontier of 2 December 1856 between France and Spain (which came into force on 1 April 1859 by ratification in Paris.) Treaty recorded and filed in English in 1979 with the United Nations, Vol. 1142, II 838.

Annex 5 of the 1858 supplement to the 1856 Treaty of the Pyrénées is an incredibly detailed record of the demarcation line between France and Spain. It provides a description of geographical, topographical and toponymic features at each one of the markers of the border, giving their precise location, as well as distances and trajectories between each marker. The demarcation recorded in Annex 5 recognizes that the frontier follows many ‘natural’ geological and hydrological features of the Pyrénées Mountains, thereby acknowledging that the difficulty of the terrain forced the treaty negotiators to attend to certain practical consideration like ease of movement of animals during periods of transhumance (for example, marker 99). Sometimes, the natural geographical features are considered so self-evident as to preclude any marker, such as for “the section between Iparla pass and Izpegui pass [which] is so well defined by nature that it was considered unnecessary to place demarcation signs there” (marker 90).

The toponymy recorded along the demarcation line reveals the plethora of place names in Euskera, such at marker 103 for instance. Here, the text and deliberations of Annex 5 furthermore suggest that the negotiators were sensitive to fair and balanced outcomes by recognizing that if the demarcation lined favored certain parties more in one

location, then some form of compensation could be struck at another location along the frontier.

At times, the demarcation line relies upon presumably transient natural features, such as the edge of the forest (for example, marker 110 or 131). In other places, the frontier explicitly refers to cultural features, such as abandoned fortifications, that may be just as transitory over the long term (marker 153). And whether on purpose or not, the demarcation record also provides us with indicators of economic activities in the upland areas, such as for the rock quarry located at marker 133.

ANNEX I. CONCERNING THE PAYMENT OF THE RENT STIPULATED FOR THE PERMANENT LEASE OF THE PASTURELAND ON THE NORTHERN SLOPE OF THE PAYS-QUINT (PAIS QUINTO)

In order to implement article 15 of the Bayonne Treaty of 2 December 1856 in respect of the sum of 8,000 francs, or 30,400 reales de vellón, that the Emperor's Government undertakes to pay and the French Treasury will have to remit annually to the inhabitants of the Baïgorry valley in return for the permanent lease of the grassland and waters of the Spanish part of the northern slope of the Pays-Quint, the Plenipotentiaries of the two States have agreed that the representative of the Imperial Government shall make this payment at Bayonne, to the authority representing the owners of the land, after the end of each calendar year, during the month of January following the end of the year in question.

ANNEX II. CONCERNING COMMON PASTURE ON THE SOUTHERN SLOPE OF
THE PAYS-QUINT (PAIS QUINTO)

As agreed by their respective Governments, the Plenipotentiaries of the two States have agreed on the following principles governing common pasture on the southern slope of the Pays-Quint:

Article I. Under the guarantee of the Government of Her Catholic Majesty, the Baztán and Erro Valleys shall grant herds and flocks from the Baïgorry valley joint grazing rights with Spanish herds and flocks in the communal and uncultivated land on the southern slope of the old Pays-Quint, subject to a rent for which the Emperor's Government takes responsibility and which the French Treasury will have to pay annually. This rent shall be decided upon amicably and for a period of 15 years, divided into three periods of 5 years each. At the beginning of each of these five-year periods, the parties concerned shall agree on the terms for joint grazing, without departing from the principles laid down in this annex, and written contracts shall be renewed with all the formalities prescribed in the Delimitation Treaty. At the end of this 15-year period, the commitment entered into by the Spanish valleys and the guarantee of Her Catholic Majesty's Government shall come to an end, and the valleys in question like all the frontier valleys, shall be free to draw up whatever agreements they deem appropriate, in accordance with article 14 of the Treaty.

