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*Rights of Use vs. Natural Boundary: Demarcation of the Iraty Forest Massif
(Western Pyrenees, 17th-19th Centuries)*

par

Jean-Yves Puyo¹

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I propose using the case of the Pyrenean border to analyse the development of Euro-pean practices as regards the method leading to the establishment of a national demarcation line recognised by both parties. Situated on a mountainous massif, namely the Pyrenees range, this border has two major characteristics. On the one hand, its very recent establishment (dating from the mid-nineteenth century) led to the separation of local communities that had been united for centuries in kingdoms straddling both mountain slopes (the Kingdom of Aragon for the eastern Pyrenees, the Kingdom of Navarre for the western Pyrenees). On the other hand, the discussions between the two states, which took place in episodes straddling almost three centuries, were, depending on the border areas, marked by the abandonment of the recognition of "ancestral" rights of use of the local communities, in favour of the choice of so-called natural boundaries, a concept promoted in Europe by the French Revolution. Finally, this research makes a modest contribution to highlighting the complex relationships woven between the representatives of the core states and those of local communities, the rights of the latter being at times sacrificed on the altar of general interest, as in the case of the Iraty border massif for the inhabitants of the Pays de Cize.

Introduction

The southern and northern slopes of the Pyrenees range have the peculiarity of having been united for many centuries in territorial entities that disregard the mountains, such as the Trans-Pyrenean Kingdoms of Aragon and Navarre. Thus, the division between the two large hydrographic basins of the western Pyrenees did not take place until 1521, when Charles V definitively ejected from the Spanish peninsula the Albret dynasty, which had for several centuries reigned over a previously cross-border kingdom of Navarre, stretching from the Ebro to the Garonne; of its six former merindades (territorial divisions), namely Pamplona, Tudela, Estella, Sangüesa, Olite and Saint-Jean-Pied-de-Port, only the latter - also called

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Lower Navarre or French Navarre, situated on the northern slopes - remained independent of the kingdom of Spain.

In fact, it was not until the *Treaty of the Pyrenees* of 1659 that the entire east-west Pyrenean axis acted as a dividing line between the kingdoms of Spain and France. As far as the new border is concerned, Article 42 of the same treaty recommended that a general line should be based on “*the Pyrenean Mountains [...] which had formerly divided the Gauls from the Spanish*”². However, the methodology for determining the dividing line between the two sides was not set down in law, with only the application of “good faith” being stipulated. And, for more than a century, the question of its physical definition was not a priority for the two neighbouring powers; they therefore left the management of the border regions to the local communities, which the latter had already been looking after for some time.

In fact, the fourteenth century saw the first agreements called *faceries* being signed between the opposing valleys (Arvizu 1983; Desplat 1986); these were actual treaties of alliance and peace governing the field and woodland pastoral use of the border areas. Some of these texts were later used as a basis for discussions held at the state level. For example, the Royal Capitulations of 25 September 1614 (or the Treaty of San Lorenzo), designed to maintain a state of peace between the border communities of Navarre, did not address the question of the demarcation of the two kingdoms; they limited themselves to specifying the rights of use and their perimeters of application, here in the case of the Aldudes valley (western Pyrenees).

However, from the very beginning of the eighteenth century, the increase in border conflicts in these same areas (Arvizu 1992) eventually forced the two states to tackle the question of their shared border, which was still unresolved. This was a thorny problem that raised numerous challenges, including methodological ones. For example, what elements should a border both parties considered “strong” subsequently be based on? Should its establishment take into account rights of use or, on the other hand, be based on natural boundaries in accordance, for example, with the dividing line of the waters in the large catchment areas here in the Pyrenees?

It is this line of questioning that we propose to study, through discussion of the vast Iraty border forest massif³. In fact, as one of the main stumbling blocks in the border demarcation in the western Pyrenees, the French decision to leave large areas of forest to Spain was not without consequence for the success of the bipartite negotiations that led, in the mid-nineteenth century, to the determination of a Pyrenean border line that has not been contested since.

The Iraty Faceries (Fifteenth-Eighteenth Centuries)

Because of the ease of accessibility during a large part of the year, the development of the intra-Pyrenean space by traditional local societies has given rise to a multitude of secular neighbour-hood conflicts between shepherds grouped, by valley, into “autonomous republics” (Desplat 1986). Thus, from the beginning of the fourteenth century, the first *facerie*-type

² Article 42 of the Treaty of the Pyrenees, extract from *the Traitez de Paix, de trêve, de neutralité, de confédération, d’alliance et de commerce*, etc. (Léonard 1693, p. 19).

³ It covers almost 17,200 ha, almost 4/5ths of which are nowadays located in Spanish territory (Brocas and Legaz 2004).

agreements signed between the opposing valleys determined the demarcation of ownerships, the use of pastures, water and wood resources, access roads and the management of hunting. According to French geographer Henri Cavailès: “*There was not a rock, a blade of grass or a thin trickle of water on the most inaccessible peaks [of the Pyrenees] that was not attributed to one or other of the valleys, and whose use was not specifically regulated*” (1910, p. 17). At the same time, a whole system of penalties was provided for in the event of infringements, such as the possibility of seizing offending livestock (known as the right of redemption (“*droit de pignore*”) or the right of confiscation (“*droit de carnale*”) of livestock), as well as compensation in the event of brawls, with the application of a progressive scale according to the seriousness of the damage recorded. Finally, public agents appointed by each valley were responsible for ensuring the proper implementation of these pacts. Thanks to these local cross-border agreements, again according to Henri Cavailès, “*conflicts became much rarer and, above all, less serious fairly early on*” (*ibid.*).

Some treaties even established freedom of trade between the slopes, as well as a certain neutrality in the event of national armed conflicts, with the communities undertaking to warn signatory parties in the event of an assembly of belligerent troops on the border; this type of provision, still in use in the mid-seventeenth century, then fell into disuse, the end of the Wars of Succession for the Spanish throne (1720) marking the beginning of a long period of peace locally⁴.

