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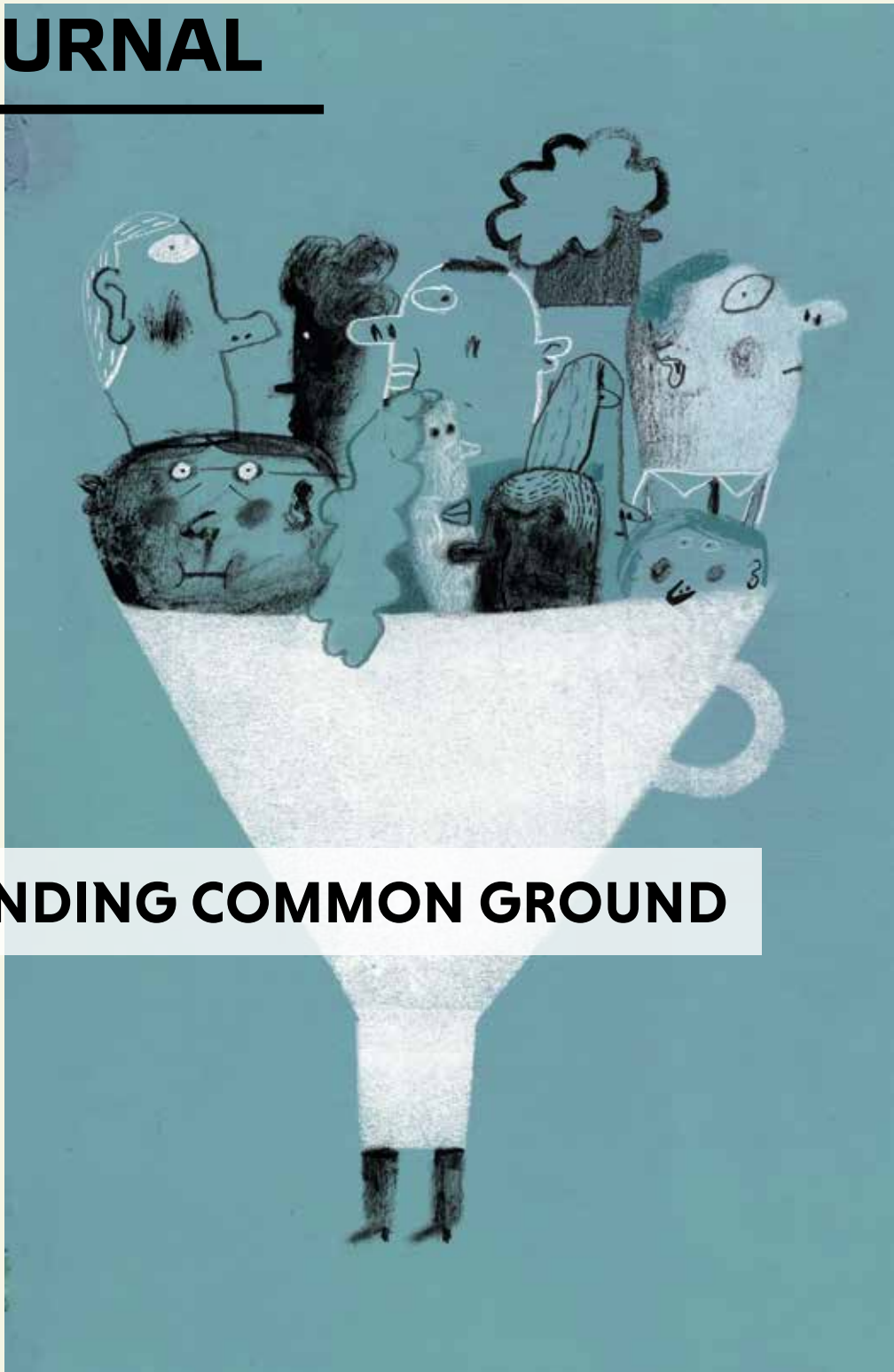

FINDING COMMON GROUND

GREEN EUROPEAN JOURNAL

ILLUSTRATOR

KLAAS VERPLANCKE

is an internationally acclaimed multi award-winning Belgian author and illustrator. His books have been translated into more than 25 languages, and his illustrations have been published in leading magazines and newspapers, including *The New York Times*.
www.klaas.be

GRAPHIC DESIGNER

CLAIRE ALLARD

is a graphic designer from Brussels with a passion for travel and photography. At age 19, she was the youngest elected alderman in the Brussels Region, representing the Ecolo party. Although no longer actively involved in politics, she remains a convinced green supporter. As a freelance graphic designer, Claire aims to have clients sharing her own social and ecological values.
www.claire-allard.com

EDITO

THE COMMONS
A QUIET REVOLUTION

BEATRICE WHITE & LAURENT STANDAERT FOR THE EDITORIAL BOARD

FROM CATCH-ALL TERM TO RADICAL CONTESTATION ROUTE

A striking brand of political momentum is building, driven by the resurgence of citizen-led initiatives around the commons: movements which amount to a contestation of existing regimes and models. Taking place at a certain turning point of European history, these phenomena refute Fukuyama's *The End of History* hypothesis of 1989 with the disarming of the sharp polarisation between the ideologies of capitalism and communism and indicates alternatives to an exhausted narrative. Free individuals are reinventing together a form of political mobilisation and innovative organisation.

In the contemporary political landscape, the commons blur the lines of the 'private' and 'public' sectors as we have known them in the last century. Today's approach to commonality is: "mine as much as yours". The commons reintroduce, in the political landscape, an old archetype of political ecology: the steward, the warden, the custodian – of nature, resources, land, or neighbourhood.

The commons reject and provide alternatives to the deeply ingrained ideologies associated with the market and the state: the former's refrain of growth, extreme individualism and hyper-competitiveness, and the latter's coercive standardising model. The movement of the commons and its importance on the ground, as well as the accompanying language of common goods increasingly taking root, constitute a fundamental challenge to corporate privatisation, commodification, and the grabbing of land, culture, and social 'acquis', following a neoliberal logic of extraction.

EDITO

KALEIDOSCOPIC FLUIDITY

The immense diversity of meanings ascribed to the commons testifies to the rich and multifaceted significance this concept has acquired. But the differing ways in which this term has been deployed in varying contexts and moments in time also pose a dilemma for imposing a definition or framework. Applied in contexts ranging from urban public spaces to agriculture, from natural ecosystems to the virtual world, the contents of this edition alone demonstrate this diversity.

Some of these cases pertain to earthly, material resources, such as Vandana Shiva's vivid account of the David versus Goliath battle of subsistence farmers' resistance to the attempted monopolistic capture of all seeds by an ever dwindling number of multinational corporations. Jonathan Piron's case study in forest conservation shows that the commons can be a space for innovation and experimentation, while Ewa Sufin-Jacquemart and Radoslaw Gawlik's examination of water management stresses the crucial need for communities to take ownership, in the broad sense, of the common goods they rely on. Richard Wouters and Liesbeth Beneder take a look at the potential for harvesting resources from outer space – a fascinating prospect, though one which threatens to delay the much needed acknowledgement that even non-finite resources must be managed in a way that is equitable, just, and does not cause harm.

Data and information constitute less tangible forms of the commons, and Julia Reda discusses the digital commons and pioneering platforms for managing knowledge online. Cities have also become the scene of struggles against the private appropriation of space. Eric Piolle's experiences in Grenoble illustrate the challenges to the management of public spaces for the common good, while Daniela Festa's descriptions of original initiatives by 'urban stakeholders' in Italy teach us that the urban commons are about far more than simply passive stewardship.

To these, we can add governance regimes and decision-making models, establishing novel hybrid structures and procedures. Tomislav Tomašević contends that the strict dichotomy between state and market, as regulators of resources and public life, is outdated, with both experiencing a certain crisis of legitimacy. Dirk Holemans explores a third option, described as 'autonomy', rooted in a different economic approach to creating and measuring value beyond the market and the state, bearing an implicit critique of the inadequacies of both these mechanisms.

From a European perspective, Sophie Bloemen and David Hammerstein criticise the EU for a lack of leadership in this area. On the other side of the coin, Vedran Horvat shows the disruptive potential of social movements and transnational struggles, illustrating the

potential of the commons to stimulate solidarity across borders. Underlying all this, Tine de Moor charts a historical trajectory that situates today's initiatives within a long and rich history of collective resource management and collaboration.

HARNESSING THE UNTAPPED POTENTIAL OF THE COMMONS

The proliferation of citizen-led initiatives for the management of resources is a development that Greens in Europe must pay close attention to. The commons help highlight the weak links and fault lines in current policies that need to be addressed. In the face of a challenged institutional realm and increasingly emboldened grassroots mobilisation, the Greens must grasp the underlying political lessons for 21st century politics that the commons can teach.

One fundamental issue the commons raise is that of power and its concentration, which has had, and will have, far-reaching implications. In the panel interview, Hilary Wainwright describes the commons as containing a new kind of power, in contrast to the traditional dominant power of the state, a power whose transformative capacity stems from its autonomous and creative nature. Equally, the transformative potential of the commons becomes clear when we grasp the idea that anything that can be privatised and used for profit can also be thought of within a commons perspective, as the discussion between Ugo Mattei and Molly Scott Cato demonstrates.

Michel Bauwens, however, questions whether the commons, as a new narrative or new 'value regime', can or should truly emancipate itself from the state, or if it is rather to be seen as a struggle for a certain vision of the state. Danijela Donelec underlines this perspective when she asserts her vision of the commons as politically useful when confronting the state and presenting potential models for reform, rather than as distinct autonomous zones that could potentially rival or even surpass the power of the state.

An exploration of the commons risks leading us into the trap of believing that power seized will automatically lead to fair organisation and inclusive decision-making, as John Clarke warns. Instead, it can provide a language for alternatives and making these a reality on the ground through a process of trial and error which, as with all genuinely inclusive democratic practices, is a laborious and painstaking process which necessitates a constant re-examination to ensure that we are moving in the right direction.

We should be heartened, however, that this journey has already begun.

CONT

Articles with a language code tag were originally written in that language and then translated to English.
To read these and other articles in their original languages, visit the Green European Journal website.

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THE TIME IS NOW
COMMONS FROM PAST TO PRESENT

AN INTERVIEW WITH
TINE DE MOOR

The commons are back! And their popularity does not go unnoticed. Progressive thinkers and Green political strategists worldwide like to see them as a sustainable alternative in our competition-driven society. But what exactly are the commons? Where do they come from and what can they teach us about the economy today? A look back over their long history helps us to see where they might take us in the future...

GREEN EUROPEAN JOURNAL: What exactly do we mean when we talk about the commons today? What is all the fuss about?

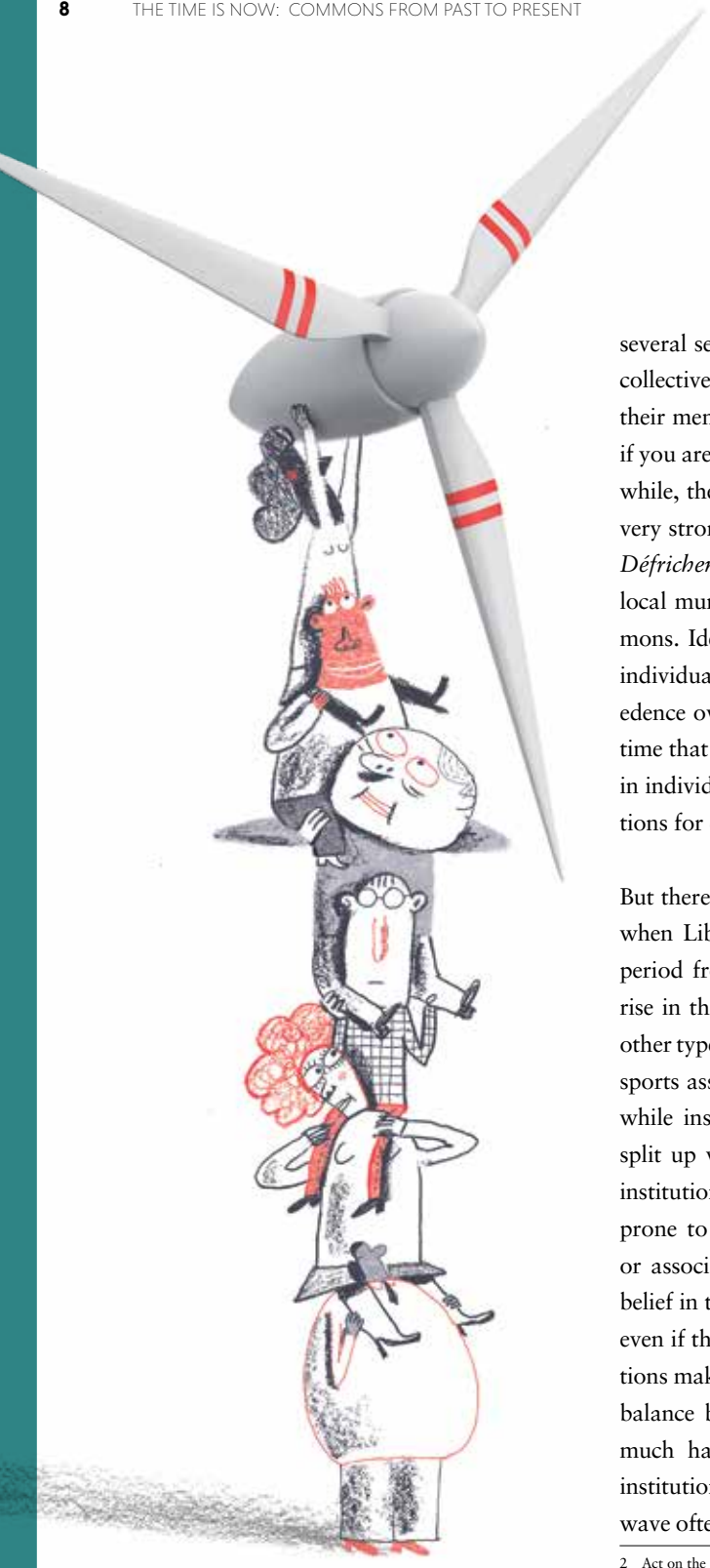
TINE DE MOOR: A common is a governance model that facilitates cooperation between individuals who see the benefit of working together, creating a (modest) economy of scale. When talking about the commons, you need to consider the following three aspects: a group of **users**, generally 'pro-sumers', meaning they are both producers and consumers at the same time. They take collective decisions on the use of the resources. The **resources** are collective too, meaning that their use is dependent on the group's decision; as a group member, you have user rights. Although the collective use of a resource can be interesting, both economically and socially, cooperation is not necessarily straightforward. When working and using resources together, a social dilemma may arise, forcing the individual members of the group to choose between their individual short-term benefits or the collective long-term benefits. 'Commoners' make rules in order to facilitate interaction between the group of users and the collective resource and to overcome such social dilemmas.

As such, a new institution for collective action emerges. Its design and functioning is markedly different from the market and the state as governance models since it is based on self-governance, meaning self-regulation, self-sanctioning, and self-management. It sounds like a wonderful idea – like a utopia – but it is very hard, so if a commons functions well, it's usually because it has a good balance between the above dimensions. Firstly, it is very important to function as a collectivity. Reciprocity is key but does not happen by itself; you need to have equity in the decision making process. Demanding reciprocal behaviour means involving people in the rule-making and management of the common. Secondly, commoners will be more inclined to act reciprocally if the resources are useful to them. However, the institutional arrangements should be such that they offer sufficient utility to individual users without over-using the resource. The collectivity may disappear if resources are not managed efficiently or sustainably. So if you make sure that your institution allows everybody have a say in what the institution should look like, and that the resources are useful to the users (though not over-used), it should be possible to achieve resilience of the common and to build an institution that lasts for generations, often even centuries.

Can you tell us a bit more about the commons' historical trajectory and the three waves of institutions for collective action which you describe in your work?

TINE DE MOOR: Over the past 1000 years we have seen a number of major upsurges of institutionalised forms of collective action, both in the countryside and in towns across Western Europe. The first "wave" developed in the late Middle Ages – a period characterised by rapid commercialisation and urbanisation – with a real growth in the 12th century, with commons in rural areas and guilds in cities being built in large numbers, and this lasted until the 17th century. There was no real state to intervene, so people responded to the new market developments by taking advantage of being a group or by engaging in collective action. Top-down enclosure attempts on the European continent were in most cases not yet very strong, and mostly failed due to resistance from the regional boards who saw that their farmers needed the commons to survive. In the 18th century, much harsher legislation pushed the European continent towards privatisation of the commons. Political thought such as that of the Enlightenment or of the emerging Physiocrats[1] fundamentally altered the role of collectivities in European society. The second half of the 18th century was characterised by a population boom and impoverishment due to

1 From the Greek for "government of nature", this is an economic theory developed by a group of 18th century Enlightenment French economists who believed that the wealth of nations was derived solely from the value of "land agriculture" or "land development".



several severe economic crises. Institutions for collective action somewhat lost support among their members – what is the use of a common if you are too poor to graze cattle on it? Meanwhile, the nation state developed rapidly as a very strong actor. The Belgian 1847 *Loi sur le Défrichement des Terres Incultes*[2] forced the local municipalities to privatise all local commons. Ideas based on individual citizens and individual responsibility started to take precedence over ideas of collectivity. It was at this time that judicial and legal foundations rooted in individualism were laid, while legal foundations for collectivities were removed.

But there was already a new wave on the way when Liberalism swept through Europe. The period from 1880 to 1920 witnessed a steep rise in the number of cooperatives, as well as other types of collective action like cultural and sports associations, but also trade unions. But while institutions from the first wave would split up when they became too large, similar institutions from the second wave were more prone to fuse and form a larger cooperative or association. There is clearly a very strong belief in the possibilities of economies of scale, even if the ever increasing size of these institutions makes member control and the necessary balance between equity, utility and efficiency much harder. This explains partly why the institutions for collective action of the second wave often had a considerably shorter lifespan.

2 Act on the Reclamation of Uncultivated Land

What about today's situation?

TINE DE MOOR: Today, we seem to be witnessing a third wave, though it is hard to judge while in the middle of it. Although it might have a stimulating effect, the crisis is not, in my judgement, the immediate driver; it is rather the increasing privatisation and commercialisation of public good provisions. In the Dutch care sector for example, the chain between those who need care and those who deliver it has, due to privatisation, become so long that people realised they could do it much better and even more cheaply by doing it themselves. They started a care cooperative in which they have a stake and a say in how things are done, without having to wait for help. In the Netherlands, cooperatives started booming in 2005, long before the crisis, and they pop up in every sector. These cooperatives are full of people who want reliable, high-quality sustainable energy, for instance, on a short chain so they know what they get and are in charge of how they get it.