Article 3. In drawing up the first agreement, and for the two subsequent renewals, the Baïgorriens must reach agreement regarding each piece of land with the owner or representative concerned, and both parties must also have the approval of the higher civil authority of their respective province or department. Should the person concerned be unable to reach agreement on any of the rental conditions, the final decision shall rest with the authorities.

Article 4. By virtue of these agreements, Baïgorry herds and flocks shall, subject to a payment to be stipulated per head, continue to have access to the grassland and waters of the land referred to above, just as they have had free enjoyment thereof until now, and may thus remain on the rented land both by day and by night, and, in accordance with local custom, herdsmen shall have the right to build wooden huts, with planks or branches, for shelter, and shelters of the same land to lock up their livestock during the night. For these purposes and for their everyday needs, herdsmen shall have the right to cut all the wood they need on the land designated above (article 2), while complying with Spanish laws and regulations, and may not remove, trade or export from this land the timber they have cut.

Article 5. Under no circumstances shall French farmers be permitted to build on the rented land stone farmhouses or any land of dwellings other than the huts referred to above. As for the eight French-built farmhouses which already exist, the Baïgorriens living in them will be allowed to continue to use them during the three rental periods, but, once the 15 years are up, the French owners will not be able to claim any right of

ownership or use of them or of their materials, which shall revert, in accordance with Spanish law, to the owners of the land. The owners of the land will be free, if common grazing continues under new agreements entered into in accordance with article 14 of the Bayonne Treaty, to allow or not to allow the continued use of the eight farmhouses. This provision also applies to all huts and shelters.

Article 6. While they enjoy such common pasture, Ba gorry livestock shall be subject to the laws and conditions laid down for all those admitted to the country's pastureland under rental agreements, and herdsmen shall be regarded as temporary aliens in Spain; thus, any practice which is contrary to Spain's rights of sovereignty and ownership over this territory shall be prohibited. In accordance with article 17 of the Treaty, French herds and flocks and French herdsmen going to the southern Pays-Quint to use the pastureland rented to them shall not be subject to any customs duties on crossing the frontier.

ANNEX IV. RULES FOR THE CONFISCATION OF ANIMALS

In order to avoid the disputes and disorders which have prevailed on the frontier for many years because of lack of agreement regarding the confiscation of animals, and so as to remedy, where necessary, the absence of any provision concerning the procedure to follow in cases where herds and flocks enter foreign territory unlawfully, the Plenipotentiaries of the two States have agreed to establish the following rules:

Article I. Apart from the public authorities, only sworn wardens may confiscate animals which leave one of the two countries or common pastures and enter the pastureland of the

other country without authorization, or remain overnight in the common pastures, in violation of the agreements.

Article 2. In each valley or village, these wardens shall be chosen in accordance with the prevailing customs and, whenever such an appointment is made, the mayor of the district shall inform the frontier authorities of the neighboring country so that the individuals chosen are recognized in the exercise of their functions. These wardens must wear a badge indicating their office.

Article 3. Statements made under oath by wardens shall be treated as completely reliable by their respective authorities unless there is proof to the contrary.

Article 4. The owners of herds or flocks found trespassing shall be subject to the penalties established or to be established by mutual agreement between the frontier municipalities. Where no such agreement exists, offenders shall pay one real per head of small livestock and 10 reales per head of large livestock. Young animals of either kind following their mothers shall not be taken into account. If the offence takes place at night, the penalty shall be doubled unless it takes place in common pastureland during the period when use of the land is permitted in the daytime, in which case the single fine shall be paid.

Article 5. In each herd or flock brought illegally into foreign pastureland, one head in 10 livestock of whatever kind shall be confiscated to cover the fine and costs.

Article 6. The confiscated animals shall be taken by the wardens to the nearest village of the valley in the territory of which they were confiscated, and the mayor of this village shall immediately inform the mayor of the village in which the owner of the herd or flock resides, in a report describing the circumstances of the confiscation and the name of the herdsman or the owner of the herd or flock so that the owner, having been duly warned, may appear in person or through a legal representative within 10 days following the confiscation.