In Lower Navarre, the use and ownership of the Iraty forest massif - the subject of our study - was established at the end of the Middle Ages by a series of treaties of good neighbourliness between the inhabitants of the Salazar valley (southern slope, Spanish) and those of the Pays de Cize (northern slope, French), the oldest of which dates back to 1445, well before the incorporation of Upper Navarre into the kingdom of Spain. Subsequently, a new treaty signed in 1507 established a kind of jurisprudence for almost three centuries, which was renewed as it stood until 1759 for a period of nine years⁵. That was when the problems began.

On the part of the French, this text of 1507 is considered as allocating the ownership of the massif to the Pays de Cize, a point of stalemate between the two parties later on: “[...] *the boundary between the two countries is determined by the main waters of the Irati from the markers that mark the boundary with the Soule to the river Iasola [Urchuria], and then following the waters of Irati to the boundary markers of the Pays d’Ahescoa [Aezkoa]*”⁶. It also regulates the use of the grazing areas located within its borders, whether these are high altitude pastures (located above the forest level) or old forest areas that were subsequently deforested. These pastoral areas are subject to the so-called right of *compascuity*, i.e. the right to graze herds belonging to multiple communities of inhabitants, in this case located on either side of a border. The text further stipulates that herds from both valleys may graze on a neighbour’s land from sunrise to sunset, returning to their respective territories in the evening; and, in the event of a breach of this regulation, seizure of the offending herds may only be

⁴ For more information, see among others the study by Colonel Bernard Druenne (1986).

⁵ Treaties of 1556, 1568, 1569, 1609, 1618, 1669, 1717 and 1751.

⁶ Gleizes, *Avis du commissaire français sur les discussions entre le pays de Cize et la vallée de Salazar*, June 1829, 1 J art. 105-3, ADPA.

carried out “*after giving three days’ notice*”⁷. Finally, an important point often at the root of disputes, both communities are prohibited from introducing outsider-owned livestock onto these pastures, as well as from holding tree sales. And it was precisely this issue of the exploitation of forest resources that led to the greatest of the stumbling blocks.

For the authorities of the kingdom of France, the Iraty forest was long considered to be “the end of the world” with no great economic value, located far from any habitation, with no passable roads and, above all, no navigable rivers enabling the exploited timber to be transported by floating. The first major French experiment to develop the forest massif dates back to 1629, when private individuals in the region’s capital, Saint-Jean-Pied-de-Port, tried to remove fir trees suitable for making naval masts from the forest. But of the 7000 ft bought from the Pays de Cize syndicate, only about sixty could be cut down and taken to the river Nive to be floated down to the royal arsenal in Bayonne. Attempts to supply wood to the French Royal Navy seem to have continued without much success, but, paradoxically, in the middle of the eighteenth century, more success-ful exploitation of these same firs, this time on behalf of the Spanish Navy, would singularly complicate the local situation, after three centuries of “entente cordiale”.

This new interest on the part of the kingdom of Spain in Iraty’s forest resources stems from a combination of the following two facts. On the one hand, according to French accounts of the time, the woods of the neighbouring forest of Abodi - located on the left bank of the Rio Irati - were by then exhausted by past overexploitation; this fact would have led the Upper Navarre (Spanish) loggers to cross the rio, and therefore the border, to undertake cutting, this time in the woods bordering the Iraty massif. On the other hand, and as will be illustrated later, the same Rio Irati, whose course is part of the Ebro river basin, considerably facilitated the transportation of the exploited timber, with the neighbouring villages in the Upper Navarre region providing the necessary manpower.

Thus, in 1766, barely seven years after the last renewal of the faceries, the alcade of the Salazar valley succeeded in selling the right to exploit the Iraty forest - where, according to a French chronicler, the wood proved to be of better quality than in the Abodi forest - to the Spanish crown⁸. This work caused such a stir on the Cize side that Spanish troops were sent to protect the loggers at work, before the French government was temporarily satisfied through the suspension of logging. However, this resumed in 1781, to the great despair of the local French authorities⁹.

The First Local Attempts at Border Demarcation (1784-1792)

As border incidents multiplied, the two rival powers set up a bipartite commission in 1784 with the task of carrying out precise cartography of the Franco-Spanish border zone, from the Atlantic to the Mediterranean, and to jointly propose a demarcation between the two

⁷ *Ibid.*

⁸ “Projet de mémoire pour établir les droits des communautés de la Vallée de Cize à la propriété de la forêt d’Irati”, an undated 7 pages manuscript (presumably *circa* 1858-1860), signed Le Conservateur des Forêts (The Curator of Forests), ADPA, coll. 7 M 165.

⁹ “[...] in recent years, the Spanish have cut down an immense quantity of trees for the benefit of their navy and to the detriment of that of the said Lord King, as recently noted by a naval commissioner on the orders of the Secretary of State of this Department”. Parliament of Navarre, *Remonstrances sur la démarcation des limites entre la France et l’Espagne sur les limites forestières*, 29th August 1786, ADPA, E 2321.

kingdoms that would be acceptable to both parties. Known as Caro-Ornano, it constitutes an important moment of cooperation between the two nations (Arvizu 2001; Capdevila 2009; García-Álvarez and Puyo 2015, 2019; Puyo and García-Álvarez 2016; García-Álvarez and Puente-Lozano 2017a).