UNLIKE SOME UTOPIAN IDEAS SURROUNDING THE COMMONS, IT IS IMPORTANT TO KNOW THAT HISTORICALLY, MANY COMMONS ARE EXCLUSIVE

But unlike some utopian ideas surrounding the commons, it is important to know that historically, many commons are exclusive. Studies show that public services offered by the government are not equally divided amongst the users either. Often the middle and upper classes benefit the most from public services. Just like privatisation, the public system is not perfect. Nor are the commons an "ultimate" solution to the deficiencies of market and state. We should look at how to create more optimal access to more optimal quality products or services for everybody in society. This is supposedly the credo behind privatisation, though in reality this is not always the case; we need to open our minds to other forms of governance regimes which might be more suitable than what the market or the state can deliver.

How can we explain the emergence and appeal of the commons model that we are currently witnessing?

TINE DE MOOR: Privatisation and subsequent market failure are probably the most important explanations. A private company might very well be looking for the best way to invest and create a good product, but in many cases it will cherry-pick, leading to a situation in which a substantial part of society has no access to what the private market offers. Many goods and services needed in specific regions are not available because the demand is too low, the economies of scale are

too small. You see that happening in elderly care in the Netherlands. People don't want to leave their village to go to a fancy private care home two villages away because it is too far and they don't want to leave their network behind. I think too much privatisation is leading to an insufficient offer of, and access to, high quality goods and services.

Privatisation works for a lot of things, but not for everything. Take my toothbrush: it would be nice to have it produced in a cooperative company as a useful product, but I don't want it to be a collective or state-governed resource as it is *my* toothbrush. I keep it private. But some resources can be governed in different types of resource regimes, too.

It may be a very radical view, based deeply on the belief in the welfare state and in redistribution of income etc., but when it comes to care, and caring for people who are in need of it – whether it is the elderly, the young or the sick – reciprocity is the basis of the welfare state for which so many people have fought. And it really is worth fighting for. It might not be perfect to go back to the situation of exclusively state-controlled governance, especially in an increasingly open society, but we should invest more in direct solidarity and make it more visible again. A lot of people don't know why they pay taxes. Personally, I think it should be part of the national educational curriculum to learn why it is that street lights come on in the evening. It's the foundation of citizenship: you are willing to contribute to society as a whole for the common good, so that you can also benefit from it, because if you have street lights, you will drive more safely at night.

From a historical perspective, what political lessons can be learnt from experiences surrounding the commons? Do we need new governance models?

TINE DE MOOR: I'm not sure if the political lessons are always the same as the historical ones. Politicians need to think about how we give people access to resources. They all think in terms of panacea – one size fits all – but that simply doesn't work. I would plead for a substantial rethinking of how we, as a society, apply governance regimes in order to come to wiser solutions to societal problems. For instance, Dutch mums are stopping work in huge numbers to care for their kids, as privatisation of the child care sector has led to very high fees without reliable quality. We need to achieve a better understanding of which governance models work best for what and under which circumstances and come to a society that allows for a diversity of governance regimes, including commons models, but without completely dismantling the state or excommunicating the market.

I WOULD PLEAD FOR A SUBSTANTIAL RETHINKING OF HOW WE AS A SOCIETY APPLY GOVERNANCE REGIMES IN ORDER TO COME TO WISER SOLUTIONS TO SOCIETAL PROBLEMS

Today, within the third wave, our choice to build an alternative to what the state or the market have to offer around the commons stems from a lack of options. Not all negative externalities of privatisation lead to new commons initiatives though, as the example of Dutch mothers shows. Often there is a collective solution possible but it takes so much effort, in this case from parents, that they don't even try. We need a system where we have a more diverse institutional landscape; where the choice to set up a cooperative or a commons initiative is a conscious choice among various options. A choice that is supported by governments and not simply 'allowed' because budget-wise, these days, it is a smart solution for governments in the midst of austerity.

When looking at today's wave from a historical perspective, the trick for cooperatives is to have more bargaining power while staying relatively small and local so they can work efficiently and ensure resilience. Being multipurpose may also increase organisations' resilience. There is a real gap for organisations and governments to fill. The Dutch government, for example, is very keen on citizens taking the lead, as it helps to keep government expenditures low. But it's not just about them and us saving money: it can actually be good for society if it runs cheaper and more locally. However, it does cost people considerable time and energy. And it's not always legally easy to set up a cooperative; the current legislation is also not built for competition between collectivities and the private market. So the government can play an important role by stimulating citizens' collectivities, for example in the form of public-collective partnerships. Legal reforms are needed to give these collectivities the power to provide public and private goods.

What do the commons tell us about society, the state, and the market in Europe today?

TINE DE MOOR: It's a good time to discuss this, considering the topicality of TTIP. A lot of the commons are grounded very locally and thus are rather invisible, especially to higher level governments, unless you

THE FIRST THING THESE INITIATIVES HAVE TO DO IS MAKE THEMSELVES VISIBLE

really become an accountable force. So the first thing these initiatives have to do is make themselves visible. But European governments also have to create room in their legislations for these initiatives. A lot of EU legislation is intended to harmonise the way we produce and consume across Europe, which is often a huge obstacle for these local initiatives, given their often local character. Some care cooperatives in the Netherlands, for example, developed a programme to help the elderly meet each other at least once a week in their village over a meal. But their kitchen has to be TAACP-certified, and ingredients from the local food market are not allowed because they're not traceable like those from a supermarket. What are we doing? The European Union should recognise and value local products much more. I doubt that the TTIP-negotiations at the European level failed because of that awareness, but all the protests may have played a role.

Do we need a new organisation that can help defend the commons at the European level?

TINE DE MOOR: I doubt that – because it may end up being a supra-structure again. We're used to state and private organisations that stand for two things: economies of scale; and top-down governance. That's basically the EU, but I would rather plea for more polycentricity, which is a fundamentally different way of thinking about organisations. One of the great things about the commons movement is that it forces people to think differently about governance and how things can be organised. The biggest challenge right now is to involve more people in a different way of thinking; maybe not even to set up a common, but at least to provide room for citizens' initiatives. Breaking open minds for a fundamentally different governance model should be the top priority.

So how can we get in the game? How can Greens, in the current political and economic landscape, promote the commons?

TINE DE MOOR: On a national level, governments have to recognise the existence of collectivities – legally and fiscally – even if many collectivities don't ask for subsidies. That's a pity in a way, because it leads to missed opportunities. But on the other hand, it's the "purest" form. It would also mean that you do not give subsidies to companies in the same way as today. Current fiscal subsidies for companies are so large that it is totally impossible to actually compete with these. Although, maybe it shouldn't even be competing, because a lot of these companies are just cherry-picking anyway. Maybe it is a system that can exist side by side, not just as a 'Plan B'. Maybe the following contradicts what I said about the connection to the crisis, but in times of crisis and severe need, the emergence of these institutions should be a wake-up call. Let there be room for collectivities, but try not to create a reason why. Give them a better reason than that.

TINE DE MOOR
is a Professor in "Institutions for Collective Action in Historical Perspective" at the department for social and economic history of Utrecht University.

INSTITUTIONAL DIVERSITY FOR RESILIENT SOCIETIES

ARTICLE BY
DIRK HOLEMANS

Traditionally, approaches to managing resources in society or providing services have tended to be presented as a stark choice between control by the state or by market mechanisms. This binary division ignores a crucial third possibility: management by autonomous citizens. Evidence suggests this approach is crucial to the wellbeing of both individuals and societies.

TWO REAL-WORLD STORIES

One: a medieval city called Ghent. The remnants of the age-old St-Baafs abbey are a public museum. Sounds logical; it is where the history of the city started. But the municipal government had to cut its budget and, as there are not many visitors, the site is closed. For a few years, nothing happens. Who cares? Then the people of the neighbourhood decide it is a great shame, a beautiful medieval refectory and garden hidden from public life. They take action because such a thing of beauty should be shared by everyone. They start a citizens' initiative and organise lectures and concerts in the abbey. It evolves into a very successful organisation. Twenty years later, around 150 volunteers organise more than 200 public events, reaching out to thousands of people. A vibrant new urban common is created.

Two: a big country called Germany. In the 1990s, the state produces electricity mostly from nuclear energy and fossil fuels. Even in light of climate change, the four big German electricity companies think that *business as usual* is the only way forward. Investing in renewables is laughed at. So citizens come together and start their own energy initiatives, mostly renewable energy cooperatives (REScoops). In cities and villages, the idea turns out to be contagious, and together they start to change the energy system. Nowadays, half of the new renew-

able energy systems in Germany are owned by citizens and their organisations. Call it a state-wide network of local commons.

YOU'LL NEVER WALK ALONE

These examples are true, but they only tell half the story.

In Ghent, the neighbours had to ask for the key to the abbey. The civil servant responsible, probably a visionary, not only gave it to them but added: "Nobody can inspire such an abbey as a neighbourhood". Several departments of the municipal government actively supported the citizens' initiative, by, for example, announcing the activities in the newsletter of the official neighbourhood centre. The responsible alderman had to back their civil servants who, in a gesture of trust, just handed over the keys; after a while, on a permanent basis.

In Germany, the REScoops could only establish themselves in such numbers because of a stimulating legal framework, with stable feed-in tariffs for the renewable energy delivered to the energy network. First introduced in 1990, this law was consolidated with the ambitious Law on Renewable Energy (and other far-reaching government policies) ten years later. When the financial crisis arrived later, putting your money in renewable energy systems was not only a civil gesture, but also a financially smart move.

These two examples are in line with research done in the Netherlands on citizens' initiatives. In one way or another, they all have to rely on support from the government, be it for a space they need for their activities, a piece of land for urban agriculture, or some money. As we will argue, this support is not a problem, but rather is a vital part of democracy.

There is still a dimension missing in these stories: the economic one. People in Germany who produce their own renewable electricity still sell it on a market, albeit a highly regulated one. And, luckily, when there is no wind or sun they can buy energy that comes from other sources or other countries. Even if the 'Neighbours of the Abbey' is run by volunteers, they also have to pay their bills. So they run a café during their activities, which, from a Belgian perspective, is the most obvious thing to do financially.

COMPLEX THINKING

Let's move from the examples to the general societal debate. If, for instance, we look at opinions about how we should organise housing, they tend to lie on a spectrum between two opposing views. On the Left, there is the view that the government is the best option to organise it in a fair way. On the other side, the Right argues that only the market can allocate houses in an optimal manner. On a higher level, a lot of commentators inter-

TOGETHER WITH THE LIBERALS AND THE SOCIALISTS, ECOLOGISTS ACKNOWLEDGE THAT A COMBINATION OF MARKET, STATE AND AUTONOMY COMPONENTS IS OPTIMAL

preted the fall of the Berlin Wall in 1989 as the victory of the Right side of the spectrum. Concretely, in countries such as the UK, this led to the dismantling of public social housing, and the transferral of care homes from the public to the private sector.

What matters is that discussions on this, as well as other areas of society, are trapped in a Left-Right framework, within which the radical Left, without any critical analysis, invariably pushes the government forward as a solution and the Right, equally unquestioningly, only sees merit in the market approach by private companies. It is as if the citizen – the bearer of democracy – may only watch from the side-lines and is unable to propose solutions to societal needs. Remaining on the question of housing for elderly people, arguments for citizens' initiatives like, for example, the *Abbeyfield Houses*, are rarely heard in the mainstream debate. This initiative was born in 1956 in Britain in response to a growing social problem: an increasing number of elderly people in the poor neighbourhoods of London were no longer able to live independently in a dignified manner. Today, the British Abbeyfield Society manages 700 homes with 7,000 seniors, aided by 10,000 volunteers[1]. Abbeyfield is a concept of collective living and a volunteer movement which has already taken root in many countries.

This is not to imply that citizens' initiatives are the panacea for all challenges; but they can be an important part of the future if we are willing to widen our gaze. These examples clearly demonstrate that we have three basic options to address these challenges and to organise society. This broadened view of society can be visualised in the following triangle. The spectrum discussed above is actually only the line at the base of the triangle.

1 On its website, it is described as follows: "The residents are individuals aged over 55 who wish to keep control over their own lives. Together, they create a pleasant, safe and socially enriching living environment. In the house lives a coordinator who, if necessary, can provide care."

Each corner indicates an extreme society: a fully market-oriented society; a 100 per cent state-run society; or one exclusively managed by autonomous citizens. How a given society formulates a response to a social need – such as the nursing homes – can be situated within this triangle.

With this broadened view we come to the core of political ecology, as has been pointed out by the philosopher Philippe Van Parijs. For this presentation shows the narrowness of the dominant discourse in our society (oscillating between more state or more market), as it only takes place on the horizontal side of the triangle. Once one conceptualises the three corner points, with autonomy above as the vertical dimension, it becomes immediately clear that when the liberal and socialist logics praise the importance of the market or of the state, they not only advocate less state or less market, respectively, but plead also for a smaller autonomous sphere. But there exists a third perspective that emphasises autonomous activities and, thus, less of both state and market involvement. The horizontal 'Left-Right' axis is typical of modern industrial society; transitioning from this line up to the top of the triangle is a feature of the current post-industrial society that promotes other forms of participation in social life from the perspective of autonomy, rather than that of money and work. This is exactly the field of the commons.

THE STRENGTH OF SOCIAL INNOVATION

The autonomy perspective is a key element of political ecology (ecologism). As for the other two ways of thinking, it is not desirable, from a Green perspective, to drive society into any single corner of the triangle. Together with the Liberals and the Socialists, ecologists acknowledge that a combination of market, state and autonomy components is optimal. At the same time, their point of view distinguishes itself clearly from the liberal and socialist approach. For ecologists, autonomy represents the joyful potential to shape the world together. Autonomy is at odds with a unilateral individualisation: the joyful shaping is always done in cooperation with others. Therefore ecologists speak about *connected autonomy:* I can only find fulfilment and build a world to live in through a fruitful connection with others, which also entails the dimension of care, for each other, for the

world we live in, and for our living planet. This perspective is related to the notion of stewardship: our freedom to act and change the world implies, at the same time, feeling responsible for it.

As a source of social innovation, the importance of the autonomous sphere cannot be underestimated; a lot of solutions to societal challenges did not come from the government or from business, but from creative citizens. The aforementioned Abbeyfield Housing is a good example, as are social innovations such as car sharing, organic farming initiatives, and food teams[2]. And who built the first windmills to produce electricity? It was citizens developing a positive alternative to nuclear plants in countries like Denmark and Ireland.

The triangle shows that political ecology cannot be reduced to environmental protection. Ecologists want not only to respect the boundaries of the earth's ecosystem; they strive at the same time for a larger independent social sphere where people can deploy their capabilities without the interference of market or state. The final goal is a good life for all.

WITH MORE AND MORE CITIZENS TAKING INITIATIVES OF THEIR OWN, THE CHALLENGE FOR GOVERNMENTS IS TO TURN THEMSELVES INTO A PARTNER STATE, AS IS ALREADY HAPPENING IN BOLOGNA AND GHENT

FROM PUBLIC-PRIVATE TO PUBLIC-CIVIL PARTNERSHIPS

As these examples show, most citizens' initiatives rely in one way or another on cooperation with the state. This is not a problem: it is the future. The neoliberal regime of the last thirty years dictated that the best approach to organising anything in society was one based on markets and competition. This has led to a wide array of public-private partnerships, which, most of the time, leads to a government losing its grip on policy areas and citizens paying too much tax for the services delivered. Again, the triangle clearly shows the alternative, future way to develop: public-civil partnership. With more and more citizens taking initiatives of their own, the challenge for governments is to turn themselves into a partner state, as is already happening in Bologna and Ghent. Here, politicians don't see their political constituency as a region to manage from above, but as a community of citizens with a lot of experience and creativity. Leaving top-down politics behind, they develop forms of co-creation and co-production. In Ghent, citizens developed,

2 Groups of people buying food together from local producers and farmers

within the frame of a participatory climate policy, the concept of 'living streets': they decided by themselves to reclaim their streets, getting rid of all cars for one or two months. And the municipal government took care of all the necessary measures to make it happen in a legal and safe way. With public-civil partnerships, an underestimated area of the triangle of societal possibilities is explored in a positive way.

INSTITUTIONAL DIVERSITY FOR RESILIENT SOCIETIES

With the revival of the commons, it has become clear that there exists a third fundamental way to develop and organise society. Centred on the basic principle of autonomy, it has its own logic, consisting of specific forms of social relations based on reciprocity and cooperation. It is more than probable that new commons initiatives will form a crucial part of the transformation towards a social-ecological society. At the same time, it would be very unwise to strive for a pure 'commonism'. Just as with communism or neoliberalism, a society based on only one of the three approaches to organisation is unable to cope with the broad array of severe challenges we face nowadays. Having said that, stimulating and sustaining the commons requires an active state which develops new institutions that allows citizens to engage in transition projects in a secure way, so their autonomy and creativity can flourish. In combination with other innovations, a universal basic income could be part of this new socio-ecological security framework for the 21th century.

The indispensable value of the commons movement is that it enhances and adds to the institutional diversity of societies; one of the key features of resilience. This is probably the most important argument at the political level in favour of the commons. At the level of who we are and how we relate, it stimulates the basic human ability to cooperate and take care of ourselves and each other. What more can we dream of, than citizens using their freedom to take their future in their own hands?

Their passion is unbeatable.

DIRK HOLEMANS
is coordinator of the Belgian Green think-tank Oikos and a member of the board of the Green European Foundation. His most recent book is 'Vrijheid & Zekerheid'.

RETHINKING THE CITY THROUGH THE COMMONS

AN INTERVIEW WITH
ERIC PIOLLE
BY **ROSALIE SALAÜN**

The city of Grenoble, led by Green Mayor Eric Piolle, is pursuing an ambitious ecological policy of transition in the context of severe budgetary constraints. Yet this approach to the public management of space that serves the collective good requires citizens to think beyond their own immediate interests and make sacrifices, which can be a tough sell from a political perspective.

FR

This article is available in its original language (French) on the Green European Journal website.

CHANGER DE POINT DE VUE SUR LES COMMUNS PAR LA PARTICIPATION CITOYENNE

La Ville de Grenoble mène une politique de transition écologique ambitieuse dont un des aspects forts réside dans sa politique de démocratie participative : la réappropriation de l'espace public dans toutes ses dimensions.