Article 7. If the offence is duly proved, the owner of the herd or flock shall pay, in addition to the fine established in article 4, the costs of feeding and sheltering the animals following their confiscation and of sending the messengers and communications required in prosecuting the case. The costs of food and shelter shall amount to 1 real de vellón per head of small livestock and 5 reales per head of large livestock, for each day that the animals are held. The messengers who carry the communications of the local authorities shall be paid two reales per hour of walking both there and back. If financial remuneration is to be paid to the warden who made the confiscation, it shall be taken from the proceeds of the fine, without requiring any further payment from the offenders.

Article 8. If the owner of the herd or flock does not appear before expiry of the 10-day time-limit, the authorities shall auction off the confiscated animals the next day so as to cover the fines and expenses. Any money left over shall remain available to the owner for one year and, if he does not claim it within this period, shall be donated to public charity in the municipal district in which the auction was held.

Article 9. If the confiscation was made without justification, the confiscated animals shall be returned to the owner and, if any animal is missing, lost or dead as a result of illtreatment or negligence, its value shall be repaid. A warden who makes an unwarranted confiscation shall be obliged to take the confiscated animals back to their herds or flocks and pay the costs of feeding and watching them.

Article 10. The preceding provisions shall be without prejudice to any agreement which may exist on the subject between the frontier municipalities and shall not prevent the conclusion of further agreements modifying the provisions of this annex. It is understood, however, that in all cases confiscations may be made only by sworn wardens and that, in accordance with article 14 of the Treaty, any new agreement will have to be limited to a specific period of time, which may not exceed five years, and will first have to be submitted to the higher civil authorities of the respective department and province for approval.

ANNEX V.

(...) Marker 99. If the frontier were made to follow the ridge exactly and to pass over the summit of Elorriétaco-mendi, it would be difficult for the Baïgorry herds and flocks to cross; it was therefore agreed that the border would follow a straight line from marker No. 99 to marker No. 100, leaving to Baïgorry the land between the straight line and the summit of Elorriéta mountain (...)

Marker 103. The frontier continues along the ridge, passing over Arrigorricogaina to Arrigorricolépoa; after this pass, however, it follows the path below Auza peak to the Elgaiza or Leceta pass, leaving to Baztán the territory between the path and the peak, which is needed for the Spanish herds and flocks to cross, in fair compensation for the line drawn between markers Nos. 99 and 100 (...)

Marker 110. 215 meters further on, at Ourdandégui (Urdandegui)-étaco-bizcarra, on the Zaldégui road, at the entrance to a wood. Marker 115. On the summit of Ourrizcaco (Urrizcaco)-gaïna mountain, in the clearing of a wood. The distance from marker No. 114 to the edge of the wood is 195 meters; it was not possible to measure the remaining distance because of the trees (...)

Marker 131. At the entrance to a small wood called Arluchéco-dartéa, 345 meters from the previous marker (...)

Marker 133. At Autringo-larréa, on the escarpment of a rock and site of a quarry, 360 meters further on (...)

Marker 153. On the summit of Lindous (Lindus)-mounoua, in the middle of a ruined fort (...)

APPENDIX 17 – REPORT TO COMMISSION SYNDICALE OF 21-11-1860

Statement made in November 1860 by the representative of the village of St. Étienne-de-Baigorri to the Syndicat de la Vallée de Baigorri concerning the question of dividing the Commons.

This document is a statement to the Commission Syndicale of the Baigorri valley from the representative of St. Étienne-de-Baigorri expressing his community's concern about attempt to privative or encloses the Commons. He voiced their resolution to maintain their use for the collective community, in light of their vital economic importance, and expressed his apprehension that communities from the upper and lower parts of the Baigorri valley did not realize that they shared the same concerns.