Paradoxically, during this commission's work and while the two sides were in constant contact, there was an increase in border incidents in the Iraty sector, including, in September 1785, the Iraty forest suffering a very significant arson attack lasting three consecutive days, the fire having been set in seven different places in the massif. While the Spanish frontiersmen set about fighting the fire, the Cize frontiersmen were strongly suspected of being the perpetrators. Feelings were heating up to a very dangerous level at the same time¹⁰, and Count d'Ornano had all the French shepherds living in the Iraty forest arrested. They were not released until the investigation carried out by the bipartite commission showed that the fire was the work of Spanish smugglers¹¹. In fact, military action had only just been avoided. However, the incidents did not go away, such as the official French protest by d'Ornano in May 1785, after Spanish woodcut-ers had carried out "*a 19-mast cut in the part of the forest that belongs to us*"¹². Also, six years later, there is mention of a collection of firewood being carried out by the people of Cize, which was repulsed by Spanish troops assisted by a large number of peasants from the Salazar valley, amongst others.

Of the achievements of the Caro-Ornano Commission - and right up to our recent work dedicated to its scientific and cartographic legacy (Puyo and García-Álvarez 2016; García-Álvarez and Puyo 2019) - history had recorded relatively little, namely the only episode (or almost the only one) relating to the signing of the Treaty of Elizondo on 27 August 1785. This was intended to provide a lasting solution for the neighbouring Aldudes valley to the then very sensitive issue of border demarcation and field and woodland pastoral use (Arvizu 1992; Capdevila 2009)¹³. From then on, the border between the Aldudes and Valcarlos valleys was established through the installation of a little more than 160 markers along a line of a little more than 44 kms, i.e. one marker installed every 275 m.¹⁴ However, as far as Iraty is concerned, the episode involving the Caro-Ornano commission was not without consequences.

Firstly, it gave rise to a major joint topographical survey, resulting in the publication of two maps of the Iraty Massif, at a scale of three leagues per 100 toises - approximately

¹⁰ As Caro had then brought troops close to the border, d'Ornano, for his part, was content to send a brigade of the marshalcy to investigate. Letter from Count d'Ornano to the Count of Vergennes, French Minister of Foreign Affairs, Saint-Jean-Pied-de-Port, 8 September 1785. Limits Series, Sub-Series Spain, vol. 18, ADMAE, La Courneuve site.

¹¹ 45 years later this episode gave rise to a new investigation (!), on the occasion of the work of the Gleizes-Bayona bipartite commission (cf. Puyo 2018). Thus, the Pyrénées-Atlantiques departmental archives contain the Spanish transcription - and their translation into French - of 23 testimonies of inhabitants from the Salazar valley who knew or heard about the fire. 1 J art.105-1, ADPA.

¹² Letter from Count d'Ornano to the Ministry of Foreign Affairs, Iraty, 04 October 1785. Limits Series, Sub-Series Spain, vol. 18, ADMAE, La Courneuve site. In the same letter, d'Ornano reports that he had asked Pamplona for the return of a herd of cattle illegally seized in the Iraty forest.

¹³ Definitive boundary treaty between France and Spain, to establish a dividing line between the Aldudes or Quint-Royal and Val-Carlos in Navarre, and to determine the boundaries of the two states. This treaty was subsequently ratified by Louis XVI on 5 March 1786 and by Carlos III on 21 March 1786 (Arvizu 2001, p.23).

¹⁴ Letter from Count d'Ornano, Saint-Jean-Pied-de-Port, 8 September 1785; sub-series Spain, vol. 18, ADMAE.

1:29,000 (among them, the one reproduced in Fig. 1) - which are included in the Spanish and French collections (García-Álvarez and Puyo 2019)¹⁵.

Secondly, the joint recognition of the border confines by Commissioners Caro and d’Ornano enabled the representatives of the communities concerned to reaffirm their positions regarding their rights over the disputed massif. As Daniel Norman explains, this approach corresponded to the current territorial model, based on a pyramid - like superimposition of rights attached to the place in question (Nordman 1998). Thus, on 7 June 1788, the deputies of Cize, Saint-Jean-Pied-de-Port and Aezcoa were summoned to boundary marker 197 in Iriburietaco-Lepoa and were given a public reading of “documents that each of them could produce in justification of their rights, [...] aloud, in the common Basque language, [...] and in the Spanish and French idioms¹⁶”. All the parties then recognised “as the true dividing line between their properties and pos-sessions, that specified in the aforementioned arbitral award of 13 August 1556¹⁷”.



Fig. 1 *Plano topografico de los Montes de Yrati*, by Juan Casanoba & Josef Martinez (circa 1790, scale 1 :29,000). Source ACEGCGE, Ar. H-T.5-C.8-236

Ten days later, a new meeting of all the parties concerned (deputies from Cize, Saint-Jean-Pied-de-Port and Salazar), this time at the place known as Idaybea, resulted in the same successful out-come for the two investigating commissioners, namely the recognition of the former treaties¹⁸. But difficulties arose the very next day (17 June 1788) with the surprise arrival of a delegation from Aezcoa (uninvited, no less) who wanted to submit a text presented

¹⁵ *Plano topográfico de los Montes de Yrati, término común de Aézcoa y sus inmediaciones levantado de orden del Sr. Dn. Ventura Caro Mariscal de Campo de los Res. Cxtos. de S.M. C. / Por los Ingenieros Dn. Juan Casanoba y Dn. Josef Martinez, at a scale of 1: 29,000 (ACEG-GCE, Ar. H-T.5-C.8-236); as well as a Plano ideal del bosque Yrati y de la Mojonera entre los dos valles de Aézcoa y de Cisa según el reconocimiento que hicieron los ingenieros destinados a la demarcación de límites bajo las ordenes del mariscal de campo Dn. Ventura.*

¹⁶ 1 J art.105-2, ADPA.

¹⁷ *Ibid.*

¹⁸ Arbitral award of 7 September 1507, as well as the agreements of 5 September 1669 and 8 August 1759: “They unanimously replied that they recognised them as genuine in all their content”. *Ibid.*

by them as newly discovered and dating from 1 October 1423. This led to the formation of a common cross-border stance, uniting the representatives of Cize, Saint-Jean-Pied-de-Port and Salazar, who firmly refuted this text “*insofar as this might oppose their rights of ownership and possession*”¹⁹. In fact, they all pointed out that they had never heard of it until that day! As a result of this disagreement between the parties, and contrary to the work of 1785 in the neighbouring Aldudes valley, the recognition of the Iraty Massif made it impossible for a demarcation line to be established and subsequently marked out between the two states. The failure was obvious, as the valley of Aezcoa had put a cat among the pigeons by claiming “new” rights to the same area.