ROSALIE SALAÜN: What links do you see between the commons and the participative politics that you are conducting in public spaces which embrace several areas, such as culture, traffic, and so on?

ERIC PIOLLE: The link is strong: we have removed billboards from public spaces; we are working on street furniture especially designed for children, on the frontiers, both physical and temporal, within the city; on reclaiming public space with, for example, the potential tensions between night-time and day-time use of space. At each stage we have to explore and preserve what we have in common. Citizens have to rediscover their capacity for action, individual and collective, and what we hold in common must be managed, shared, and supported politically to have any meaning: we don't simply 'consume' the commons; we find meaning there.

In all public services, users are the ultimate owners of the commons. Rather than reinforcing the logic of a consumer society, we adopt an Aristotelian approach, which is that each citizen must be able to govern and be governed. That is our perspective, on both public spaces and participatory democracy.

This vision of the public space is quite unusual in France...

ERIC PIOLLE: The ecological vision which flows from this is an actor-network vision (which is doubtless more developed in other European countries). First and foremost, there is a logic of subsidiarity: each level has its relevance and meaning. What we do together, we can do more easily.

Last week I was with the Norwegian ambassador, who was speaking about his experience in France; he mentioned this capacity to think both in terms of history and the long-term, with leaps of progress, and to do things which go in the right direction, without fitting perfectly into an ideology.

Our aim in Grenoble is to stay our collective course with this society of actor-networks which find meaning in social and economic exchanges; a society with debate and conflict, but also the ability to get things done. We want to stimulate conflict that is organised and goes beyond intellectual debate to action: ideas must generate action.

Is it not a little risky, for the achievement of some of your ecological policies, for example for billboards or parking, to have this participatory approach?

ERIC PIOLLE: The real risk is that nothing changes; that we continue as before. Transition is an innovative societal project, for it responds in concrete new ways to the emergencies and extreme constraints that we are dealing with nowadays. Yes, we must change, but we must actively choose, not just passively put up with change. That's what my engagement in public life is about: clearly recognising constraints, without submitting to them. The urgency of the current situation pushes us to shake off old habits; some say that austerity management is enough. For my part, I maintain that it's through more democracy that we will succeed.

How are local people reacting to this change in how things are done?

ERIC PIOLLE: Firstly, people are contacting me a lot. Secondly, residents have a two-fold reaction: satisfaction that there is no more queue-jumping; but also frustration, because you can't pull strings anymore!

The old system was a bit of a lottery: the losers tell themselves they can win next time if they bump into the mayor at a good time – everyone plays the game. This was also true for cul-

FOR ME, MANAGING CONFLICT IS EMINENTLY DEMOCRATIC – IT'S WHERE THE VISIONS OF ALL OF US MEET THAT THE CITY COMES TO LIFE

tural politics, in Grenoble as elsewhere, where cultural life often revolved around arbitrary decisions from above. Certain stakeholders got used to this. We are staying the course of transparency and the same rules for all; what matters is to respond to the needs of the people of Grenoble.

The approach we have adopted is ambitious, but it also recognises each person's capacity to take charge of their own lives, both individually and collectively. I was recently at a citizen's forum in a disadvantaged part of town. They have worked on defining indicators of well-being (peace and quiet, housing, education, living together, etc.), and on identifying their resources.

We are moving on from the old mentality of raising all issues with the mayor's office, which creates a really interesting dynamic which values the actions of local people. They are organising their own support for school children, initiating campaigns for people to greet each other in the street and get to know their neighbours, working on managing waste, developing mentoring networks for local people, creating activities to build links between parents and young people in a sometimes problematic public square, and even creating 'true/false' activities on the allocation of housing. All that, simply on a neighbourhood scale, is support in action in our city.

Does the mayor's office provide a framework for this?

ERIC PIOLLE: Yes, for the participatory budgeting, we impose limits. The project that I just mentioned was supported by the public landlord: for example, we wanted to bury the waste disposal points because they were causing problems, so we incorporated that into redesigning the square. Even such an apparently trivial matter raises fundamental questions. We did the planning with local residents, and there was a debate about a children's play area in the middle of the square. In the end, it was decided collectively to put it in the middle; the local senior women say that when there is no noise that's when the dealers appear, and so on.

All this also involved discussions about what public spaces mean to us, our relationships with our neighbourhoods, and the tensions between different uses of space. For me, managing conflict is eminently democratic – it's where the visions of all of us meet that the city comes to life.

So you see yourself in a role of mediator, rather than coming down on the side of one plan or another?

ERIC PIOLLE: Yes; there is even self-regulation of conflict. The work of the city's stakeholders enables us to reframe the terms of discussions.

With participatory budgeting, the rules were a little stricter. Projects varied in size, and we mustn't allow operating costs to outstrip start-up costs; we can't support a project which would entail ever-increasing expenditure. So it is a matter of investment, which, naturally, needs to be maintained.

In the spring you are welcoming an Assembly of the Commons, as part of the first Transition Towns Biennial gathering. Is your ambition to be a model, or innovator for this movement?

ERIC PIOLLE: I don't know if we are as innovative as all that. It seems to me that innovation is generally the fruit of a blend of various inputs, which shift, hybridise, and cross-pollinate. So many things are springing up all over the place that being a model doesn't mean very much. Simply to demonstrate consistency, rather than to be a blueprint, would be pretty good.

When considering all areas of our work, we have to think in intersectional terms. For example, measures to combat air pollution are social policies: l'INSERM (the National Institute for Health and Medical Research) has shown that in Grenoble, not only are there two deaths per week from polluted air, but that this mainly affects the poorest people. I like to use the image of sailing with a compass: I tack into the wind, so that even if things are not exactly how I would like, we are all going in the right direction. The important thing is not to do anything which takes us backwards or in the wrong direction.

For example, the government's environmental policies are mind-boggling: on the one hand they host COP21 and create a law on energy transition, and on the other, we have plans for more motorways, a new airport at Notre-Dame des Landes, a high-speed railway between Lyon and Turin, a nuclear programme, and so on. They set a course, yet all the while sending out strong signals that are not only out of line with it, but taking us in completely the wrong direction. Consistency is essential for us to unite the forces which will carry society forward.

Conversely, does giving more power to citizens give local politics more consistency?

ERIC PIOLLE: Well, it raises the question, anyway. The debate about advertising is interesting. When we decided to ban billboards, the vast majority of people were in favour. 99% of the feedback went from 'we didn't even think that was possible', through 'we didn't think that politicians had the power to make that sort of decision' (which also gives people more confidence in political decision-making), to 'that's great – we are deluged with adverts, and I don't want to see naked women, cars, and alcohol when I'm taking my children to school'. It was amazing; these reactions came from everyone: young, old, all political persuasions, from here and even around the world.

Over time, with the difficulties of transition, cuts to funding from central government, and Grenoble's financial situation, we have no choice but to impose pretty savage savings measures. Several times a month I find myself with key people in culture or education who tell me to put the adverts back so we can have a bit more money for them. I understand them, but there is a contradiction here: to have more money for education do you want me to stick up a massive billboard for Landrover because they would give us more money for exercise books?

This means local stakeholders have to think in a very broad way...

ERIC PIOLLE: Beyond their own immediate interest, yes, certainly.

Does this consultative, or co-constructive approach, in a very complicated budgetary context, also mean the processes are more accessible to people?

ERIC PIOLLE: What appeals to me about the commons approach is that it brings together individual and public interest. There is a third way. The general interest can sometimes be paralysing – there is a risk of being unfocused, saying we can't do anything about anything because there is too much at stake everywhere, so we don't know what to do about climate change, we become demoralised and end up doing nothing. It's by working through the commons, this space where we come together in all our differences, that we get a sense of how our personal interests are part of a whole, and are not in opposition to the public interest.

Coming back to the commons, do your traffic policies chime with this thinking?

ERIC PIOLLE: In the 1950s and 60s, we really designed our towns around cars, and since the 70s we have, little by little, tried to reclaim some of what we handed over to cars during

THE COMMONS APPROACH BRINGS TOGETHER INDIVIDUAL AND PUBLIC INTEREST; THERE IS A THIRD WAY

that period, in a similar way to how we have tried to reclaim some of what we handed over to shopping malls in the 80s and 90s. It's a matter of seeing the car as a 10m² of private space, 'squatting' in public thoroughfares.

In real terms, what sort of feedback have you had for these policies? Do local citizens understand that it's best for everyone to travel by bicycle?

ERIC PIOLLE: Yes and no – there's a bit of everything! Some, for example, say that if parking were free, they would leave their car parked and take public transport. And this is also an opportunity for us all to learn from each other. Here in Grenoble in 2012 there were already 35% of households which didn't have a car, and it has progressed since then.

As for what we spend on cars in public spaces, we are realising that ultimately the local community is paying for something which only benefits a few people. Is that really what we want? The social pricing which we put in place for parking created howls of rage at the thought of price rises, but the first figures show that in fact, for 40% of people, it's cheaper. To those for whom the price has gone up, I reply that local taxes are those that are the least linked to income.

We can also combine that with the particular situation in Grenoble, which is that the town spread in the 1950s and 1960s and the tax income from the more disadvantaged parts of town are greater than those of the wealthier areas.

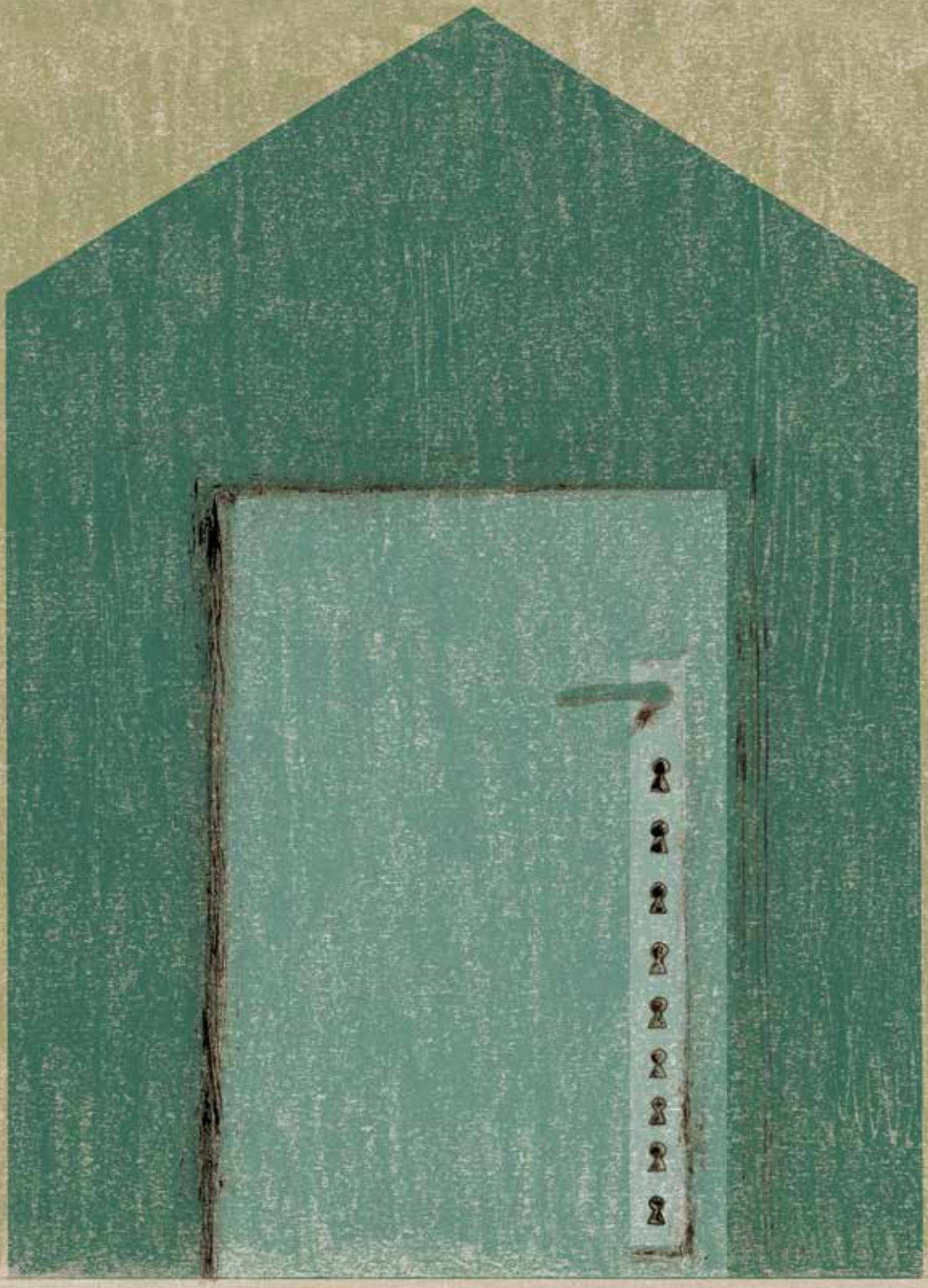
There is also the element of gender, which is extremely interesting. If we are not careful, a town can become a town for men: fit, able-bodied, for whom the system works well. We must also consider the elderly, children, women, and so on.

In relation to the vote on social pricing for parking, how will you react if the majority of voters turns out to be against your proposal?

ERIC PIOLLE: What interests me is bringing the debate to life. In theory, that could be difficult; we are raising overall parking costs, so we could expect 90% of people will vote to scrap this consultation. However, we can also have an interesting debate with, for example, people who have private parking for their car and therefore don't use public space; those whose cars are in public spaces but not in the city centre (where you have to pay), with the 40% who will pay less, and so on. Will all those people join the debate and vote, or will it only be those who feel hard done by who will be mobilised? The debate continues, and in any case, I will accept the result.

ERIC PIOLLE
is an engineer by training, and has previously worked as director in a large company. He was elected as Green Mayor of Grenoble in March 2014, leading a coalition of Greens, citizen groups, and the Left Party.

ROSALIE SALAÜN
has been International officer and Spokesperson for the French Young Greens (Jeunes Écologistes), and a member of the Editorial Board of their journal *La Souris Verte*.



TINA, GO HOME! THE COMMONS ARE HERE

ARTICLE BY
VEDRAN HORVAT

Over the last decade, the countries of South Eastern Europe have been subject to an increasingly powerful wave of commodification, privatisation, and expropriation of natural and public resources. While most of the governments in this region supported this trend, in which European integration was often instrumentalised to serve the interests of private companies, more and more citizens have gradually become aware of the vast and deep devastation to existing ecological and social systems, leading to less just and equal societies.

From the megalomaniac golf project on Dubrovnik's Srd Mountain, to the colossal and eye-wateringly expensive Belgrade waterfront; from the conflict over the communist monuments in Budapest's Freedom Square, to investments in hydro power plants in Bosnia and Herzegovina, numerous examples illustrate this destructive 'developmentalist' trajectory. Apart from the evident pressure on urban public spaces and natural resources, some of these projects are rooted in an extractivist logic of natural exploitation which can also be seen in the oil drilling in the Adriatic Sea, the Roșia Montan ă mining project in Romania, and plans for new coal power plants in some of these countries. Additionally, these projects are often directed against public infrastructure, as in the attempted privatisation of Croatia's highways, which failed due to mass mobilisations by an alliance of civil society organisations and trade unions.

VARŠAVSKA: A BLUEPRINT FOR RESISTANCE ACROSS BORDERS

This wave of increasing pressure on the people and nature of these

ecosystems started a decade ago. One of the most telling cases in the region was the 'Cvjetni prolaz' project in the centre of Zagreb, which aimed to expropriate both public funds and public space for the benefit of a private and profit-oriented real estate project. The campaign against the project ("Ne damo Varšavsku") mobilised many Zagreb citizens, who denounced high level clientelism, corruption and pressure on public urban spaces, geared more towards car transport and luxurious housing, at the expense of public usage of space. The struggle, which lasted almost five years, was crucial in the forming of social movements and in shaping a political agenda that challenged the rules of the neoliberal agenda. When much larger-scale projects, such as the Belgrade Waterfront and Dubrovnik golf playground emerged, the experiences from Varšavska were instrumental in forming a first wave of resistance that extended across borders. The same logic of expropriation, plunder and extraction – often using the public budget and overriding local authorities' objections – underlies these and other cases in the region.

These projects were merely manifestations of a first wave of the neoliberal expansionist agenda that has emerged in ex-Yugoslavia countries after an initial wave of wild privatisations in the 1990s, in which most of the preconditions for sustainable industry disappeared. While that decade saw sustainable industrial policy and decent work conditions destroyed, the following years witnessed unprecedented attacks on natural resources and public infrastructure by speculative financial markets and megalomaniac investments.

These days, the political economy of South Eastern Europe (SEE) is heavily marked by the financialisation and expropriation of the 'public' and 'social' in favour of the private. Noted as residua of the past system, institutions of social ownership and investments in public ownership (primarily related to infrastructure) are undermined by a variety of non-transparent and usurping manoeuvres of privatisation, tolerated for the sake of the transition to a market economy. Since these have been deepening social inequalities and eroding living standards, which were already deteriorating due to austerity measures and the dissolution of the social welfare system inherited from Yugoslavia, it became clear that political strategies were needed to counter these developments.

DIFFERENT SHADES OF PLUNDER

Although many of the strategies behind the struggles had limited success, they were, more importantly, vital in shaping a new generation of social movements. Moreover, they proved that the arguments used by these movements expressed the views of citizens, and not those of the institutions captured by political or corporate power. Furthermore, they were openly opposed to the further suspension of

democratic instruments in certain countries that often appeared to be coupled with top down economic constitutionalism imposed by international financial institutions.

All the resistance movements and struggles across ex-Yugoslavia and beyond shared at least two common points. The first was a clear opposition to corruption, conflicts of interest, the usurpation of public functions, and, more generally, to the various types of plunder legalised or justified through a variety of arrangements, in which the public interest was not protected and the state had served private interests while undermining the prospects of a decent life for future generations. It was a rebellion against a hijacked future, malfunctioning governance, and an establishment that used a toxic mixture of austerity and public-private arrangements to generate short term profits for the political cast while leaving citizens with huge debts. In many of these cases, citizens were caught between bad governance of public property on one side and aggressive privatisation on the other.

These also have severe political implications in cases of private-public partnerships, where political elites use their privileges to expropriate resources of public value (often strengthening their social and economic status as a result) while leaving behind huge debts and risks linked to unsustainable projects. This systemic pattern was repeated countless times in the region, with the results impoverishing citizens and diminishing their capacity for political activity.