- 1) Que les biens communaux avaient été partagés entre les diverses communes lors de la formation du premier cadastre (soit vers 1783), qu'à cette époque on avait attribué à chaque famille suivant son importance un lot de communal correspondant au bétail qu'elle pouvait y envoyer et que le surplus des terrains vacants avait été inscrit au cadastre au nom de la Vallée pour que chaque propriétaire eut le droit d'y envoyer pacager ses troupeaux.
- 2) Que tout le territoire de la commune des Aldudes appartient à la Vallée parce que lors du partage susrelaté ce village n'était composé que de quelques rares maisons qui en réalité n'étaient que des bordes ou des granges où les propriétaires des autres

communes composant la Vallée de Baigorri envoyaient leurs bergers et leurs troupeaux dans la belle saison.

- 3) Que la forêt de Haira seul bien de la Vallée pouvant lui donner quelque revenu et dont le bois, seul, exploité qu'il serait, produirait des centaines de mille francs, est situé sur les communaux indivis.
- 4) Que la Vallée a des temps immémorial payé les contributions incombant à ces communaux.
- 5) Que par suite du partage des biens indivis les communes d'Ascarat, Lasse, Irouléguy, Anhaux et Baigorri, seraient obligées de payer les redevances à celles de La Fonderie et des Aldudes pour faire parvenir leurs troupeaux au Pays Quint, que ces nouvelles contributions loin d'engager le cultivateur à l'élevage du bétail, seule source de son bien-être, ne feraient au contraire que l'en éloigner.
- 6) Qu'enfin dépouillée sans aucune rétribution, la communauté de Baigorri des biens qu'elle possède, soit aux Aldudes, La Fonderie et Anhaux et pour lesquels elle a fait tant de sacrifices, ne serait pas juste.

A l'unanimité n'est pas d'avis que les biens communaux soient de nouveau partagés.

APPENDIX 18 – POPULATION OF VILLAGES IN BAIGORRI VALLEY

Year	Baigorri	Banka	Aldude	Urepel
1603	600	*	*	*
1695	2250	*	*	*
1725	3500	*	*	*
1764	5100	*	*	*
1786	3693	*	*	*
1793	3496	803	*	*
1800	2411	590	1320	*
1806	2856	999	1675	*
1821	2876	1068	2187	*
1831	3463	1419	2329	*
1836	3380	1280	2391	*
1841	3266	1429	2832	*
1846	3256	1309	2885	*
1851	3082	1327	2824	*
1856	2760	1064	2760	*
1861	2600	1020	1328	1030
1866	2521	*	1226	960
1872	2367	1020	1195	892
1876	2451	1027	1179	815
1881	2343	952	1197	789
1886	*	944	1261	792
1891	2343	872	1196	741
1896	2280	828	1152	745
1901	2414	829	1077	730
1906	2355	833	1042	724
1911	2627	815	1008	746
1921	2254	800	961	684
1926	2370	770	976	733
1931	2208	780	984	625
1936	2174	748	960	615
1946	2164	735	930	562
1954	2117	799	851	565
1962	2181	672	807	573
1968	2022	634	718	561
1975	1783	564	586	485
1982	1691	450	483	459
1990	1565	426	433	400
1999	1526	375	395	365
2006	1602	*	*	*
2007	*	348	*	*

* Data are not available

Nota Bene: Population estimates and data for the Baigorri valley include all villages until 1773. Figures are compendium of data provided by Bidart 1977, Goyheneche 1979, Sacx 1980 and Viers 1950.

APPENDIX 19 – GLOSSARY OF TERMS

Brackets indicate whether the vocabulary is in French [fr] or Euskera [eu].

Abertzale [eu]: patriot or Basque nationalist.

Appellation d'origine contrôlée [fr]: agricultural products from a well-defined geographical origin and oftentimes held to higher standards of quality.