Respect for Rights of Use Along the So-Called Natural Border

As Jacques Ancel, one of the great pioneers of the geographical study of borders (García-Álvarez 2019), pointed out in 1938, the French Revolution was to promote a new way of conceiving state borders in Europe, based on so-called natural boundaries. So it was that, on 27 November 1792, in a speech to the National Convention, in which he was attempting to justify the planned integration of Savoy into France, Abbé Grégoire called for “*the archives of Nature to be consulted [while respecting] the boundary markers set for the French Republic by the hands of nature*”: “*France is a whole that is self-sufficient in itself, since everywhere nature has given it a barrier that exempt it from expanding, so that our interests are in agreement with our principles*” (Mavidal and Laurent 1898, p. 610).

This speech caused a sensation, raising cheers from the members of the Convention²⁰. It should be noted that this project had previously given rise to a consultation with the “*Allobroges people*”²¹. A few months later, when the question of a meeting in the French Republic of Belgium arose, the Belgian people were this time, to paraphrase Jacques Ancel, neither consulted nor consenting (Ancel 1938, p. 75). Before the Convention, Danton defended this annexation project out of the concern “of one great people [the French nation] to bring freedom to another people” (Fribour 1910, p. 268). And to his opponents, who wondered about the limits of this territorial extension of the French Republic, he advocated, following the example of Abbé Grégoire, “*boundaries marked by nature*”: “*We will reach them at their four points - at the Ocean, the Rhine, the Alps, and the Pyrenees; no power can stop us*” (*ibid.*)²². For Albert Sorel, in his speech of 31 January 1793, Danton expressed the pre-dominant thinking among the Convention members “*by showing natural boundaries as being the necessary expression of the republican war*” (Sorel 1891, p. 345).

In fact, as André Zeller points out, the use of so-called natural borders is a very old idea which, in the French case, had “been on its way” for a long period of time, the first border projects on the Rhine being as early as the fifteenth century, for example (Zeller 1933).

¹⁹ *Ibid.*

²⁰ “Nature had already decreed the physical and moral unity of our common territories, and we have just obeyed it; and it will not be the last tribute that the Convention will boast of paying to the inspirations of nature”. Hérault de Séchelles quoted by Mavidal and Laurent (1898, p. 617)

²¹ On 22 October 1792, the assembly of representatives of the 655 Savoyard communes voted overwhelmingly in favour of this integration with France, with 580 votes in favour of the project. Quoted by Abbé Grégoire (*Ibid.*, p. 612).

²² It should be noted that there are several formulations of this same bullish talk, according to the media that reported it at the time (the *Journal des Débats*, the *Moniteur*, etc.), but they all share the same general spirit: the very young French Republic is called upon to extend itself out to its so-called natural boundaries.

However, for the same author, it is completely wrong and abusive to see the French Revolution as the simple promoter (and continuer) of a concept that should be owed to the Ancien Régime²³. In any case, the recourse to natural boundaries for the demarcation of national borders was a lasting integration of the republican “software” and not without potential abuses: “*Manipulated without qualification and used indiscriminately, the natural border could become an instrument of annexation and, subsequently, of oppression*” (Guichonnet and Raffestin 1974, p. 19). Subsequently, the idea of using natural borders for the territorial limits of the French state was interpreted in the nineteenth century as a symbol of national unity reconciling the principles of the Ancien Régime with those of the First Republic, before being generally conveyed to a wider public through history and geography textbooks (Sahlins 1990). At the same time, as Jacobo García-Álvarez and Paloma Puente-Lozano (2017b) point out, from the mid-eighteenth century onwards, the neighbouring kingdom of Spain resorted to natural borders to draw new fixed and permanent boundaries between their South American possessions and those belonging to Portugal (Treaty of Madrid, 1750, and Treaty of San Idelfonso, 1777)²⁴.

Subsequently, the Treaty of Basel (22 July 1795), which ended a period of war between France and Spain, undeniably marked the success of this plan (Foucher 1986). During the preliminary discussions leading up to the drafting of this treaty, the question of the “*old Pyrenean boundary matter*” (Fain 1828, p. 229) was raised, and, in an attempt to settle the disputes in progress, the two plenipotentiaries, François Barthélemy and Domingo d’Yriarte, decided to take “the law of the slopes” (“*la loi des versans*”) (*ibid.*) as their invariable basis, whatever the cost to both parties²⁵. And so, in Article VII, this treaty recommended that the Franco-Spanish border demarcation should be based on the delineation of the major hydrographic basins: “*Commissioners will soon be appointed on both sides to draw up a boundary treaty between the two powers. As far as possible, with regard to the lands that were in dispute before the present war, they will take as a basis for this treaty the ridges of the mountains that form the slopes of the waters of France and Spain*”²⁶.

However, the planned meeting of a bipartite commission to establish the new border on these natural boundaries did not go ahead, fuelling local discontent, particularly in the Iraty forest where French foresters continued to cut down stands on the southern slopes. In 1803, for example, a certain Etcheverry, a merchant from Bayonne, obtained a concession to extract 300 cartloads of oars, provoking strong protests from the representatives of the Salazar valley to the Viceroy of Navarre. In April 1804, the Viceroy sent an official complaint to Paris²⁷; in

²³ “The policy of natural borders was neither monarchical nor national under the Ancien Régime, but was only the work of a few isolated individuals, a few chimerical minds” (Sorel 1891, p. 331).