THE EMERGENCE OF A COMMONS NARRATIVE

While discontent and anti-establishment politics were the logical consequences of such behaviour, there were other, more intellectual and constructive, implications that led to a recognition of common aspects. Most of these struggles shared, at their starting points, a very general and vague idea about care and concern for common goods, linked to ideas of safeguarding public interest, prevention of privatisation or devastation, and a demand for a different, generally more democratic governance. However, gradually a narrative on the commons began to emerge, although as a work in progress at both the theoretical and practical levels across Europe, which contained both motivating and mobilising power and which, at its core, went beyond the ideology-infused false dichotomy between the state and the market. Part of the power of the commons lay in its promise to mobilise and organise society around the principles of sustainability, equity, and collective control at all layers of governance.

More specifically, on the one hand, in some Western European countries, the commons

THE COMMONS ARE SPACES OF CONFRON-TATION, SINCE THEY DISRUPT EXISTING DIVISIONS OF POWER

usually present a model to escape the determination of either the state or market for communities and individuals that aim to create and maintain their alternative universe outside of politics. In South Eastern Europe, on the other hand, it appears that the commons are (particularly in the first phase) spaces of confrontation, since they disrupt existing divisions of power and penetrate into the political territory of the state at local or national level.

The idea of the commons shared by movements and initiatives across the region therefore resonated with those who recognised that the vacuum between the limited powers of the state and the emerging powers of the market can be filled by those forces that will demand a deep transformation of the governance regime in the direction of more egalitarian and sustainable societies. This was not about escaping political realities through the creation of alternative governance models in their neighbourhoods but, on the contrary, about applying these principles to the governance of public goods and the commons. Despite not being a political alternative at first glance, they are heralds of forthcoming political alternatives that can transcend state/market dichotomies and constitute a societal counter-power, which is challenging the "business as usual" approach. Eventually, with the commons as one of the core ingredients and drivers of social change, we might see an end to Thatcher's famous 'There Is No Alternative' (TINA) which, decades after it was first coined, is now being sold across the European periphery.

PROGRESSIVE PERIPHERIES PROTECTING PEOPLE

Since the 2008 crisis unfolded and with it striking power inequalities (when private banks' losses were socialised, compensated by public funds), the notion of a mythical journey of transition to a market economy as we knew it faded away, even in countries of South Eastern Europe. The region has remained almost in another time zone, exposed to violent acts of modernisation, mediated through debt increases, and further pauperisation. In order to grow, which remains a mainstream

imperative across the region, investments are needed which are then accepted through a fast track procedure, without public consultation. Very often, local elites play the role of middlemen for their own interests, burdening future generations, threatening their life conditions, their access to resources, and the public budgets in which there will be fewer and fewer funds for education, health or housing, due to debt and interest repayments. In reality, investments in all these cases were not meant to improve the living conditions of communities but to increase consumption or to mirror the social inequalities through the creation of luxurious zones. Under pressure, local proponents of the neoliberal agenda are pushing forward with their systemic plunder and privatising of the remaining natural resources and public infrastructure.

THE COMMONS PRESENT PRINCIPLES THAT BRING BACK COLLABORATION AND LOCAL PRODUCTION TO THE REGION, AND SHOW THE WAY TO AVOID THE DETRIMENTAL PATTERNS OF THE CAPITALIST SOCIETIES OF WESTERN EUROPE

In such a context, the commons both as a concept and as a practice resonates not only with the limited but valuable experience of self-management during the Yugoslavian era – common to most of the countries in South Eastern Europe (SEE) – but also with the perception of a new and fresh alternative which challenges the false choice between privatisation on one side and the usurpation of public goods on the other. Although an unfinished theory, the commons appear to be a core idea of reclaiming fundamental goods and democratic processes and spaces needed for ensuring equal access and distribution. As such they are able to stake out a political ground in which people will be protected, thus challenging state capture in this corner of Europe.

However, achieving this might not be so easy, as the struggle neither begins nor ends in the SEE region alone. Whilst the citizens of Western Europe have been exposed to TINA for at least a few decades, the South Eastern side has only witnessed these patterns in the last decade. TINA was often smuggled in through modernisation agendas which aimed to convince the authorities that they needed some sort of investments in order to liberalise the market or modernise certain sectors to "catch up with global markets". In this sense, the neoliberal expansionist agenda has used both the "rule of law" and the "right to development" to justify their profit-seeking orientation, in opposition to sustainability, fair access, and community-led control or democratic rules. All the aforementioned

cases, along with many others, share a common neglect for the local community, the achievement of modern urbanity, and the abuse of public interest. Not surprisingly, the magnetic power of such arrangements has forced governments in the region to compete to attract strategic investments and amend their legislation to fit all demands, often legalising or even institutionalising plunder in the process (most of the countries in the region have introduced special Laws on strategic investments which were in some cases anti-constitutional, discriminatory or anti-democratic).

In this way, both people and resources in the region were exposed to unregulated markets in which they were pitted against one another, chanting the mantra of free economy, while at the same time leaving behind the abundant potential for cooperation that existed in a region that was torn apart by nationalists' agendas in '90s. This was not only down to markets; governments and societies also played their part in this race to the bottom. The commons present principles that bring back collaboration and local production to the region, and show the way to avoid the detrimental patterns of the capitalist societies of Western Europe, while restoring trust and capacities for social reproduction. They also present a claim for community and new citizenship that goes beyond national, religious, racial, gendered and cultural definitions.

In this context, the notion of European integration was widely abused to undermine the rule of law and basic human rights protection standards, whilst at the same time preparing the ground for justifying unpopular – but now legal – manoeuvres of government that will open to the door to liberalisation. Liberal constitutionalism has therefore proven to be an insufficient instrument for the protection of citizen rights, whereas the commons appears to counter the continuity of plunder that manifests itself through systemic attacks on labour and on nature, further decreasing quality of life. In this context, coming back to the idea of the commons and its collaborative principles seems to be not only subversive, but also to represent an act of non-compliance and disobedience in the face of these rules of economic behaviour.

A BOTTOM-UP PUSH AGAINST THE RACE TO THE BOTTOM

The commons holds a distinctive political significance for many progressive social forces in the region, which, through their demands for social control of resources, constitute a counter-power and mobilise citizens, thereby also transforming governance structures and social relations that sustain business as usual of privatisation and commodification. Looking at some struggles, such as in Zagreb, Pula, or Belgrade, which directly opposed the commodification of public and natural

THERE ARE MORE AND MORE CASES WHERE PRIVATE PROPERTY CAN BE INSTRUMENTAL IN PROTECTING SOME OF THE CULTURAL OR NATURAL COMMONS

resources, the commons in that sense might precipitate the next wave of democratisation to fill the vacuum between state and market. In this case, the commons appears to be both formative and instrumental in establishing political powers aiming at social transformation in line with principles of sustainability and equality. The next steps would be to envision a new institutional architecture with distinctive organisational cultures, rules and customs that would ensure collective control, fair access, and deeply embedded democratic principles in governance models.

While financialisation and further neoliberal expansion in the region of SEE represent just another building block in the continuity of plunder, the current political momentum or shift to the right across the Europe indicates that capital is mobilising right wing forces to protect business as usual and even deepen the inequality gap. This slide into authoritarianism has to be challenged by a radical opposition rooted in social power that calls for radical democratisation of the state through the principle of the commons and against the suspensions of democracy and rights introduced to defend capitalistic institutions against demands for redistribution and equity. One of the strengths of the commons is that it provides private property alternatives, going beyond the public and private binary. This prevents us into falling into the ideological trap that commons go against private property, since there are more and more cases where private property can be instrumental in protecting some of the cultural or natural commons – with fair access, social control, and sustainable use as a basic criteria.

Moreover, the commons can be identified as a promising driver of change in this part of Europe due to specific circumstances and historic trajectories. The notion resonates deeply with a legacy of experimental self-management during the Yugoslavia era, and with the traditional management of natural and cultural commons that had previously maintained ecosystems and communities for centuries. Paired with

more recent notions of urban and digital commons, the story of the commons offers an almost complete and radical re-organisation of conditions for the reproduction of life and society, particularly of labour and nature. The commons are, to large extent, already rooted in societies and therefore appear as a logical narrative during struggles, but also as a foundation for building new ecosystems of governance and institutional architecture. While they are obviously final the frontier of social reproduction, new momentum lies in their political and social mobilisation and their transfer to the institutional and governance field.

For all its limits and the debates it triggers (particularly in relation to scale), the commons might still be a concept fit for the future. It challenges current unsustainable and dehumanising patterns of distribution, production, and consumption, and demands the transformation and diversification of governance regimes. After all, it appears to be an important platform to bring together the political forces that challenge the shortcomings of the investment-oriented model that is re-directing growth from local people towards financial markets. Institutions of collective work and collective action created in '70s Yugoslavia appear to be worth revisiting and upgrading in a bid to create a new institutional architecture.

VEDRAN HORVAT
is managing director of the Zagreb-based Institute for Political Ecology, a think tank that aims to connect environmental and social justice through research and advocacy.

CONSTRUCTIVE CONFRONTATION OR CONSTRUCTIVE TENSION

THE STATE AND THE COMMONS

AN INTERVIEW WITH
DANIJELA DOLENEC, HILARY WAINWRIGHT, TOMISLAV TOMAŠEVIĆ, MICHEL BAUWENS, JOHN CLARKE
BY **VEDRAN HORVAT**

'Tipping Points' was the title of the Institute for Political Ecology's 2016 Green Academy, which brought together academics, politicians, activists and experts from a range of fields to discuss the commons, degrowth and climate justice and examine how these intersect. During the event, several speakers came together to discuss the commons as a reflection of the politics of the day and as a response to the failure of the state and the market, as well as its potential to harness real power and drive political change.

VEDRAN HORVAT: What exactly do we mean when we talk about the commons and the state today?

MICHEL BAUWENS: In European history, I would say that there are two competing visions of the state. One is a state-centric society as what existed in Eastern Europe, where the state is the primary driver of everything. The other model, which became dominant, is the market state that creates the conditions for the neoliberal market and the private sector to thrive. And I think we can oppose to these two options a state which is at the service of the commons, where the commons are the means of value creation for citizens. It would be a civic-centric state, a facilitating state, an enabling state, an empowering state; one that is actually at the service of the citizens, and sees itself that way.

JOHN CLARKE: The question about the state and the commons begs another: is it possible to rescue the beautiful vision of the state as the collective interest, the common good, and the public interest? That has always been a very powerful set of images about what the state is. The lived experience of states is more nuanced and more perturbing than

that, because states are also disciplinary, containing, shaping, and making sure that people behave properly. And citizens' relationship to the state is therefore about that strained tension between what they desire and the grim reality. The commons re-emerges today bearing the question: could we rescue that image, that fantasy of doing things together well, and is the commons a means to do so?

DANIJELA DOLENEC: The way I see the relationship between the commons and the state is what contemporary social movements and struggles make of this relationship, how they use it, and what its political potential is. I see at least two important elements: one is about ownership regimes, because at a very basic level, the commons discourse and imaginary help resist commodification and privatisation carried out by the neo-liberal state today. But more importantly than that, as we know from commons theory, it's not so much about who owns what, but about governance regimes, so it's essential to claim decision rights and move towards participatory and more inclusive governance regimes.

HILARY WAINWRIGHT: I think the key feature of the present political situation is the development of movements often associated with new political parties, or, in the case of Britain for example, within and without the traditional Labour party. These movements are not just about protest and demonstrations, they reflect the alienation of citizens from the political process, including parties and the state. They reflect a process that's gone on since 1968, which is citizens asserting themselves as knowledgeable, productive actors. The logic of alternatives created in the here and now and the refusal of existing relations, based on the presumption that things could be different, is continuing today through the environmental movement, energy cooperatives, community gardens, alternative care systems, and so on. What the commons captures is that notion of self-organisation and the creation of a material force, autonomous from the existing political sphere. And this is where the participation element comes in, based on the notion of people as knowing citizens. Citizens are alienated from the way the state treats them, as mere cogs; a statistic.

TOMISLAV TOMAŠEVIĆ: I think the commons are important as a new narrative that goes beyond the dualism between state and market as the only institutions for collective action and shared prosperity. Both are in crisis and see their legitimacy increasingly eroded today. Commons come in as a new narrative, showing us that it is possible to have collective action which is not based on market exchange, nor on a disciplinary, hierarchical, paternalistic approach implemented by the state. Outside the sphere of the state, the commons provide an autonomous counter power, which gives way to a sort of re-discovery of collective

practices of managing the resources. Commons are kind of re-discovering the co-governance – or self-governance – potential of the people, and this hopefully could also be extended towards the state, through types of co-management practices between the people no longer acting as customers or subjects of the welfare state, but more as co-producers or partners.

VEDRAN HORVAT: Can the state and commons work together? Can the commons have a transformative role for the state as a governance regime?

TOMISLAV TOMAŠEVIĆ: Conceptually, it's easy to put things in categories and say that there are three completely separated domains, which are the commons, the state, and the market. The reality is obviously much more blurred. The relationship between the state and the commons will depend on who holds state power. If the configuration of political power is favourable, the state can be used to protect and support the commons through the means of redistribution. The commons cannot work if cooperation with the state is not one between equal participants i.e. a fair relationship, and redistribution in return is what enables the commons as practice. And I think that where commons can be applied practically, this can lead to some kind of transformation of the state and its practices.

MICHEL BAUWENS: For me, the commons are a response to market and state failure; to a systemic crisis in which the extractive nature of the current economic system is endangering the planet. It is actually a new value regime and it is not the first time this has happened. For example, Europe between the 5th and the 10th century was a plunder economy; it was roving tribes trying to conquer territory from others, and then in the 11th century, we see the emergence of free cities, guilds, and commons as a new value regime. And so I think this is what's happening now. And this value regime needs a set of services and enabling mechanisms that only an institution like the state can provide, so for me it's not just about making the state better, but more like a conquest of a new value regime and the social forces that represent it. So it's a struggle for a vision of the state and I think that's the kind of moment that we are in.

DANIJELA DOLENEC: There is a specific tension between the commons and the state. Often in discussions around the commons comes this idea that it is a third domain, outside the state and market. But that's a very non-conflictual, Tocquevillian, conception – as if the commons would grow and capitalism would wither away. But that's not the way it goes, because in societies there are conflicts over how things should work and there are different interests. So I

would say that I see the commons as politically useful when confronting the state, when it's making claims as to how it should be reformed; rather than just thinking about separate autonomous zones which will grow out of themselves and become more powerful than the state.

VEDRAN HORVAT: Danijela, do you think that confrontations surrounding the commons are already present and challenging the state?

DANIJELA DOLENEC: Yes, absolutely. I would definitely interpret at least some of the contemporary social movements as struggles for the commons. Even if they are sometimes using the old vocabulary of the 'public', they are politically articulating another model than that of state versus market society.

AT A VERY BASIC LEVEL THE COMMONS DISCOURSE AND IMAGINARY HELP RESIST COMMODIFICATION AND PRIVATISATION CARRIED OUT BY THE NEO-LIBERAL STATE TODAY – D. DOLENEC

HILARY WAINWRIGHT: I think it's really important to see the commons as a different kind of power to the power of the state. The traditional power of the state is the power of domination. Then there's the power of transformative capacity, which stresses the autonomy and the creativity of popular forces. But it's a potential, not yet a reality. In a way, the role of the left and organisations like the Institute for Political Ecology (Croatia) is to nurture that potential and to build capacity. I think that alternative parties and movements will never win just through electoral politics, nor through insurrection. There has to be a link with an emerging, alternative paradigm, something akin to Michel's new regime of value.

DANIJELA DOLENEC: I think the theory of the commons importantly brings, to the Left, a focus on sustainability. During this Green Academy, we discussed the Left in Bolivia, a classical redistributive Left with its successes but also its failures, given its base within a productivist, extractivist paradigm. Politically advocating the commons produces a dual imperative – to abandon productivism and to have a broadly egalitarian, not just redistributive, approach.

VEDRAN HORVAT: Globalisation is seen by many as serving neoliberal economic expansion, and Europe is seen to be an actor in that process. Can the commons help bring about change or an alternative to this within the institutions and Member States of Europe?

JOHN CLARKE: I think we live in a moment of profound failure. And one critical dimension is state failure in relation to serving both the planet and its people. And it's both a moment of opportunity for the commons and a moment of great danger. States are endlessly searching for innovation and better, cheaper, and faster ways of doing things that states are supposed to do and fail to do. So a whole range of things called public services are now open, not just to commercial exploitation but also to community interest and organisation. All those state failures constitute a growing moment of desperation but also potentially a moment of possibility in which the state might become a resource condition for generating more new things.

MICHEL BAUWENS: Gramsci said that crisis exists precisely in the moment in which the old are dying and the new cannot be born, and that it is in this interregnum that a great variety of morbid symptoms appear. I think if you look at the growth of the radical Right today, we are in exactly the same kind of period as the 1930s. If you go back to the 16th century, there was a period where the nation state wasn't quite there yet. You had the Hanseatic League, the free cities in Northern Italy, so basically a period where there wasn't a dominant form yet. And I think we are in a similar period today, and we have to look at the seed forms, without really knowing which of these seed forms might become the answer.

HILARY WAINWRIGHT: If you look at things emerging on the ground, I think a very effective transnational struggle has been the one against water privatisation in Europe. Key to that has been the notion that there is an alternative way of managing water that overcomes corruption, inefficiency, bad quality, etc. To think that, even whilst remaining public, the management of water would be improved through democratisation has been crucial in developing a very confident and democratic transnational movement. This even led to change at the European level; a constitutional change to build water as a common good, which is not insignificant.

DANIJELA DOLENEC: The political decay that we are living in and the rise of the far-Right is just another way of saying something about the failure of the Left. I think the commons discourse can help advance a politics of the Left for for the 21st century. In my work, I've used Foucault's concept of a 'socialist governmentality' to shift focus onto figuring out a new state rationality and the purpose of a collective project, but also as way of govern-

ing principles that this would be based on. Material sustainability and a broader conception of egalitarianism sounds nice and easy, but doing it, and transforming it into a governmentality principle, is the imperative of the Left.

VEDRAN HORVAT: Is there a political momentum today for the commons in Europe? Where do the commons get the most of their leverage and what is their relation to power?