Auzolan [eu]: a patterned system of reciprocal relations, cooperation and mutual aid between neighbors, particularly during period of labor-intensive farm activities such as hay-baling.

Baccalauréat professionnel agricole [fr]: French public high school degree awarded to students specializing in agricultural training, and required in order to be eligible to receive a prime à l'installation.

Berrogain [eu]: an assembly of households in each neighborhood of the Baigorri valley for debating issues of public concerns in advance of meetings of the Cour Générale, a wider decision-making body.

Biltzar [eu]: deliberative but non-decision-making assembly of jurats from different neighborhoods of a single village in the Baigorri valley. These encompassed more

households than the berrogain of each neighborhood, but were less important than the valley-wide assembly of the Cour Générale.

Borda [eu]: small cabin built and occupied by farmers in the upland Commons of the Baigorri valley with the explicit or tacit consent of the syndicat.

Chef-lieu du canton [fr]: roughly the equivalent of a county seat in the USA.

Commission Syndicale [fr]: board of directors of the Syndicat de la Vallée de Baigorri.

Commune [fr]: the smallest administration unit in the France, it most commonly refers to small villages of less than 2,000 inhabitants such as those in the Baigorri valley.

Conseil general [fr]: an elected council that runs the legislative and fiscal affairs for each French département.

Cour Générale [fr]: local deliberative institution that was composed of representatives from households of different neighborhoods of the Baigorri valley, and which existed until the 1789 French Revolution. This body dealt with issues of public concern, most notably the governance of the Commons.

Département [fr]: since the 1789 Revolution, France has been divided into 99 of these geographical units, each governed by a conseil général.

Etxe [eu]: refers to both the house as material object and to the household as an interconnected nucleus of family members spanning over generations.

Etxeko-jain [eu]: the head of household.

Etxerakoa [eu]: refers to the eldest child who will inherit the etxe.

Euskal Herria [eu]: the Basque region or country.

Euskal Herriko Unibertsitatea [eu]: the University of the Basque Country.

Euskera [eu]: the Basque language.

Facerie/Fors [fr]: historical land use agreements between local villages or valleys in the Basque region, which were particularly prevalent in Pyrenean mountain communities.

Franc-alieu [fr]: a land tenure system in feudal France that ensured people's access to certain resources regardless of their social rank.

Fromagerie [fr]: cheese manufacturing plants.

Gaulana [eu]: smuggling, most commonly across the French-Spanish border.

Hegoalde [eu]: “the southern side” of the Pyrénées Mountains, i.e., the four southern provinces of the Basque region (Guipuzkoa, Bizkaia, Alaba, and Navarra).

Ikastaldi [eu]: an intensive Basque language school overseen by Alfabetatze Euskalduntze Koordinakundea.

Iparralde [eu]: “the northern side” of the Pyrénées Mountains, i.e., the three northern provinces of the Basque region (Lapurdi, Baxe-Nafarroa, and Zuberoa).

Jurat [fr]: the head of household or person representing the etxe at the berrogain, biltzar or Cour Générale.

Kantaldi [eu]: concert, often a cappella.

Loi de Modernisation Agricole [fr]: French law on agricultural modernization that was passed in 1980.

Loi d'orientation [fr]: a law passed by the French legislature which articulates broad guidelines to follow in a given area of jurisprudence, and which provides the blueprint for elaborating any future related laws.

Lur Berri [eu]: cooperative for agricultural equipment and education that was established in Iparralde in 1936.

Nagusi [eu]: the first owner or occupant of an etxe who gives their last name to the house.

Prime à l'installation [fr]: financial assistance provided by the French government to help young farmers with their capital start-up costs.

Site d'Importance Communautaire [fr]: the largest of networks in France that compromise the European Union's Natura 2000 directive on Habitats-Flora-Faune.

Syndicat de la Vallée de Baigorri [fr]: local institution authorized by France and created in 1838 for governance of the Commons in the Baigorri valley.

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