²⁴ Article 5 of this treaty stipulates “[that] the Portuguese shall not cross the Tahim river, nor the Spaniards the Chui and Saint-Michel rivers” (Kock 1817, p. 227).

²⁵ “If this principle is rigorously applied, French Cerdagne could be lost to the Republic. After various drafting attempts, the Committee’s plenipotentiary decided to consent to the project, with the ulterior motive that the same principle can give us the Aran Valley in compensation » (Fain 1828, p. 230).

²⁶ *Ibid.*, p. 415.

²⁷ Letter from the Viceroy dated 18 April 1804: “We see there that it was citizen Ferié, brigadier [of Waters and Forests] residing in Saint-Jean-Pied-de-Port, who allowed citizen Etcheverry of Bayonne to proceed with the purchase by him of a certain quantity of oars to be taken from Iraty forest, taking advantage of what you had approved; that he has had the more than reprehensible flippancy of authorising the forcible repulsion of those who would try to oppose the execution of his illegal permission, thus causing serious accidents and misfortunes

response, the French Minister of Foreign Affairs reminded the Prefect of the Lower Pyrenees of his previous instructions (dated 22 January 1804), prohibiting tree cutting in Iraty until the demarcation had been carried out. In fact, the Curator of Water and Forests, charged with enforcing this decision locally, should never have authorised this sale which, in addition to the diplomatic incident, caused serious local tensions likely to deteriorate dangerously²⁸. Subsequently, the enforced abdication of Charles IV, followed by the disastrous invasion of Spain by Napoleon's troops, once again postponed the resolution of the thorny problem of the border line until the Treaty of Paris of 1816, which put an end to the Napoleonic Wars: this treaty recognised France's borders on 1 January 1792, effectively rendering the recommendations of the Treaty of Basel null and void ...

But it was a surprise to us to discover that the local communities of these Pyrenean confines were very aware of the content of these latest international treaties! Thus, in 1826, the representatives of the Salazar valley officially defended the desire for a border demarcation based on the recommendations of the Treaty of Basel, namely the study of natural boundaries (mountain ridges, water slopes, etc.), to the fury of the inhabitants of the Cize valley²⁹. The representatives of the latter replied that this treaty had never been executed and, moreover, that "*under the Treaty of Paris of 30 March 1814, things [had] been restored to the state they had been in before*³⁰". To which their Salazar opponents replied unequivocally that, even though the Treaty of Basel had been abrogated by the Treaty of Paris - "*of which they had only become aware at that time*³¹" - the treaty signed at the so-called Pheasant Island Conference (or the Treaty of the Pyrenees of 1659) had established the principle adopted by the Treaty of Basel, namely "*to set the demarcation by the mountain ridges, and that they should stick to it; and that the other titles are no longer of any consideration*³²". And even if this last statement proves to be erroneous (see our introduction), the fact remains that these exchanges leave us with an image of a local elite that is highly educated in the content of inter-national agreements that directly concerns it!

As incidents increased in frequency during the 1820s in the border area of the western Pyrenees, the two states agreed - not without difficulty - to set up a new bipartite commission in 1829, named Gleizes-Bayona (Puyo 2018). One of the most important points to be noted about this temporary episode (1829-1831) and the issue of the Iraty massif is the following: for the first time, the French investigating commissioner, Colonel Gleizes, mentioned the

which the restraint of the Spanish forestry officers seems to have prevented". Letter of 18 Nivôse, year 12, ADPA, coll. 7 M 165.

²⁸ The general guard of Waters and Forests in charge of the massif would have "[even] had the more than reprehensible flippancy of authorising the use of force to repel those who would try to oppose the execution of his illegal permission and thus cause accidents and misfortunes that the restraint of the Spanish forestry officers seems to have prevented". *Ibid.*

²⁹ "As a result, the entire Irabié district, those of Igurguy and Lissardoya and the Iraty forest belonged to them". Report of 17 August 1826 made to the administrative commission for the communal revenues of the former Pays de Cize by Messrs de Lafaurie, Laurent, Etcheperestou (Justice of the Peace), Salabery (royal notary) and Irigoien, commissioner appointed by the deliberation of 24 June last on the disputes between the said Pays de Cize and the Salazar valley, concerning the movement of livestock on the respective bordering mountains; 1 J art. 105-6, ADPA.

³⁰ The Treaty of Paris agreed a return to the frontier boundaries of 1 January 1792, with a joint commission being made responsible for setting the final demarcation (Article 3).

³¹ Report of 17 August 1826 to the administrative commission for the communal revenues of the aforementioned Pays de Cize etc., *op. cit.*

³² *Ibid.*

possible transfer of the Iraty forest to Spain, in return for the payment of compensation to the Pays de Cize, in the event that the future border would represent both a line separating the two states politically as well as, “*at the same time, the absolute separation of the ownership of the subjects of the two crowns*”³³, which was not the case at the time, at least for those in favour of recognition of the secular rights of the Pays de Cize.

From a Dispute Over an Obscure Logging Operation in Iraty to the Establishment of the Pyrenean Border (1852-1862)

The demarcation of the new border was once again pushed back as a result of political instability in both kingdoms. In Iraty in 1838, the French government undertook new operations to delineate the forest massif, but curiously did so unilaterally, as was revealed by an inspector from the French forestry corps:

This work will remain incomplete since, in view of the state of revolution in which Spain finds itself [and in particular Navarre, a Carlist stronghold], it is impossible to imagine having the involvement of a delegate from that country; but until now, no difficulty has ever arisen over the forest boundary from this Kingdom’s perspective [sic] and at least the demarcation will apply to the rest of the perimeter³⁴.

This French demarcation, which gave rise to a national decree dated 11 August 1839, was never reflected locally by a prefectural decree, so that in 1846 French foresters were still wondering about the official delimitation of the massif under their management³⁵. And it was precisely this umpteenth dispute regarding a French logging operation in Iraty, together with the launch of new discussions between the two States, which was to give impetus to the process, leading to the establishment of the border for the whole Pyrenean massif in less than 10 years—an operation which, as has already been pointed out, had been pending for almost three centuries!