MICHEL BAUWENS: I think the city level is where the commons are most embedded at the moment. If you look at the experience of Barcelona, at Seoul in Korea, at Frome in the UK or at Grenoble in France, at the Co-Bologna experiment in Italy (as well as Co-Mantova, Co-Palermo, Co-Bataglia) – these represent a poly-centric governance model where policy-making is actually done at the grassroots. level. It empowers citizens' groups to make policy proposals. I think this is very radical, even though it's also very pragmatic. Policy-making is opened up to citizen collectives, while the city becomes an enabling mechanism to realise these projects. Cities cooperate in new ways through a new translocal urban level that didn't exist before. So, for example, 40 cities worldwide have coalesced to regulate Uber and I think it would be worthwhile to actually start mapping these initiatives. The same with fighting climate change and the coalitions of cities going much further than the state level. Another level is what I call 'neo-tribes' – mostly knowledge-workers travelling around the world, working from different places, and creating this whole infrastructure of global cooperation in physical places, like co-working and fab-bing[1]. So, give that another 10-15 years and we'll have different types of transnational structures, like guilds of the Middle Ages. There are a lot of forces on the ground doing urban gardening, using fab-labs for co-working, alternative currencies, community support of agriculture… These people *are there,* but I don't think they are sufficiently mobilised for political projects.

ALTERNATIVE PARTIES AND MOVEMENTS WILL NEVER WIN JUST THROUGH ELECTORAL POLITICS, NOR THROUGH INSURRECTION. THERE HAS TO BE A LINK WITH AN EMERGING, ALTERNATIVE PARADIGM – H. WAINWRIGHT

TOMISLAV TOMAŠEVIĆ: A lot of cooperation and participation is happening at the local level because the nation-state is not equipped to support that kind of governance regime by

1 Defined by Kraftner.com as 'crossing the boundaries between the digital and the physical world by using various tools of computer controlled fabrication like 3D-printers, lasercutters, CNC-machines and the like.'

the people. And the European supranational level is even more bereft of capacity to act and is less accountable, given its mass and tyranny of experts. But, personally, I don't see any other way but trying to change these governance regimes, especially the state. Without that political struggle to change state practices, I don't think we can bring commons and new alternatives to the fore.

DANIJELA DOLENEC: Contemporary social movements are relying, in part, on the discourse of the commons, but are struggling to articulate this as a political platform. For example, the Greek case of Syriza was focused on the state, while the Spanish example is more bottom-up. Syriza's attempt was an obvious failure while in Spain it seems to be more polycentric and more decentralised, and therefore opening up more possibilities. In addition to that, the failure of the Left towards its social base, namely the working class, but also now towards the middle class, raises the question of youth and whom they support. I think city politics – the city being symbolic of the over-commodification and the privatisation of public space – has a lot of potential because the city is also a space where the alternatives are quite visible and open to participation. Politically and concretely in terms of action and programme, I think the city as a space is a good first step, rather than immediately focusing on the state.

JOHN CLARKE: I think we need a discussion about power. The idea of "taking power" is an old Leninist inheritance. The idea that power is concentrated in one place, and that after seizing power we will run things, is almost funny. It's actually worth thinking about the way power is simultaneously constituted, concentrated, and distributed. And one of the most important things about the commons, and related movements, is that they leverage distributed power. They might not move to the centre of the state and dismantle it and reorganise it, but they certainly reconfigure its distribution, within and across particular places. The commons *per se* is not about seizing power, but it provides a language and it's meant to cover a hybrid sort of reality, pointing to a new material base for transformative politics, just as the union cooperative structures were the material base of the old Left parties and gave them both longevity and a source of material power. We're not trying to fetishise the commons, but there are people undoubtedly creating new collaborative, mutually beneficial forms, and these new parties have got to break with the old and presumptuous institutions to create the space for the commons. It's about changing the mentality, so that the commons can be understood as a creative and material force – which is a necessary condition for any political change.

VEDRAN HORVAT
is managing director of the Zagreb-based Institute for Political Ecology, a think tank that aims to connect environmental and social justice through research and advocacy.

DANIJELA DOLENEC
researches democratisation and the political economy of Europe. Her book Democratic Institutions and Authoritarian Rule in Southeast Europe won the 2013 National Science Award in Croatia. Her recent work includes 'Exploring Commons Theory for Principles of a Socialist Governmentality' (Review of Radical Political Economics 2016, with Žitko)

HILARY WAINWRIGHT
is co-editor of Red Pepper, a popular British new left magazine. In 1982, she worked as Assistant Chief Economic Advisor to the Greater London Council (just before it was abolished by Mrs Thatcher) when she founded the Popular Planning Unit as part of the Industry and Employment Branch of the Council.

MICHEL BAUWENS
is a peer-to-peer theorist, writer, and the founder of the P2P (Peer-to-Peer) Foundation, a global network of researchers, activists, and citizens monitoring and promoting actions geared towards a transition to a Commons-based society.

TOMISLAV TOMAŠEVIĆ
works as Programme Director of the Institute for Political Ecology. He holds an MPhil in environment, society and development from the University of Cambridge. He has been involved with youth, environmental and urban movements in Croatia and the Balkans for the past 15 years.

JOHN CLARKE
is Emeritus Professor at the UK's Open University and a Visiting Professor at Central European University in Budapest. His work explores conflicts around social welfare, the state, and citizenship.

URBAN COMMONS' CRITIQUE OF OWNERSHIP INSTITUTIONS

AN INSURRECTION ON THE WAY?

ARTICLE BY
DANIELA FESTA

Global dynamics play out in cities through two dimensions: finance and real estate, both of which have triggered highly varied forms of commodification of urban space. This is not a disembodied process, but rather is embodied through specific and differentiated instruments. Italian examples are significant because of the extent to which they are able to demand new forms of belonging from the various neoliberal proposals, but also in how they push to the forefront the 'common' aspect that already exists in policies.

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LA CRITIQUE DES COMMUNS URBAINS AUX INSTITUTIONS DE LA PROPRIÉTÉ : L'INSURRECTION QUI VIENT ?

Les expériences italiennes de la gestion des communs urbains doivent leur intérêt notamment à la capacité qu'elles ont à faire ressortir l'élément de « commun » déjà présent dans les politiques.

In Italy, a process of 'commodification' began in 2011, with national assets (industrial and banking) being sold off, and it continued with the privatisation of local services via the conversion of nationally and municipally owned corporations into capital companies that were sold – either in whole or in part – to private entities. In 2002, the Italian budget called for the dumping of state assets, including cultural heritage. Shortly thereafter, this was extended to the assets of local authorities too.

Cities proved unable to stave off uncontrolled urban expansion or to remain immune to the pressure of big real estate lobbies. The progressive suspension of urban planning regulations triggered the commodification of land: land use plans generally lost their ability to guide urban development in the direction of the general interest, which had an effect on public space as well. Take Rome, for example. A portion of the Villa Borghese has been privatised, and the Colonna Gallery (today Alberto Sordi Gallery), a historic passage, has been turned into a shopping mall. In Florence, whilst Matteo Renzi was Mayor, Ponte Vecchio, in the heart of the historic centre, was let for a private event (2013); and

Piazza Ognissanti for wedding receptions (in 2013 and in 2015). In these instances, public space is rendered inaccessible to the public to fill the coffers of municipal government.

Management of public services (including transport, postal services, and, for a while, even waste collection in Italy) has shifted to a multitude of public-private partnerships, spurred on by European policy. More generally, the public sector and the private sector have moved towards heightened convergence across the board. Public property is now oriented and organised according to what is considered to be the be-all and end-all: private property. Finally, austerity policies in the post-2008 crisis period sparked a whole wave of privatisations, which has affected access to goods and services. This has reduced access for an ever-increasing portion of the urban population, raising the issue of urban commons.

GENERATING SOCIAL VALUE

Cities can both facilitate and hinder the establishment of the commons. On the one hand, diversity and density are fertile ground for rallying people to test new social strategies. On the other hand, the anonymity, indifference, and individualism that characterise urban living can erect significant barriers to 'commoning'. It is useful to analyse urban commons to contemplate what might contribute to shifting the discourse on cities, and local and regional areas, in the era of the dissolving nation state. In fact, contrary to the economic theory of access to so-called rival resources as applied to the commons, Garret Hardin and Elinor Ostrom – albeit through two different angles – have shown that the urban commons are actually not in competition and that value (both in economic and social terms) actually increases through intensive use of the good. But what makes a resource *common* in cities?

Observing urban areas tempers idealism from at least two points of view. The city exposes the ambiguity of the commons, which are not really commons, prior to being defined as such. Commons emerge every day in cities, every time individuals make daily efforts to maintain the cultural, ethnic, and social character of their neighbourhood. It is those very same individuals who feel doubly dispossessed by speculation, which inflates real estate prices based on the uniqueness of the neighbourhood that is established and then pushes out the very people who gave the neighbourhood its character. The commons are not simply produced by widespread grassroots cooperation, or by a push for solidarity and emancipation.

In a biopolitical – and not just predatory – logic neoliberalism itself often produces the commons. In Great Britain, so-called 'Business Improvement Districts' – managed by a combination of real estate developers and business interests – develop public space

much like an open-air shopping mall. They integrate various living necessities and services, and then facilitate the commodification of the space through the use of video-surveillance systems and unilateral rules, which are deemed necessary to uphold public safety and protect the property. Bicycle-sharing services, which are becoming increasingly widespread in European capitals are another great example. At first glance they appear to be a service for the commons, yet on closer inspection they are revealed to be a fundamental privatisation of urban space: the monopolistic hoarding of advertisement space. The list of ambiguities at play in urban areas goes on and on: from gated communities to shopping malls, the land grab of urban space is running rampant in cities where, faced with community use, the objectives of redistribution are completely absent or declamatory.

In the 1970s and '80s, the issue of the commons seemed closely linked to the scarcity of resources, demographic growth, worsening poverty and were a part of a paradigm of linear progress supported by state-led corrective policies. Beginning in the '90s, an intellectual shift alongside critical and ecological practices began to question the ideal of *homo economicus* at the heart of this theory. It was this ideal which legitimised privatisation as a solution to resource scarcity. Suddenly, it faced opposition through a demand for deep change and the abandonment of neoliberal dynamics. There was an increased rejection of the mechanisms of enclosure and the dispossession of the commons – tangible and intangible – within the microphysical space of urban and cognitive capitalism. In this way, the commons can be seen as driving a radically counter-hegemonic process, precisely because they lay bare these dynamics of expropriation whilst establishing another paradigm: solidarity and cooperation.

OWNERSHIP VERSUS COLLECTIVE USE

The way in which we conceive of the public sphere sheds light on the way capitalistic and non-capitalistic activities are intertwined in contemporary economies, the latter having been rendered invisible by the dominant discourse. Yet ownership is at the very core of the neoliberal agenda, and when we begin to question it in urban practice, it begins to seem more and more like a set of politically and empirically diversified relationships, and one that can be radically rethought.

Neoliberal urban policies have often portrayed ownership as an emblem of order and stability and for strengthening the role of institutions. Today, however, there is an ever-increasing recognition of the practices of direct management by citizens. Nonetheless, urban commons are not just a response to capitalist accumulation; they are themselves

URBAN COMMONS ARE NOT JUST A RESPONSE TO CAPITALIST ACCUMULATION; THEY ARE THEMSELVES PRODUCTIVE

productive, establishing a new language, new relations, and unexpected encounters between social and individual practices. Urban commons take form from the practices of commoning, not simply through the legal recognition of a good or a place as a commons, though that is a necessary and desired step. They do not merely reflect a set of defensive space use practices.

The *Ex-Asilo Filangieri* in Naples illustrates how the rhetoric of the social function of ownership is put to use to deconstruct the dichotomy of public as opposed to private ownership. After three years of discussion and experiments within the community, the *Declaration of civic and collective use of the Asilo* was drafted. The *Asilo* is a historic preservation building that had essentially been abandoned. It was registered administratively by the city of Naples and the community for whom it is a commons is an informal community of 'intangible workers'. Its orientation is strictly focused on accessibility, collective use, and participative governance so that the urban commons does not retreat back within the confines of belonging to a specific community or becoming seeped in a dynamic of dichotomy between those governing and those who benefit. The commons thereby becomes a non-static entity: it is more a verb which defines a way of governing and access, than a place or an asset.

The *Rodotà Commission* in Italy was crucial in defining the commons as "goods that are an expression of functional utility in exercising fundamental rights and the free development of the individual." Charged with drafting new legislation on public property from 2007 to 2008, the Rodotà Ministerial Commission was the first to provide a legal definition of 'the commons'. The Commission listed natural resources, including the air, rivers, lakes, forests, fauna, natural preservation areas and cultural goods commons, as commons that must not be subject to the market and must remain accessible to all. Rodotà makes clear that the essential point is not who has

ownership but who is involved in the management and given access – how stakeholders in involved in the major decisions that affect them. Commons are indispensable for the market; an instrument for advancing citizens' rights; and belong to everyone. Therefore, an important distinction is made between the appropriation of public space and access to use, with precedence being given to the latter. There was no legislative follow-up to this, but nonetheless, the draft bill fed greatly into debate and citizen action in Italy.

WE ARE SIMULTANEOUSLY STAKEHOLDERS AND GUARANTORS

The subject of the commons does not just relate to a necessary restructuring of property rights. It also questions contractual relations and obligations between subjects for the realisation of some common interests. Practices have emerged that reinvent social institutions in a very original way – i.e. devoid of nostalgia. Urban commons are heterogeneous – non-predetermined, but organically established – communities, dynamic social institutions with the purpose of expanding citizenship, rather than restricting it to a certain land or blood community. Urban commons are accumulations that are passed on to us and processes in which we participate directly and productively as residents. We are simultaneously stakeholders and guarantors.

In cities we observe that relationships with premises are circular and reciprocal: a place, such as a theatre or a garden, is defined by those who appropriate it and care for it through complementary practices and vice versa. This reciprocity is not contained within a select closed community. This dynamic of openness and fluidity is a major factor in concrete experiments pertaining to the commons. Several municipal charters on commons have included articles that encourage the establishment of institutions (foundations but also entities such as a *Community Land Trust* to manage community housing) which have general objectives and third party beneficiaries that do not include those who initially agreed to their establishment. It is more of a sea of institutions than a land of property.

A CONCEPT GAINING GROUND ACROSS ITALY

The Rodotà Commission's draft launched the debate on the commons. Since, further examples of 'commoning' have emerged, following the extraordinary success of the referendum on the privatisation of water in 2011 (26 million votes cast). The concept of the *urban commons* (i.e., urban goods and places such as roads, gardens, theatres, cinemas, libraries, etc. that constitute fundamental "resources" for the res-

idents of the city) was integrated into the Italian legal code through a regulation adopted by the City of Bologna and through several decisions taken by the City of Naples. Since then, a more homogenous charter of urban commons has been disseminated in Italy and promoted by Labsus[1]. The charter focuses on "citizen-administrated collaboration for the maintenance and regeneration of urban common goods."

These regulations apply to tangible, intangible, and digital goods that belong to the public sector. The following are promoted: maintenance and participative regeneration of goods "by the citizens and administration, through participatory and deliberative procedures, meeting individual and collective well-being, acting […] to share responsibility with the administration for the maintenance and refurbishment to improve collective use." The last word refers to the public authorities that have the power to unilaterally exclude certain goods, but even informal collectives can present recommendations, recognising the common value of a good and offering to care for it.

'Collaboration pacts' regulate the activities that 'active citizens' develop in concert with the government, which retains its role of selection and coordination. Citizens are asked to intervene directly where local institutions are unable to provide urban services, because of budgetary constraints or risk of default. The philosophy of these relatively new rules of procedure is based more on a top down interpretation of subsidiarity than on a horizontal one. Powers are delegated to local and citizen institutions with a view to strike a strong practical responsibility into citizens, without questioning the traditional mechanisms of power and decision-making distribution.

This rules of procedure model has been progressively adopted by several cities with different adaptations (77 municipalities have already adopted similar arrangements and a significant number are currently discussing them). The Chieri (Turin) rules of procedure stray significantly from the idea of "participation in government and in maintenance of common goods." In this case, the text defends a more egalitarian relationship between institutions and citizens with the goal of facilitating participation in the management, not just in the upkeep. The term 'active citizen' is replaced by 'autonomous subject' or 'civic community'. A model for 'urban commons management' negotiated between the local authorities and citizens is also being disseminated via a measure in an Italian decree called the *Sblocca Italia* law. It bestows the management of a good to citizens who are committed to ensuring its use in a manner consistent with the general inter-

1 http://www.labsus.org

THE END RESULT OF THE URBAN COMMONS WILL DEPEND ON THE ABILITY OF URBAN STAKEHOLDERS TO MAKE CONSCIOUS, AND PRAGMATIC USE OUT OF THEM

est. Tax incentives are offered. A particularly interesting aspect is the inclusion of provisions for citizen plans for the re-use or recuperation of premises, not just upkeep. The prospect of debt forgiveness may give the misleading impression that participation in commons is an exchange, a consequence of tax debt, but this would be far from – even diametrically opposed – to the idea of emancipation that underpins the re-appropriation of the commons.

Applying the rules of procedure that have already been tested in Italian cities, in such a way as to focus too heavily on a culture of administration, may risk "relativising the state," specifically in the Italian context where, along with the state, the local authorities are the embodiment of the traditional institutions. If subsidiarity were to be enacted with few resources being transferred, with no accompanying decision-making power or ability to bring cases before the courts, this would create a situation of great asymmetry in the division of powers. Therefore, it is important to establish the right tools to enhance the role of those involved in the management of the urban commons and to place them at the heart of decision-making. The end result of the urban commons will depend on the political will of the local authorities, but also on the ability of urban stakeholders to make conscious, sound, and pragmatic use out of them.

ADAPTING THE CONCEPT OF URBAN COMMONS THROUGHOUT EUROPE

The commons have developed in close contact with similar international networks of experiments in the area. At the outset, over the course of the last 20 years, this was essentially an underground movement of environmental and anti-globalisation movements. The commons cannot be apprehended as a strictly domestic phenomenon. European and political figures must focus their work today on supporting the exchange of best practices and know-how in 'commoning', by favouring 'translation' and 'federation'.

Translation, in this case, wouldn't be done by a neutral third party (the translator). Rather, it should be a process that is driven by coalitions of stakeholders who understand the tactical potential of using tried and tested models that have, in some instances, already been adopted by the bravest institutions. To work, this will require a dynamic of federation with a constant back and forth amongst those who have already tested the model to make sure all feel empowered.

This constitutes a strong starting point for embarking on the path, once again, towards a Europe of commons; a Europe able to undertake the transition to using a management and governance model which is alternative, sustainable, and participatory and which enhances the social imagination already at work in the pluralism of commons. All the while, of course, upholding the safeguards necessary to prevent the risk of undermining this, through making purely formal adaptations that – above and beyond declamations – do not meet the need to re-evaluate decision-making and power sharing models and the access to resources and rights.