On 21 September 1852, the syndicate of Cize awarded the cutting of beech trees intended for making oars to a certain Dominique Landerretche, living in Saint-Jean-Pied-de-Port and acting on behalf of the Maison Bacqué in Bay-onne. And the following month, the general guard of Waters and Forests in charge of the Iraty-Cize sector reported to his superior the arrival in Saint-Jean-Pied-de-Port of Spanish forest rangers, strongly protesting against the new cutting by this Landerretche. They even threatened to seize the woodcutters “*under the pretext of a provisional agreement*”³⁶, which the guard said he did not know existed:

Should I help the successful bidder to carry out his contract, with the assistance of the troop camped at Lecumberry, or should I refer to this agreement, which states that all the woods in the region of the border are to be respected without anyone being allowed to cut them down?³⁷.

³³ Colonel Gleizes, “Avis du commissaire français sur les discussions entre le pays de Cize et la vallée de Salazar”, Arnéguy, 23 October 1829; 1 J art.105-3, ADPA.

³⁴ 26 November 1838, ADPA, coll. 7 M 861.

³⁵ “I don’t think that the demarcation has been officially brought to the attention of the Spanish residents or that they have been asked to be involved in this operation, and perhaps it has not been approved either. Moreover, the Inspectorate’s records say nothing about this”. Letter from the Forest Inspector in charge of the Iraty massif to his superior in Pau, 22 August 1853, ADPA, coll. 7 M 861.

³⁶ Marin, letter to the inspector of Waters and Forests (illegible), Saint-Jean-Pied-de-Port, 20 October 1852; ADPA, coll. 7 M 861.

³⁷ *Ibid.*

And indeed a letter from the Director General of Forests, dated 6 October 1852, informed the Curator of Pau of the very recent launch of political negotiations with the Spanish government concerning, once again, the demarcation of the Pyrenees border. In the meantime, the French Minister of Foreign Affairs asked for the Bacqué award to be postponed and, on the other hand, for “*any kind of sale that might have been authorised in the woods in question [Iraty communal woods] to be postponed [...] until further notice*”³⁸. And even though in January 1853 the two States had agreed to declare a ban on logging in the disputed areas of Iraty, at the local level neither party was ready to comply with that status quo.

For example, in June 1853, the French forest rangers seized 400 pieces or “large beams” in the floating port of Irabie, which had come from the disputed area, thereby undermining all theoretical agreements ... In fact, the size of the forest massif and its remoteness from the French villages made close surveillance almost impossible for a large part of the year; the forest rangers could only guarantee a permanent presence there during the summer months. Moreover, the Navarre se offenders had only to cross the Rio Irati, which was then the border, to escape being fined, and once the French authorities had left, they could once again resume their logging work with impunity. And this is what happened in this episode dating from June 1853, described above: the guards and the military troop left for their camp 14 kms away (in the village of Lecumberry), the Spanish lumberjacks crossed the Irati river again and continued to evacuate the woods by raft, to the great fury of the Cize syndicate: “*And this is how the Spaniards observed the status quo agreement*”³⁹.

At the same time, as far as the French were concerned, the Bacqué cutting finally stopped, albeit rather belatedly, on 17 July 1853⁴⁰. The argument made to explain this continued exploitation was based on the fact that it was carried out in a forested area (Oraatéco-Thomba) that had never been the subject of disputes with the Salazar valley over the centuries⁴¹. In any case, in order to protect the loggers at work, two companies of the 66th Line Regiment (infantry) were positioned on the border for a time, with drawing further inland once the Bacqué cutting had been interrupted in order to avoid bloody clashes with the Spaniards. And shortly after the departure of the French soldiers, armed Spaniards set fire to the barracks that the troop had built and then abandoned, “*beating up an unfortunate French worker returning from Larrau, whom they had met there, without our troop having made the slightest movement aimed at preventing this in vain*”⁴².

This withdrawal of French troops in fact corresponded with a significant advance in the negotiations between the two states which, at the end of July 1853, agreed to define two lines of occupation in Iraty with troops “[in order] *to prevent deplorable brawls and to prepare the*

³⁸ Letter from the Director General of Forests to the Curator in Pau, Paris, 6 October 1852; *ibid.*

³⁹ Report by M. Salabery, Pays de Cize syndicate (Salabery) to the sub-prefect of Mauléon, St-Jean-Pied-de-Port, 26 July 1853; ADPA, coll. 7 M 861.

⁴⁰ By that date, only 125 trees had been harvested out of the 900 awarded. A lengthy legal procedure ensued, with the Maison Bacqué asking both the State and the Cize syndicate to pay compensation for the damage suffered, as the 775 missing trees could never be delivered. An agreement between the parties finally came about in September 1859 with the payment of 1000 francs to Mr Bacqué and Mr Landerrette, “wishing to remove any cause for litigation”. ADPA, coll. 7 M 861.

⁴¹ It should also be noted that it will “remain French” after the final border demarcation.

⁴² Report by M. Salabery to the sub-prefect of Mauléon, *op. cit.*

way for the new negotiations that [were about] to begin⁴³". However, even if this was accepted in principle, it took several months of "bargaining" before the bipartisan commission convened for this purpose finally agreed on the route of the two notorious demarcation lines⁴⁴. This was completed on 19 November 1853, when the international convention dedicated to the neutralisation of the Iraty-Cize forest was signed⁴⁵. Well aware that this decision was bound to raise many protests on the French side - and they were not wrong on this point⁴⁶ - the French officials of the commission stressed the fact that this neutralisation was only temporary, and even called for the cooperation of the local population: "*The inhabitants of our borders will easily understand all the strength that their restraint will give to their rights and, by their conduct, they will help us make their interests prevail, these being currently in our hands*⁴⁷". But they were unsuccessful ...

And seven months later, in May 1854, a new agreement signed by the Governor of the Province of Navarre and the Prefect of the Lower Pyrenees set up a joint brigade consisting of three French forest rangers and the same number of Spaniards, responsible for monitoring the neutralised area by way of joint patrols.

In Conclusion: Where the Pays de Cize is Stripped of Most of the Iraty Massif

Three years later, the work of the Franco-Spanish commission that met in its early days to settle the Iraty problem led to the Treaty of Limits, signed in Bayonne on 2 December 1856, followed by two other agreements designed to settle the whole Pyrenean border, from the Atlantic to the Mediterranean⁴⁸. In this first treaty of 1856, the Upper Navarre abandoned their claims to the whole of the Iraty hydrographic basin, which would have led to the retrocession of the entire forest massif to them; however, in return, they were given most of the same southern slope of Iraty as far as the Abodi forest (Fig. 2).

Henceforth, the course of the Rio Irati no longer represented the Franco-Spanish border, the latter passing further north, along the so-called Ahuntzvide ridge, to the great displeasure of the Cize syndicate. After having protested in vain against a forced and (in its eyes) unjustified transfer, the syndicate succeeded in getting the French state to admit the dispossession of which it considered itself to have been a victim, and which was not contested by the Ministry of Foreign Affairs at the time: "*The Cize valley had full and complete ownership of [the Iraty massif]*⁴⁹". As Colonel Gleizes had stated a few years earlier, in the event of a transfer of ownership to Spain, the State would have to compensate the citizens of Cize who had been dispossessed. And so it happened that a commission was set up in 1858 to

⁴³ Letter from Drouyn de Lhuyn, Minister of Foreign Affairs, to the Minister of Finance, who was then in charge of the French Forestry Corps, Paris, 23 July 1853; ADPA, coll. 7 M 861.

⁴⁴ Hence, for example, the forest district of Oraatéco-Thomba incorporated the neutralised zone.

⁴⁵ General Callier, Baron Gros, "letter to the Prefect of the Lower Pyrenees reporting on the agreement of 19 November 1853", Bayonne 22 November 1853; ADPA, coll. 7 M 861.

⁴⁶ "All our neighbours are triumphant and boast as if they have won a decisive battle [...]. Every day they violate our territory by running arms there [...] Ultimately, they act as if they are already absolute masters of the entire Iraty Forest and the entire slope towards Spain, of our pastures even below this forest. This is how they interpret the unfortunate convention on neutralising the disputed land". Report by M. Salabery to the sub-prefect of Mauléon, op. cit.

⁴⁷ General Callier and Baron Gros, letter to the Prefect of the Lower Pyrenees, 22 November 1853; ADPA, coll. 7 M 861.

⁴⁸ Treaties of 1862 and 1866, and their additional conventions of 1858, 1863 and 1868.

⁴⁹ Ministry of Foreign Affairs, Paris, 21 February 1859; ADPA, coll. 7 M 861.

determine the compensation to be paid; thus, the Iraty pastures and the 1263 ha of woodland—mainly in the form of high forest that had been ceded were valued at nearly 154,000 francs, a sum which the French state paid to the Pays de Cize syndicate in October 1860.

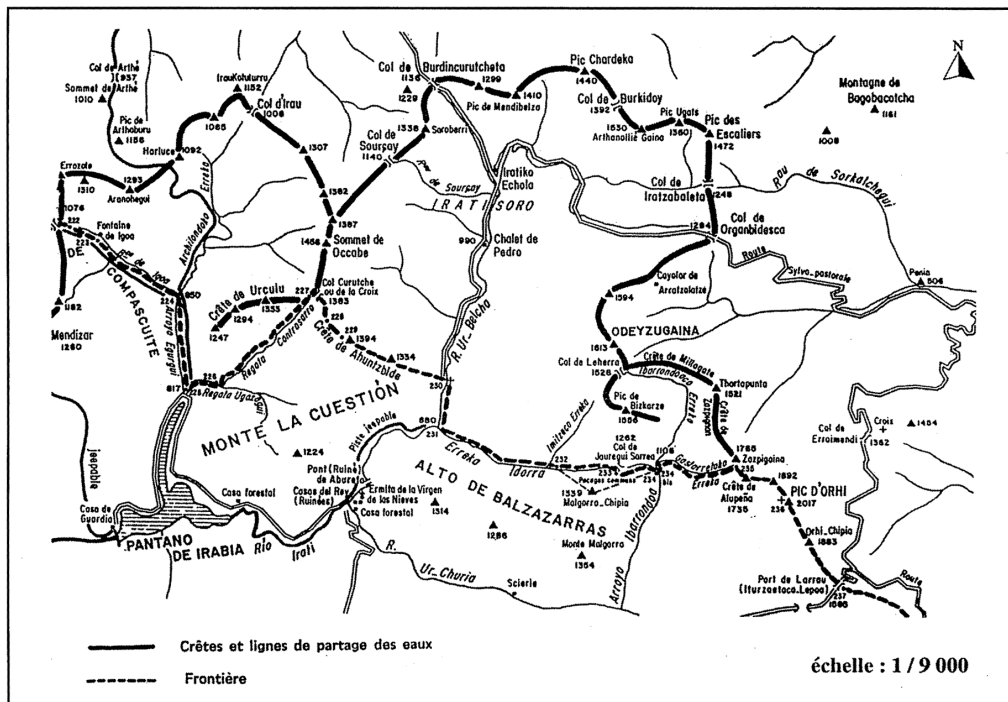


Fig. 1 Border demarcation of the Iraty perimeter (Treaty of 1856). Source Map by Marie-Thérèse Labarthe (Puyo 2002, p. 77)

Following the example of local public opinion, the final result of the Franco-Spanish negotiations shocked many people on the French side. Take, for example, this acerbic opinion, dating from 1872, by the geographer Onésime Reclus:

“From the Mediterranean to the Ocean, it would have been easy to separate France from Spain by a reasonable route; it would have been sufficient to follow the dividing line of the waters. This was not done everywhere [...] We have gained 5200 ha on the upper Iraty, but have lost 16,800 at the origins of the Nivelle and the Nives. So we do not have the advantage in the exchange of territory that these counter-intuitive limits entail. The diplomats of both nations have been at work numerous times over the last 250 years to draw these borders, but neither France nor Spain have anything to be proud of” (Reclus 1872, p. 610).