DANIELA FESTA
is a lawyer, social geographer, and activist. She has a PhD degree in urban and social geography and Post-Doctoral Fellowship in social sciences (EHESS), Paris. She recently joined an European Research Council project at Sciences-Po (Paris) on "inclusive properties". Her main research themes are urban movements and projects, active citizenship, and participatory democracy.

DIGITAL COMMONS

OUR SHARED RIGHT TO KNOWLEDGE AND CULTURE

AN INTERVIEW WITH
JULIA REDA

As the volume of cultural and scientific works produced and available on the internet continues to expand, the question of freedom to consult and use this immense 'digital commons' is becoming a critical one, particularly as cutting off access could entail serious consequences for education, cultural exchange, and even the health of European citizens.

GREEN EUROPEAN JOURNAL:
What is your definition of the digital commons?

JULIA REDA: For many centuries, it was quite clear that there is this cultural heritage that people share, a heritage that is not owned by anyone in particular, but which everyone has the right to access. I think the idea of the digital commons is very close to the nature of this shared heritage; as opposed to physical commons it is about immaterial goods, about knowledge and culture, things that cannot be appropriated by any one person. By this we mean cultural goods that have been in the public domain for many years, and those whose copyright has run out; but also digital commons that were recently created, and then donated to the public domain, by using free licences such as Creative Commons.

In the early years of the internet there were numerous projects that could qualify as digital commons, projects that have defied the idea that people would only put effort into their work if they expected some exclusive personal benefit from it. We see from the example of people who participate in projects like Wikipedia, or people who put their writing online, that personal gains are not the only motivation for people active on the internet. I think people have an innate need to express themselves, and to get recognition for what they have created.

The idea underlying this is that even if a piece of work, writing, or music is created by only one person, it still doesn't belong purely to him or her, because we are, on a daily basis, influenced by our environment, by the works that were written and published by others, and so on. Therefore we cannot claim exclusive ownership of them.

Would you envision a commons-based collaborative economy as the ultimate economic governance regime in the digital world, or could it coexist with different models?

JULIA REDA: It's unlikely that the capitalist exploitation of culture will go away any time soon. But it is definitely not the only way for artists to make a living. There are lots of different explanations about why we have today's copyright regime, and why we have this exploitation of cultural works. But at the end of the day it is all about making money. So I think our future depends on our ability to create different ways of earning a living. Some people are already doing that. The nature of the culture and knowledge economy is changing quite a lot these days, for example musicians nowadays, instead of selling their music, are spending a lot of time creating a relationship with their audiences. It is not just about live tours, but also about giving people the opportunity to participate.

But it is not just about music and culture. In academia, for example, we see that big publishers are monopolising the market of scientific publications, which severely restricts the creation and spreading of knowledge. Can the commons provide an alternative to that?

JULIA REDA: I think the privatisation crisis in the sciences is a result of the broader privatisation of education. I am not talking only about scientific publications, but also about a wider trend of moving away from the idea that education is supposed to be a public good. Historically, the universities in Europe were public, the professors were paid by the taxpayers, and researchers and students were also given a relatively large degree of freedom to explore their own research interests. An apparent change in this idea of education as a public good has been the Bologna reform that shifted university education towards a more organised, market-ready education that serves the needs of employers.

This change has reinforced the idea that the success of researchers has to be measured quantitatively, particularly by looking at where they publish. And the largest and most prestigious publications tend to be closed access journals, such as Elsevier and others. Prior to the internet these publishers were, to some extent, fulfilling an important function in disseminating information, but today their work is rather counterproductive to the

THE LACK OF A WELL-CURATED AND WELL-PRESERVED CULTURAL COMMONS MEANS THAT IT IS EXTREMELY DIFFICULT FOR THE PEOPLE OF EUROPE TO EXPERIENCE DIFFERENT CULTURES

spread of knowledge and the idea of making education a public good. I think organisationally and technologically universities would be capable of building a repository, where the results of all research that was paid by the taxpayer would be made available for free in order to let everyone use them. This is already happening, for example with the arXiv system (a repository of electronic preprints of scientific papers) in theoretical mathematics and physics.

What do the digital commons mean for Europe?

JULIA REDA: At the moment, the lack of a well-curated and well-preserved cultural commons means that it is extremely difficult for the people of Europe to experience different cultures. An average European movie, for example, can be seen only in 3 out of 28 countries due to exclusive licensing regimes.

The exchange of knowledge and culture in the EU has therefore been made difficult. And we don't have legislation that protects the public domain or promotes issues such as creative commons to facilitate cultural exchange between countries. One of the easiest ways to build a common understanding of Europeanness and to build connections in Europe would be through culture. And that's what we are blocking, by making it more difficult for people to exchange their cultural heritage, not to mention sharing, modifying, remixing, and communicating it online.

Is there any support in the European institutions for this idea?

JULIA REDA: On the one hand, there is an Intergroup in the European Parliament that deals with the idea of the commons, which enlists people from a broad range of backgrounds. There are people like me, who are coming from a digital commons and copyright perspective, and there are people who are working on access to medicine, public services, or water. But it is pretty much a project of the political Left in the European Parliament.

On the other hand, the idea that we need greater flexibility in sharing knowledge, culture, and research results has neoliberal proponents. There are people who think of intellectual property as a monopoly, and since they are, from a liberal economic point of view, opposed to monopolies, they would like to shorten the copyright protection terms because they don't think that the intellectual property rights we have today are beneficial for economic development.

Is it possible to build alliances along these lines?

JULIA REDA: Sometimes it is possible. When I was working on my report on copyright reform, in some cases I was receiving more support from the political Left, and in other cases it was more from Liberals and Conservatives. There is, however, a big problem in the European Parliament: the number of people who work closely on questions of the digital commons, and who really know how the copyright regime functions and where the problems are, is tiny. The administrative basis of the European Institutions is incredibly small, the European Commission's size is comparable to the administration of a large city, and the in-house research services available to the European Parliament are relatively limited. Within the tight budget the European Union actually gets we are supposed to make relatively independent public interest policy but due to our limited capacity the European Commission, as well as many of my colleagues in the European Parliament, heavily rely on expertise from interest groups.

How effective can the pro-commons actors be when spreading information?

JULIA REDA: Everybody who tries to influence policymaking in the EU is a lobbyist. And among them there are commons interest groups as well, but they are usually not the ones who have the most influence on policymaking. But there are some notable exceptions: in terms of lobbying, probably the most effective group that is promoting the idea of the commons is Wikipedia. On questions like access to the commons, I am in complete agreement with Wikipedia. But when it comes to the question of net neutrality I take a very different line. Wikipedia has, for example, made deals with some internet service providers in developing countries to give people access to Wikipedia, but not to other online services. That's the big problem: when there is a group that is big enough to influence policy, it will probably also have its own agenda that will not always overlap with the public interest.

What are the most important struggles concerning the digital commons today?

JULIA REDA: One of the most important struggles is to prevent anti-commons privatisation policies from proliferating around the world through trade agreements. I was just visiting Japan for a number of discussions around how to handle copyright requirements that are pushed upon them through the Trans-Pacific Partnership agreement (TPP). A lot of these requirements originally came from the European Union (when trying to harmonise standards). Specifically, they have to extend the copyright protection from 50 to 70 years after the death of an author, but most of the culturally and commercially successful works in Japan, such as a lot of 'anime' series and videogames, are much younger. So Japan has no interest extending its copyright, and forcing them to do so would drastically limit the population's access to knowledge, as the national library is digitalising all the public domain works and putting them online for people to use.

ONE OF THE MOST IMPORTANT STRUGGLES IS TO PREVENT ANTI-COMMONS PRIVATISATION POLICIES FROM PROLIFERATING AROUND THE WORLD THROUGH TRADE AGREEMENTS

Looking at the EU, we also need to overcome the idea that copyright could be the only solution to fix the problems of cultural industries and authors. I think what authors need the most is protection from unfair contracts, or buy-out contracts, that cuts them out from any revenue generated by their work. Currently, we see that there are proposals that would even further strengthen the position of rights holders.

Thirdly, we need to proactively protect the public domain. At the moment, we don't have any definition of the public domain in the law. Basically, the public domain in today's Europe is defined by the absence of things: only things that are not protected by law or international property rights can be seen as part of the public domain, but there is no way or measure to protect that, to make it more accessible to people, or to preserve it for future generations. In some European countries there were even court decisions that said, if a private entity digitises a part of the public domain, it can have the right to the digital version, even though it hasn't created anything, but just made a digital copy of it. So I think we run the risk of public domain works becoming appropriated by private companies.

In some cases the digital commons can manifest themselves as physical entities, for example in the case of infrastructure, but also when it comes to medical devices that need some kind of software to function properly. Can you tell us more about that issue?

JULIA REDA: From an economic perspective, a technology can be most beneficial to society when there is competition. The commons play an important role in ensuring that. If you look at the telecommunications market, in many countries there is a lack of competition, because the infrastructure – such as the fibre networks– is not owned by the municipalities or the state. In Germany, for example, Deutsche Telekom has privatised the copper infrastructure and is basically dominating the market. If the cables were communalised there could be competition around the services that are provided, based on this infrastructure.

Similarly, in areas such as robotics we will need some kind of regulation in order protect public interest goals, such as consumer protection and health care. Let me give you an example: when you have a pacemaker, you are implanting a small computer into your body and the software that runs on this small computer can be treated as a business secret, even though any security problems can end up being physically harmful to you. Today, we have extremely strict medical regulation, when it comes to bringing new physical devices to the market, but so far this regulation doesn't extend to the software on it.

If you want patients to make an informed decision, they need to have a right to know how their devices work. But today this knowledge is not available, the companies can treat it as a secret and this definitely needs to change.

This is very similar to what went on in the so-called "dieselgate" [also known as the Volkswagen emission scandal, which refers to the company's cheating in pollution tests through the software settings of its diesel engines]: the regulators don't require car manufacturers to explain how their software works, and therefore it becomes easy for them to deceive customers and authorities.

This sounds like a question of regulation. Where do the digital commons come into this?

JULIA REDA: The state can require manufacturers to disclose their software, but they are probably not the ones who are going to analyse it. If it is public, there is an opportunity for the public – and also ethical hackers, researchers, and experts – to scrutinise it. There doesn't need to be a commercial motive. It can be entirely motivated by the commons idea. So this is an example of a situation where public regulation can make it possible for the commons to improve the security of a technology that we are using in our lives.

How do you see the fight for the digital commons and digital rights? Is it feasible to mobilise people to take to the streets and demand more respect for the digital commons?

JULIA REDA: To some extent it has worked with the protests against ACTA [the Anti-Counterfeiting Trade Agreement aiming to establish international standards for intellectual property rights enforcement, rejected by the European Parliament in 2012]. But in principle I would say that it is easier to mobilise and protest against something than for something. So I think protests are a good tool to prevent some negative developments, such as trade agreements that would make the situation worse. But to improve the situation, we need a more nuanced strategy. Initiatives that are outside the political sphere, such as Creative Commons licenses, have been very effective in simply demonstrating that there is a different approach, and a different way of sharing culture.

JULIA REDA
is "the Pirate in the European Parliament"; she represents a young worldwide movement of people who believe in using technology for the empowerment of all. She is a member and one of the Vice-Chairs of the Greens/EFA group and a co-founder of the Parliament's current Digital Agenda intergroup. She has been active in the German pirate movement since 2009.

HOW THE COMMONS CAN REVITALISE EUROPE

ARTICLE BY
DAVID HAMMERSTEIN
& **SOPHIE BLOEMEN**

The commons is an emerging paradigm in Europe embracing co-creation, stewardship, and social and ecological sustainability. Commons perspectives could help to reinvigorate Europe with constructive and concrete policy implications on many terrains. However, much of the current dominant narrative of the EU, focusing on growth, competition, and international trade, is in strong contrast with the worldview of the commons. So where does EU policy stand today with regards to the commons?

In May 2016 the European Parliament voted on an amendment for the "recognition of energy as a common good" as part of a report about decentralised local production, the "New Deal for Energy Consumers". While the amendment was voted down by 298 votes to 345 votes, this vote reflects the support of almost half of Europe´s democratic representatives for seeing energy as a common good. The amendment was proposed by the "Commons Intergroup" which is part of the European Parliament´s Intergroup on "Common goods and public services" and is made up of Members of the European Parliament from different parliamentary groups, mainly Greens, the United Left (GUE/NGL), and several Socialists & Democrats Group (S&D) members.

In mid-November of this year, the European Commons Assembly was held in cooperation with that same Commons Intergroup in the European Parliament to promote the establishment of creative institutions and political alternatives, from the local to the European level. In the call for the Assembly, 'commoners' from around Europe stated: "We call upon governments, local and national, as well as European Union institutions to facilitate the defence and growth of the commons, to eliminate barriers and enclosures, to open up doors for citizen participation, and to prioritise the common good in all policies."

Today, however, the predominant discourses that permeate political discussions in the EU and trump all others are economic growth, competitiveness, and efficiency. The majority of EU policy is focused on macro-economic indicators and the promotion of large commercial actors. Citizens are often uni-dimensionally viewed as entrepreneurs or consumers. For many Europeans and for many global citizens the business of the EU is big business and big Member States. There is a growing concern among citizens that decisions affecting the well-being of local communities are often driven by centralised institutions far away with other priorities. In fact, the growing feeling of lack of control is eroding confidence in our political institutions on all levels, often sparking xenophobic and nationalistic movements.

THE COMMONS ACROSS EUROPE

The dominant European policy priorities are in stark contrast with the commons perspective – an ethical worldview favouring stewardship, peer-to-peer cooperation, and social and ecological sustainability. The commons discourse considers people as actors deeply embedded in social relationships, communities, and ecosystems. This holistic perspective also tends to overcome dominant subject-object dualisms and to consider human activity as a part of the larger living bio-physical commons.

Across Europe, more and more people are co-governing and co-creating resources. Whether in small local initiatives or in larger networks, new civic and economic structures are moving beyond the rigid dichotomies of producer and consumer, commercial and non-commercial, state and market, public and private, to construct successful new hybrid projects. The commons use voluntary social collaboration in open networks to generate social-environmental value, in ways that large markets and exclusive private property rights do not and cannot. This enormous value, though it may not be monetised, nonetheless constitutes a significant part of societal well-being in academic research, energy production, nature protection, health, creative sectors, drug development, and digital innovation. However it is largely ignored by EU policymakers and institutions, resulting in the atrophy of such social value-creation or, even worse, its appropriation by large investors and corporations.

Notable examples are community renewable energy, Wikipedia, permaculture, the peer-to-peer collaborative economy, distributed solidarity structures, and open source software. Sometimes local commons initiatives are sparked by the scarcity created by economic crisis, or in response to political powerlessness, or just fuelled by the need for social-ecological connectedness.

THE EUROPEAN UNION IS WELL PLACED ON MANY TERRAINS TO STRENGTHEN, PROMOTE, AND FACILITATE COMMONING ACTIVITIES AND COMMONS-BASED PRODUCTION

Building the commons encourages EU institutions to take a more holistic ecosystemic approach by combining collaborative, participatory, and egalitarian principles with concrete conditionality in favour of social cohesion and environmental objectives. The moral notion of common goods refers to goods that benefit society as a whole, and are fundamental to people's lives, regardless of how they are governed. Certain matters will need to be claimed as common goods politically in order to manage them as commons, sustainably and equitably in terms of participation, access, or use. For instance, natural resources, health services, useful knowledge, or – like the above example in the European Parliament – decentralised renewable energy.

THE EUROPEAN UNION'S RESPONSIBILITY

Due to its central role in policy-making for all the Member States, and its significant funding budget, the European Union is well placed on many terrains to strengthen, promote, and facilitate commoning activities and commons-based production. These initiatives and practices demand more flexible institutional and legal frameworks that at once prevent centralisation of market-power and promote dynamic, collaborative, self-governed civic networking. This includes orienting policy to enhance the blossoming of vibrant and caring local communities. To some degree this also implies stimulating new economic identities, where an individual or group orients their economic activity towards caring for the common good of community and their natural, social, and cultural surroundings, instead of solely towards maximising material interests.

According to a 2015 report published by the European Committee of the Regions, a "commons-based approach means that the actors do not just share a resource but are collaborating to create, produce, or regenerate a common resource for a wider public, the community. They are cooperating, they are pooling for the commons". This means helping people and communities to generate and regenerate urban,

cultural, and natural commons as active citizens, producers, designers, creators, care-takers, local organic farmers, and renewable energy promotors. It also means embracing an open knowledge economy while promoting the Internet as a digital commons based on open standards, universal access, flexible copyright rules, decentralised internet infrastructures, and democratic governance.

KNOWLEDGE POLICIES

With regards to policies on knowledge management, the EU puts great emphasis on what one could call the 'enclosure of knowledge'. This enclosure happens through the expansion of intellectual property protection, both within and outside of Europe by means of trade policies. Aside from potentially spurring innovation and helping European industries, this also results in, for instance, long patent monopolies on medicines and long copyright terms.

The copyright reform discussed in 2016 is of crucial importance to the online information commons. It will determine the boundaries of innovative social value-creation through sharing and collaboration online. Sufficient exceptions and limitations to copyright are essential. For example, allowing for text and data mining would support scientific and academic research. Moreover, assuring the right to link information from one web to another is one of the key characteristics of sharing online.

On the global level, through the World Trade Organisation (WTO), the World Health Organisation (WHO), and the World Intellectual Property Organisation (WIPO), the EU tends to defend the enclosure of knowledge, promoting further expansion of intellectual property rights of all kinds, from medicines and broadcast signals, to education materials and climate technologies. To allow for a collaborative knowledge sharing economy, the EU will have to be more open to socially inclusive and flexible business models that are more compatible with both the digital era and the urgent needs of people, in both the North and South.

The European Commission has made some efforts that recognise the need to share knowledge and embrace the possibilities of the digital age. This is for example reflected in commitments on open access publishing in the context of Research and Development funding, open data in some of its policies, and the exploration of open science. Recently, Members States called for a review of monopoly-extending rules on biomedical knowledge in the area of pharmaceuticals due to concerns over increasingly high medicines prices.

However, these moves towards knowledge sharing remain timid and are not at the centre of EU policy strategies as it remains mostly conformist to the interests of the cultural industries, the pharmaceutical industry, or agribusiness.