In fact, the Iraty massif was at the centre of complex bargaining marked by two different rationales. According to Fernando de Arvizu, the Spanish government was concerned about the high demographic disproportion to its disadvantage in this Pyrenean area; the serious events in Iraty, but above all in the neighbouring region of Quint, were the result of strong pastoral pressure being exerted by the French population, whereas the Spanish side was much more thinly populated. Therefore, from the very beginning of the negotiations, Spain adopted a very rigid position by refusing any revision of the Treaty of 1785 on the Quint region, an agreement that was admittedly favourable to its interests (Arvizu 1992).

As for the French negotiators, their mission was to obtain the maximum pastoral advantage for their side (Arvizu 2001; Puyo 2018), even if it meant accepting concessions in the area of forest resources, as Jean Sermet points out:

Unlike the Parliament of Navarre in Pau after 1785, the French commissioners attached little importance to the Iraty sector, whose pastures to the north of the Errokidor valley, (current border) were of interest to the Salazar Valley. Why not seek compensation there for what was going to be claimed from Quint? [...] In fact, the disputed 'monte' [forest massif] was itself of low value [...] (Sermet 1994, p. 279).

However, contrary to that author's opinion, the ceded Iraty forest was not without value: far from it, the compensation received by the Pays de Cize syndicate corresponded to a very large sum. Moreover, Lower Navarre was poor in forest stands at the time, with unallocated forests emerging from several centuries of unbridled exploitation, not to mention the forests of the Aldudes valley, ravaged by 150 years of wood-fired steelmaking (Puyo 2002).

In the end, in Iraty as along the whole Pyrenean chain, the border that had now been established was the result of national and/or local arbitration, favouring either natural boundaries or rights of use, depending on the area (de Arvizu 1997; Capdevila 2009). It should be noted that, as early as 1830, on the occasion of the work of the bipartite Gleizes-Bayona commission, the French commissioner, faced with the thorny question of the 1785 Caro-Ornano demarcation line in the Aldudes valley, which had been strongly questioned by the local communities on the northern slope, put forward a proposal based on a novel barter, founded on a recourse to natural boundaries, in this case the ridge lines: the whole of the Aldudes valley (located on the northern slope) would thus be given to the French, in return for the whole of the Iraty massif (on the southern slope) going to the Navarrese. The French State would also commit to granting financial compensation to the inhabitants of the Pays de Cize, allowing them to rent the pastures "*on the same land [the Iraty pastures] of which the Spaniards would have acquired ownership*⁵⁰". According to Commissioner Gleizes, this solution also had the advantage of transferring to Spain a territory which was in fact devoid of French population but which was also considered by him to be of low value due in particular to the difficulty of accessing it.

Thus, the possessions we have on the southern slope can only be exploited to advantage by the Spaniards [...] It should even be noted that the surface area of the land transferred to each other would be more or less the same [estimated at 6172 ha for Iraty], not including, in the cession that must be made to Spain, the commune of Ondarolle which, in fact, has never ceased to be French and to be part of the Pays de Cize⁵¹.

But the Spanish very firmly refused to go back on the 1785 agreement, a solution that did not meet with much success, either in 1832 or later, during the work of the bipartite commission set up in 1853. In our opinion, this paper is a good illustration of what Daniel Norman, who was once questioned about the mechanisms at work that led to the setting of a border under the Ancien Régime, had to say:

⁵⁰ Gleizes, "Observations on the minutes of the boundaries commission", dated 15 March, 20 March 1831, 1 J art. 105-5, ADPA.

⁵¹ Gleizes, Notes on the project for a new demarcation of the border between the Aldudes and the Pays de Cize, with the line passing through the ridge separating the two sides of the Pyrenees Mountain range, 5 June 1832, 1 J art. 105-5, ADPA.

It is not possible to say that a frontier is drawn: it is the stakeholders who draw it. They turn the border into a set of political places and drivers that are not exclusively wanted from above, as they result from the complex interplay of vertical relationships between the governors and the constituents. The latter are never entirely passive: they accept, discuss, model, shape. Commissioners are sent in to consult them, or to pretend to do so (Nordman 2008).

Thus, the research of Jacobo García-Álvarez and Paloma Puente-Lozano (2017 a; b), focusing on the demarcation of the Portuguese-Spanish border during the second half of the nineteenth century, has clearly demonstrated how much the territorial vision of local communities of their border space played an important role in the outcome of the final arbitrations made by the bipartite delimitation commissions. And this is an observation that was subsequently taken up by the work of the historian Benjamin Duinat, dedicated to this same border in the western Pyrenees:

[...] no border is totally imposed and the populations never really remain passive before the agencies of the State. Between the centre and the periphery, the analysis must necessarily be multiscale in order to take into account all the levels of power and thus avoid a simplistic, binary logic of an excluded third party: the intersection of micro and macro perspectives thus gives a fundamental place to the stakeholders and the agency in the study of the effects of encompassing structures (Duinat 2019, p. 90).

Any self-respecting geographer/ planner can only agree.

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ADMAE: Archives diplomatiques du Ministère des Affaires Étrangères. La Courneuve.

ADPA: Archives départementales des Pyrénées-Atlantiques. Pau.

BNF: Bibliothèque Nationale de France, Département Cartes et plans. Paris.

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