THE INTERNET AND THE COLLABORATIVE ECONOMY

The recent establishment of net neutrality in the EU, an essential prerequisite for a free and open internet, marks an important victory. Yet truly promoting an "internet commons" would include supporting a universal infrastructure based on public and community-controlled digital infrastructures. It would need to be structurally disengaged from dominant market positions and include broad non-commercial access to bandwidth in spectrum, and open source software.

In its "Digital Single Market" strategy, the EU continues to allow the centralised infrastructures of giant telecom operators and monopolistic internet companies to control and commodify people's online lives. This is accompanied by the violation of our personal data for indiscriminate political-economic control, and the general extraction of profit from social interactions and peer to peer activity.

As part of the Digital Single Market strategy the European Commission released its "European Agenda for the Collaborative economy" in June 2016. The Agenda deals with issues of taxation, market liability, contractual agreements, and consumer clarity. However it fails to pay attention to democratic structures, social equity, and ecological health – the cornerstones of community-based peer-to-peer collaborative initiatives that regenerate the commons. In contrast, the EU Agenda seems to welcome – with just a few technical caveats – multinational "collaborative" platforms such as Uber and AirBnB despite their extractive, non-embedded nature and their tendency to undermine national laws that ensure fair competition and protect workers. The motor of a commons-based collaborative economy is not just a consumer seeking to possess or purchase a service. Instead the user is often also a producer and/or is involved in the governance of a collaborative platform that is serving social and environmental needs. The promotion of local platform economies requires a different regulatory approach than that currently taken by the European Commission. It requires an approach that understands and acknowledges the value of localised social relations and self-governed technologies, as well as having clear indicators that frame policy within high social equity and environmental sustainability objectives.

ENERGY

The EU can be an enlightened voice and a leader on global climate and energy commitments. Yet, while large energy companies are starting to invest in renewable sources, they may not be best suited for alleviating our social-ecological dilemma, primarily because they have little incentive to reduce overall energy consumption or to prioritise the social engagement of local communities in their commercial operations. At the same time, some climate technol-

ogies that can play an important role in energy transition are often not shared as quickly with developing countries as they could be. This is again partly due to intellectual property protections and a resistance to sharing know-how. In this conflict, the EU fights to enclose climate technology knowledge within UN forums.

In general, the EU's energy strategy promotes large gas pipelines, giant energy infrastructures, and modest CO2 reductions. Despite more and more Europeans producing their energy locally or at home, most proposed European market regulations do not promote community controlled or self-produced renewable energy, do not offer financial risk facilities for community based energy, nor do they defend the right to sell electricity to the grid. While EU policy proposals are often unsupportive of feed-in tariffs or flexible grid infrastructures to support local renewables, little is being done to eliminate massive direct or indirect subsidies to large gas, coal, and nuclear projects.

A large part of the EU energy budget could be earmarked for community renewable projects and compatible infrastructures, with broad citizen participation. This would help optimise resilient energy supply costs through more efficient, short, and visible distribution loops while promoting flexible local energy autonomy. With this approach the EU could "commonify" energy as opposed to the current principal strategy of "commodifying" it.

RESEARCH & DEVELOPMENT AND FINANCING

EU research and innovation policy, such as Horizon 2020, the European Research Council, or public-private partnerships such as the Innovative Medicines Initiative, sadly also continue to allow the privatisation of knowledge generated by EU-financed scientific, technological, and academic projects. Instead, they could try to ensure a fair public return on public investments by mandating conditions such as social licensing, open source research, and open data.

To support the commons in the EU's funding policies would include earmarking significant parts of EU funding programmes with criteria and indicators that give preference to commons-based economic, environmental, cultural, and research activities.

However, through its Horizon 2020 Research & Development programme the EU already funds important projects: Initiatives working on decentralisation of internet infrastructure, such as 'DCent' and 'Netcoms', as well as networks of renewable community energy cooperatives, such as RESCOOPS, and urban commons projects like Barcelona's community wifi, guifi.net. This funding is hugely important and the expansion of such programmes could have a structural impact on our societies. The

requirements and procedures for EU financing and grants could be especially adapted to commons-based projects to accommodate matching funds for peer to peer crowdfunding, municipal or community-based risk-sharing, small-scale, self-governed projects, and sliding-scale administrative demands.

DEMOCRACY FOR THE COMMONS

The deep crisis of the EU and the lack of confidence of its citizens in the European project is to a large extent due to the lack of democracy in all its different forms, whether the lack of transparency, the power of corporate lobbies, the unaccountable role of national politicians vis-a-vis Brussels, or the lack of public debate on policies. People need to feel much more connected and have opportunities to engage with EU policy making.

The defence and regeneration of the commons depends on meaningful strengthening of EU participative policy processes, greater institutional and legal responsiveness to local civic communities, and concrete advances in creating transnational citizen collaborative instruments to influence EU policy. This means, for instance, wider political support for new digital tools that render visible EU political decisions and empower citizen opinions on concrete legislation, such as a recent Green pilot programme proposal in the European Parliament. The European Parliament´s Petitions Committee should be a very important channel for citizen power in favour of the application of EU law in defence of environmental or social standards. Unfortunately, it sorely lacks political backing, visibility, and sufficient resources to respond diligently and responsibly to citizen concerns. The European Citizens Initiative petition process, which was instituted as an instrument for grassroots transnational citizen legislative proposals has been a near total failure due to a series of byzantine processes, and the lack of political will to take it seriously. These institutions need more support, and at the same time the EU has to significantly invest in the creation of additional and innovative tools & institutions for participatory democracy while supporting civic decision-making on local issues.

ALLOWING THE POTENTIAL OF THE COMMONS TO FLOURISH

Pivotal choices about the commons are also being made today in EU decisions about agriculture, climate, fishing, transport, international trade, and financial markets, amongst other areas.

The crisis of the EU begs for new, unifying, and constructive narratives that will crowd out the xenophobic populist right with its demands for democracy and sovereignty. The commons narrative with its emphasis on participative democracy, community,

ecology, and stewardship could reinvigorate progressive politics and contribute to a better, socially and ecologically sustainable Europe. The logic of the commons is able to give clear guidance on policy, and does not sit within one ideological framework of left or right. It does not pretend to be an answer to all our problems. Yet it gives a clear ethical perspective and helps us to understand what happens when people collectively manage and steward resources without the dominant, centralised roles of either the state or the market.

Overall, EU policy objectives and standpoints contrast strongly with the commons approach. The alignment we do see is in some funding programmes and in the knowledge realm where the dynamics of scientific discovery and knowledge creation make this almost unavoidable. What is needed to favour this shift, in addition to strong social pressure from civil society, is a pro-commons shift in the discourses and political proposals of political forces of change such as the greens, and left and social liberal parties.

Due to the general political and economic power relationship within the EU today one cannot expect a major strategic shift toward commons-based EU policies anytime soon. What can be achieved is a significant enlargement of favourable EU policy environments where commoning activities can more easily take root and flourish. ■

DAVID HAMMERSTEIN
is a co-founder of the Commons Network, a civil society initiative based in Berlin and Brussels. He is a former Spanish Green Member of the European Parliament. He has worked as a European and International advocate on issues of access to knowledge, access to medicines, and international trade.

SOPHIE BLOEMEN
is based in Berlin and writes, speaks, and organises on the sharing of knowledge, the commons, and new narratives for Europe. She co-founded and runs the Commons Network. She has worked as an advocate and public interest consultant for various NGOs on health, trade & innovation, as well as on cross-border cultural dialogue for Europe. She is engaged in a number of projects and political processes that explore new, creative institutions and collaborative models.

TAKING BACK OWNERSHIP

TRANSFORMING CAPITAL INTO COMMONS

AN INTERVIEW WITH
MOLLY SCOTT CATO & **UGO MATTEI**

Whether in the natural or virtual world – the wildly diverging ways in which resources are conceived of and managed shows us that a commons-based approach, rather than one following market logics, can lead to dramatically different outcomes.

GREEN EUROPEAN JOURNAL:

What would your definition of the commons be?

UGO MATTEI: The concept of the commons cannot be defined in straight terms; I simply use the following definition: commons are resources managed in the interest of future generations.

MOLLY SCOTT CATO: I agree; it is the use that defines whether a resource is commons or not. Let's take for example the provision of livelihood: you can use your resources to secure the basic necessities, such as food, water, shelter, and clothing in many different ways; if you approach it in a form of 'enclosure for exchange' that means that you have done it in a market way, if you approach it in form of use for subsistence, then you have done it in a commons way.

What is the connection between the commons and ecology?

UGO MATTEI: The connection is pretty straightforward. We are used to living in a legal and socioeconomic system that is based on the extreme individualisation of society; an individualisation that favours technological transformations and capitalist extraction. The way in which this process has evolved throughout modernity is clearly not sustainable, as it assumes infinite resources on a finite planet. Any attempt to change direction, and to create new forms of social organisation requires us to create new intellectual categories. The idea of the commons has been certainly the most promising effort to overcome the capitalist mindset.

MOLLY SCOTT CATO: In the market model, resources are privately owned and scarce, while a commons model adopts a framing in which resources are abundant and shared socially. The reason we want to shift from the market model is that once you enable the enclosure of resources and their transformation into saleable units of goods and services, and once you create an incentive to exploit them more, serious ecological problems will follow. Whereas if you accept that the resources we all depend on are common property, and that we have a social incentive to cooperate in order to share them, we will obviously manage them in a more sustainable way.

UGO MATTEI: We are challenging the assumption that value corresponds to exchange and capitalist accumulations, and the alternative that we are looking for is a view that puts the ecological community and the sharing of resources at the centre, in a model in which satisfaction is derived from use, rather than exchange. This of course requires us to completely rethink the free trade agreements, for example, that are based on the opposite presumption, as well as many other capitalistic structures.

Are the commons that we find in nature different from those in the digital world?

MOLLY SCOTT CATO: Not really. As the examples of pollenating insects, wind, or sunshine show, almost every commons can be conceptualised as something that has a market value, and this works both ways: anything that you can make money out of, you can also conceptualise as a commons.

The classic example of the commons in the digital world is Wikipedia. Everybody uses Wikipedia, many of us write new Wikipedia articles, and we also often donate money to Wikipedia so that it can keep on working. It is a very good example of a platform that works because people are sharing. The opposite of the digital commons is something like Facebook, where we all put our photos online, but the platform is enclosed, and the money that is made goes to Mark Zuckerberg and his team. Imagine how much money Wikipedia founder Jimmy Wales could have gotten if he had decided to privatise Wikipedia, but he deliberately didn't do it.

UGO MATTEI: Pretending that there is an ontological difference between nature, science, technology, and politics in the current era is nothing more than an ideology. Due to the project of modernity, today we have an enormous amount of capital in the world, but almost no commons anymore. So the

ANYTHING THAT YOU CAN MAKE MONEY OUT OF, YOU CAN ALSO CONCEPTUALISE AS A COMMONS – M. SCOTT CATO

next project should be to transform some of this capital into commons. And clearly the information economy, such as the internet, is the first kind of capital that we can win back in the form of the commons. But this requires a huge transformation, because even Wikipedia, the only significant example of commons on the web, is dwarfed by Twitter or Facebook.

You said that with the commons we need to find an alternative to the market model. But don't we also need an alternative to the state model?

MOLLY SCOTT CATO: I disagree with the three-way distinction of public, private, and social enterprise models. For me, we are all living in a world that is shaped by the market, and the fact that we provide some services through a public system doesn't really take us away from this basic concept. So when I talk about the market model, I don't just mean the private sector, I am talking about an economic model in which we are focused on exchange rather than production for subsistence, and the state is an accomplice.

Is a commons regime an exclusive regime, or should it coexist with capitalism?

UGO MATTEI: If we started with a blank sheet I would say that the whole notion of the commons is a foundational notion, as foundational as the notion of individual rights for today's capitalist economy. It is a completely different way to conceptualise law and social organisations – and in a utopian world, the commons could actually be seen as an alternative to today's economic system.

There is, however, a more realistic perspective in which neither the public nor the private sector can yield to the commons easily. These sectors are very resilient. Since the Nobel-prize winning economist Elinor Ostrom started talking about the commons, things have gone

in a completely different direction than we would have desired. There has been even more 'technologisation' and digitalisation, and the only way for the commons to prevail would be to live together with the capitalist organisation of things. In order to do so, commons have to be very smartly steered into some of the institutional settings that we have out there. We have to use what we have, in a way that exposes the contradiction of the capitalist economy, in the hope that it will fall at some point.

MOLLY SCOTT CATO: Here I think we have a bit of a disagreement, because the Green approach would be to say that you don't wait for the collapse of the capitalist system, but you create commons-based alternatives wherever you have the chance to do so. That in itself provides us with a sense of learning and understanding, and a different consciousness around those economic activities that facilitate the transcendence of the capitalist system into something better. There are already some smaller examples, all over Europe. In Stroud, the town that I live in, we have set up a community-supported agriculture system that provides food for 200 contributing families; we pay rent for the land, but that is only a minimal rent. It is an example of a system that is based on a commons approach to provide vegetables to the community. It operates within a capitalist society, but it has a different understanding of how the economy should work.

UGO MATTEI: I don't think there is a fundamental disagreement. We look at our possibilities, and try to construct a new form of consciousness which is necessary for a larger, revolutionary enterprise.

MOLLY SCOTT CATO: I agree, but instead of "revolutionary", I would rather use the word "transformative". And the internet could be a good terrain for this transformation, as today's young people intrinsically understand how a commons economy might work. When they use and share digital goods, they are outraged by restrictions such as geoblocking (when access to content is restricted to users in some geographical areas). The internet also provides lots of opportunities to learn and conceptualise. Just look at Facebook: the value of Facebook is created by the users who contribute their content, there is only a very tiny amount of innovation involved in creating the algorithm and coming up with the initial idea. Nevertheless, this initial innovation was rewarded a million times over. I think we now need to make a claim that Facebook should be owned by the people who use it – like in the case of the Wikipedia model. I think it is outrageous that Zuckerberg can pretend to be a great philanthropist who solves the problems of the world, using money he enclosed from stuff I put on Facebook.

UGO MATTEI: It would be very important to look openly at the fact that Zuckerberg con-

trols those large servers that store our data, and to figure out how to get back control over them. The governments are not going to do that for us, because they are in the pocket of corporations. So you have to use people power but that would require a level of consciousness and activity that the young people you are talking about don't have.

The millennial kids are cyborgs, they think about themselves as individuals, rather than parts of a community, and are living their lives connected to these machines. It seems very unlikely that critical thoughts can come out of that generation. I think the wide use of smart phones and computers has a similar effect on people as heroin had in the 70s: it keeps complete control over generational aspirations, they are addicted to these things, and now they don't talk, and don't organise anymore. Don't tell me the Arab Spring was something that proves this statement wrong, after five years we have a clear understanding of how little the Arab Spring has achieved.

Can the commons be useful for the European project? Can they be a driver for further integration?

MOLLY SCOTT CATO: The majority of European politicians are in support of an economic model that clearly isn't working, while many citizens are losing confidence. Today, we can find two groups in the European Parliament who are advocating for a new economic model, but there is an important difference between the two of them: the GUE/NGL – Confederal Group of the European United Left/Nordic Green Left would see a bigger role for public ownership and social ownership, while we [the Greens/EFA Group] would advocate for commons, community ownership, and the social management of resources.

UGO MATTEI: I have been very perplexed about this for quite some time. One part of me wants to think that the EU is still worth saving, and believes that the commons could be used to gain some kind of constitutional balance. But it is not going to be easy. Today

THE COMMONS ARE BASED ON THE PHILOSOPHY OF 'SMALL IS BEAUTIFUL', WHILST IN CONTRAST, THE EUROPEAN PROJECT IS HUGE – U. MATTEI

there is a very bad constitutional balance in liberal Western constitutional democracies. If tomorrow we wanted to socialise Facebook, we would have to go over many phases of social litigation, and the likelihood of losing would be extremely high. On the other hand, if any European government decided to privatise something they could do that without any form of control. If, for example, the Italian government is selling the post offices, there is no legal action possible for me to stop the process, even though it is my property as a taxpayer. An important role of the commons would therefore be to ensure that public assets are entitled at least to the same protection as private assets. This is why we need to advocate for a fundamental transformation in the constitutions of Europe, changes that would allow some kind of reconfiguration of the relationship between the people of Europe and their belongings.

A major worry for me concerning the EU is that I don't know whether the commons are compatible with a system in which the centre of power is so far away from where things actually happen; half a billion people in a single market, governed by the same laws and the same institutions seems too much to me. The commons are based on the philosophy of 'small is beautiful', whilst in contrast, the European project is huge.

MOLLY SCOTT CATO: I disagree, I think that we need citizen participation at all levels: at the global level we need to solve climate issues,

IT IS PATRONISING TO SAY THAT THAT THE POOR ARE NOT CONCERNED ABOUT THE ENVIRONMENT – M. SCOTT CATO

set common rules for corporations, and so on, then we can start with tax-policy at the European level, in order to stop corporations from making profits by avoiding taxes. Part of what we need to do is find out which powers should be exercised at which levels.

There is a liberal argument according to which most people only start caring about the environment once they become rich with the help of capitalism – and indeed we can see that Green parties are most successful in the richer Member States of the EU. How can we overcome this problem when advocating for the commons?

MOLLY SCOTT CATO: I think this is rubbish; if we look at where the environment has been destroyed less, those are the poorer countries of the world, and even the destruction that has happened there is due to the Anglo-Saxon and other European colonisers and post-colonisers. I think it is a complacent Eurocentric view to say that. But I take the point about our own societies; in Europe we haven't been really successful in reaching out to working-class communities, but I think that's mainly due to the way Greens speak and debate, and I think it is also patronising to say that that the poor are not concerned about the environment because they absolutely are, and if they haven't found a way to express that through politics, that's because the political system is failing them.

UGO MATTEI: This is a new, revamped form of the old, disproven trickle-down argument.[1] I think claiming that only the rich care about the environment is completely unfounded. California, where the environmentally-friendly Tesla electric cars were invented, has an ecological footprint of six, which means if everybody else in the world were to live like the Californians, we would need six planets to reproduce the resources that we use. Burkina Faso, in contrast, has an environmental footprint of 0.1. These are the facts; all the rest is bullshit.

1 The promise that an increase in salaries for high income earners will benefit the rest of the economy as well, as their increased income and wealth will filter through to all sections in society.

If the Greens are doing poorly in some countries that's because of their poor leaders, at least in Italy, where the Greens existed as a small clique of people who had no capacity to talk to anyone who was different from them. But I admit that there is a problem due to the very strong relationship between the structure of representative democracy and the capitalist society, due to which a movement that doesn't follow a capitalist mindset – someone who, for example, thinks in terms of the commons, rather than of the individual – will find it very difficult to be represented by the process of representative democracy. It is very difficult to impose commons from the top down, as the commons are a bottom-up platform, it has to come from the people, and the most conducive thing we can do now is to create some commons literacy, to talk to people, and to free them from the technological cage in which their heads are stuck.

MOLLY SCOTT CATO
is the first Green MEP for the South West of England and Gibraltar, elected in May 2014. She is a leading member of Green House think tank, and formerly professor of strategy and sustainability at the University of Roehampton. She has written several books including *Green Economics* (2009), *Environment and Economy* (2011) and *The Bioregional Economy* (2012) as well as numerous academic papers.

UGO MATTEI
is a professor of law in Turin and at the University of California, Hastings. He is the author of *Plunder, When the Rule of Law is Illegal* (with Laura Nader), and most recently *The Ecology of Law* with Fritjof Capra. In 2011 he authored *Bene Comuni: Un Manifesto*, a manifesto for the commons that could provide the theoretical basis for the current wave of resistance against neoliberalism. He has been a leading promoter of the Italian referendum against the privatisation of water.

CRY ME A RIVER

POLAND'S THREATENED WATERWAYS

ARTICLE BY
RADOSŁAW GAWLIK & EWA SUFIN-JACQUEMART

The Polish government's waterways plans for the country's rivers promise to bring economic development and better flood protection. In reality, the plans will likely lead to worse floods, droughts, conflicts, and the destruction of invaluable habitats. Rather than used to serve the interests of a narrow lobby, the environmentally unique Vistula and Odra rivers should be controlled and governed by, or at least with, local communities, with their welfare in mind.

With its professed commitment to sustainable development, the European Union should be at the forefront of environmental protection, climate action, and long-term preservation of life-sustaining environmental resources, including waters. As clear water is essential to life, rivers, lakes, coastal waters, and underground waters are the commons (common resources) of Europeans that the legislation and institutions of the EU must protect for the welfare of present and future generations. The Water Framework Directive, which EU Member States were expected to implement by the end of 2015, was intended to ensure the 'good status'[1] of all water resources in Europe. The directive seeks to reconcile environmental protection with the needs of citizens. A difficult exercise, as the legal text does not say anything about the regulation of river flows or the priority order of the potential uses of rivers, nor does it prescribe how to best protect people from their own destructive potential. Meanwhile, rivers have many different functions and, as common goods, are the object

1 The Water Framework Directive sets the following main goals:
— expanding the scope of water protection to all waters, surface waters and groundwater
— achieving 'good status' for all waters by a set deadline
— water management based on river basins
— 'combined approach' of emission limit values and quality standards
— getting the prices right
— getting the citizen involved more closely
— streamlining legislation

of a bitter struggle between competing interests over how they should be used and whose needs they should serve. Today in Poland and more widely in the European Union, local communities have little influence on decisions concerning their rivers, despite these being a crucial resource for their welfare.

Poland's rivers are a common good under threat, but this is a fact of which only a narrow group of experts, environmentalists, hydrologists, and some self-organised groups of anglers and ecotourism promoters is aware. The media and public opinion still tend to believe in the falsehoods propagated by the hydro-engineering lobby. In a post-communist country such as Poland – Christian, very traditional, strongly anthropocentric, and extremely individualistic – citizens are not aware enough to reclaim the commons, in order to resist the hyper commodification and privatisation pushed for by the productivist neoliberal ideology.

AMBITIOUS PLANS PUTTING RIVERS AT RISK

The Odra and the Vistula, the two largest rivers in Poland, are currently the objects of ambitious inland waterway development plans. The Odra had its flow regulated in the late 19th and early 20th century, and used to be Poland's longest waterway, gradually falling into disuse because of the ever lower water levels and the scarcity of funding needed to maintain the hydro-technical infrastructure and ensure navigable depth. The Vistula, on the other hand, is probably the largest mostly naturalised river in the European Union. It runs through twenty Natura 2000 sites, sixteen nature reserves, five landscape parks, and thirteen protected landscape areas, as well as the buffer zone of the Kampinos National Park near Warsaw. Apart from a short navigable stretch on the Upper Vistula near Kraków, the remaining 900 km of the river has just one barrage, built between 1962 and 1970.

The Polish Government's new waterway plans for 2016-2020[2] lay down grand plans for the development of inland navigation on the Odra and the Vistula, and the construction of a canal to connect the two rivers. If they are implemented, the scenic and environmentally invaluable Middle Vistula Valley, protected in its entirety as a Natura 2000 site, will become a part of the E40 Odessa-Gdansk waterway. In protest against these plans, a group of organisations, such as Ecological Association EKO-UNIA, which have been monitoring the status of rivers for years, supported by some scientists and local governments, published a letter in which they question the rationale behind this strategic undertaking. They discredit the government's claims that the water-

2 *The Polish inland waterway plans for 2016-2020 with perspective to 2030*, drafted by the Ministry of Maritime Economy and Inland Waterways and adopted by the Council of Ministers.

way plans would generate benefits such as increasing the volume of water transport on rivers, improving the competitiveness of the sea ports at the mouths of the Odra and the Vistula, stimulating economic activity, reducing the risk of flooding, and enabling renewable power generation at the new barrages.

The authors of the letter also call into question the government's argument that Poland needs to 'catch up with Western Europe'. They write: "Inland navigation on the Rheine should by no means serve as a model for us today – it developed in the previous century during a different economic era, when attitudes towards protecting biodiversity were completely different, and under different climate conditions." Notwithstanding, there are also much more valuable examples to imitate in Western countries, like the Loire and the Dordogne rivers in France, with many local collective initiatives based on the principle of adapting the boat to the river, not the other way around.

There are many reasons why these plans are completely at odds with the common interest: they would lead to increased risk of flooding, more severe droughts, economic losses, deeper budget deficits, potential conflicts over water, and the destruction of Poland's natural sites of European importance. Public investment to implement them would therefore be, most of all, in the interests of the hydro-engineering industry.

GENERATING CONFLICT AND INSECURITY

Poland does not have much water; in fact, its water reserves are among the lowest in Europe. If the government plans go ahead, publicly-funded inland navigation may rob other sectors of the water they need, and cause shortages of drinking water and conflicts over water. Industrial processes, especially coal-based energy generation, account for the largest share of water consumption in Poland, followed by municipal water supply and irrigation systems. Poland currently generates 88 % of its electricity in coal-fired power plants, where water is necessary to cool the installations. Meanwhile, as the climate continues to warm and droughts become more frequent, researchers warn that this is likely to aggravate shortages and lead to massive development of field irrigation systems, as in Southern Europe. Thus, there is a real risk that Poland's rivers will be turned into expensively built canals without water.

The Polish government's project overlooks the natural contradictions between navigation and flood protection. Navigation will require storing water in multi-purpose reservoirs in order to feed water into rivers during barge transports in periods of low water levels. Yet from the point of view of flood protection, those reservoirs should be kept empty in the event of suddenly needing to absorb heavy flood waves on the straightened and regu-

lated rivers. Furthermore, river transport and the generation of electricity in hydro power plants on the new impoundments conflict with the demand for water by conventional power generation, which Poland wishes to retain as the principal power source for decades to come, and which relies on river water for its technological processes.

HIDDEN COSTS: THE RISKS OF FLOODING AND IRREPARABLE ENVIRONMENTAL DAMAGE

The government's waterway development plans do not mention the damage that Poland's close-to-natural rivers and their valleys will suffer if these plans are implemented. Poland's rivers are still environmentally unique, admired in Europe, and are part of the biodiversity heritage of Poland and Europe. For the most part, the large river valleys in Poland are Natura 2000 sites, protecting plant and animal habitats of European importance, including bird habitats. If the Vistula and the Odra become regulated and if the Odra–Vistula waterway is built, these sites and habitats will suffer damage on an enormous scale. Thus those projects would violate not only the Water Framework Directive, but also the Habitats and Birds Directives.

According to the government documents, making the large rivers navigable will reduce the risk of flooding. However both science and the experience of several decades of river flow regulation and management in Europe show that extensive regulation of rivers and the construction of reservoirs and barrages that will be needed to reach the targets for navigation actually lead to an increased risk of flooding, due to the inevitable low water periods and the increasingly frequent torrential rains. The development of inland navigation can hardly be reconciled with flood protection. Moreover, new flood protection measures will have to be built and maintained at no small cost. Thus, the 20 billion euros to be spent on the inland navigation programme is not the end of public expenditure, but just the beginning.

PUBLIC MONEY BEING USED AGAINST THE COMMON GOOD

Inland cargo transport in Poland is a dying subsector that faces a great degree of uncertainty due to climate change. Reviving it at a great cost is pointless. The Ministry of Maritime Economy and Inland Waterways maintains that 20 million tonnes of cargo will be carried along the Odra and 7.8 million tonnes along the Vistula by 2020, but these numbers are entirely unrealistic.

The plans would therefore mean spending Polish taxpayers' money and EU funds on creating competition for the Polish railways, which have received billions of zlotys and euros in investments in recent years, have been modernised,

and will possess an unused transport capacity much greater than what the Polish rivers transformed into canalised waterways can offer.

The development of inland waterways in Poland is expected to cost nearly 20 billion euros by 2030, including around 2.3 billion euros by 2020. The inland waterways project does not serve the public interest and will bring no general social, economic, or environmental benefits, and certainly not for local communities.

FUNDING THE DESTRUCTION OF RIVERS: THE PUZZLING ROLE OF EU FUNDS

The Polish government's inland waterways development programme is a continuation of the previous liberal government loan deal with the World Bank to finance the Odra-Vistula Flood Management Project, allegedly a flood protection project, which in reality was about regulating the flow of these rivers and making them navigable.

This unexpected World Bank project was drafted in secret and adopted following a very limited public consultation which involved no major non-governmental organisations dealing with water conservation. Worth more than $1.317 billion, the project will be funded from loans provided by the International Bank for Reconstruction and Development ($504 million) and the Council of Europe Development Bank ($329 million), as well as a subsidy from the European Union ($219 million).

The project poses an unprecedented threat to the environment of the river valleys concerned. It is a continuation of the last several decades of 'river taming', an approach which has left the natural functions and unique ecosystems of rivers devastated. The plans have been designed despite experience and science having long ago demonstrated that natural, meandering rivers, which constantly change shape, swell onto their floodplains and then gradually recede, provide incomparably better ecosystems and contribute much more to the well-being of local communities, while also ensuring much better protection from disastrous floods.

Yet the World Bank has agreed to finance these investments, despite the criticisms and the multiple negative experiences with regulation and canalisation of rivers in many parts of the world. Even more surprisingly, the project is due to be funded to the tune of $219 million by the European Union, which previously rightly objected to the EU financing the regulation and destruction of rivers between 2007 and 2013. The EU also questioned the drainage and hydro-engineering expenses in Poland worth hundreds of millions of euros, when thousands of kilometres of rivers were dredged in Poland in the name of so-called revitalisation and flood protection, despite being in glaring

contradiction with the objectives of *European Water Policy*.[3] Yet now the European Commission seems prepared to finance activities which violate the Habitats and Birds Directives and the Water Framework Directive.

SAVING RIVERS MEANS EMPOWERING COMMUNITIES

It is time to remind the decision-makers and the public, not only in Poland, that rivers provide crucial ecosystems and that they are part of the common goods, shared by people and other beings. The management of rivers at all levels should serve local communities and future generations, and be subject to public participation and control. Thus those common goods should progressively become the commons. However, in order for such participation and control to be exercised effectively, first the myths about the alleged necessity and benefits of river flow regulation have to be dismantled, and communities must be made aware of how natural rivers function and how their waters should and could be managed and used in their interest and in respect of future generations and ecosystems.

Rather than promoting unrealistic dreams of new waterways, national and local authorities should promote local participation and self-governance by the communities living close to rivers, to reclaim those special common goods from their appropriation by the state-market productivist system. The citizens should be actively involved in maintaining the floodplains for flood protection and ensuring shared and sustainable use of rivers for ecotourism, fishing and small local transport, in order to protect their natural functions and the unique ecosystems of the last natural big rivers of Europe.

3 As WWF has demonstrated, Poland, the biggest beneficiary of EU funding, has already destroyed or seriously impoverished the ecosystems of around 20.000 kilometres of small rivers by canalising and deepening them, straightening them out, removing vegetation or lining their banks with concrete as part of EU funded projects between 2007 and 2013.

RADOSŁAW GAWLIK
is a Polish activist, ex-politician, and writer. He has organised anti-nuclear power protests, participated in the development of Solidarność, and founded and presided over the Ecological Forum UW. He sat in parliament for 12 years and was secretary of state in the Minister of Environmental Protection, Natural Resources and Forestry.

EWA SUFIN-JACQUEMART
is a sociologist at Warsaw University and the Sorbonne in Paris. Currently she is director of the Green Polish foundation "Strefa Zieleni", writes for their publication, and coordinates the Green Centre of the Congress of Women.

SOWING THE SEEDS OF RESISTANCE

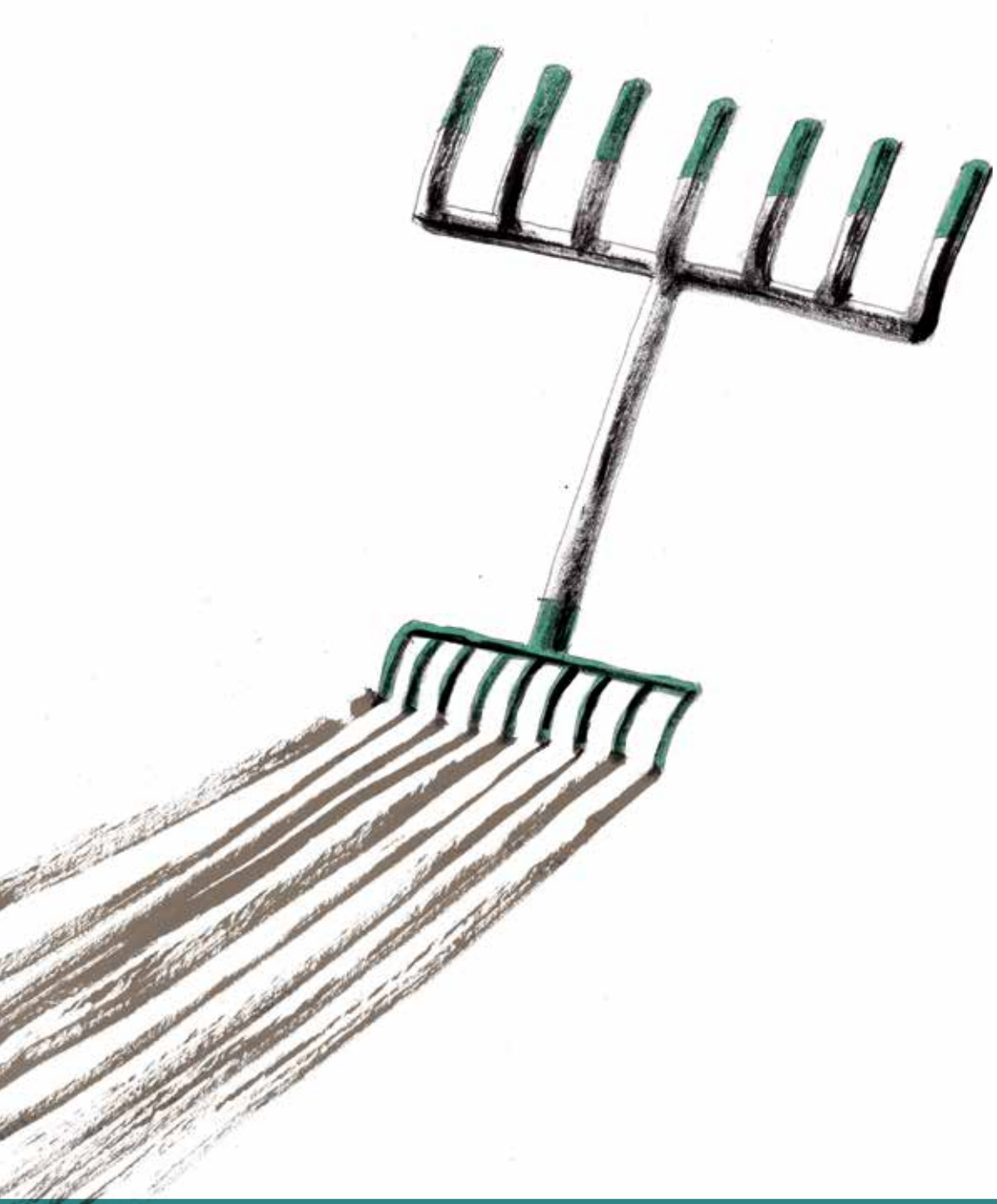
AN INTERVIEW WITH
VANDANA SHIVA
BY **BENJAMIN JOYEUX**

Each one of us is interlinked with other human beings, but also with all other living things in the world. This complex web of life is disrupted by the relentless greed of corporate giants seeking to control and capture every aspect of agriculture, down to the last seed. The health, livelihoods, and ecosystems on which we all depend are at stake.

BENJAMIN JOYEUX: Dr. Vandana Shiva, for many years now, you have led an international fight against biopiracy and the corporate appropriation of life. This has gained you international acclaim. What does defending and reclaiming the commons mean for you?

VANDANA SHIVA: We live in a world of relationships. We are not isolated atoms, fragmented and alone. We are not separate from nature. This is an illusion of the Cartesian, Newtonian, mechanistic paradigm which created and dominated the intellectual architecture of the industrial revolution – which is nothing more than a fossil fuel track for humanity, a track we realised was very wrong.

That is what the entire COP 21 Paris agreement is about: the awareness of 200 years of wrong choices regarding energy. But it became a chance to question how we think. And I think the damage to the human brain has been the most intense in terms of what the fossil fuel age has done to us, in terms of thinking mechanically. The damage is happening to the food we eat. We are eating oil, we are not eating food anymore. The damage is also leading to the illusion that we are separated from nature; that somehow we are masters and conquerors. And this idea of separation is then taken further to define



human society as atoms at war with each other: therefore you need a dictator to keep us in order. No. The world is a world of relationships. It's a world of self-organised beings in mutually beneficial relationships. And the nature of life is to be self-organised, as the Chilean scientist Mathieu Raman said: "*There are autopolitic systems, they are self-organised and that's life, that's freedom, that's how we should be in democracy. And then there are externally controlled systems, allocated systems. Industrial farming is an allocated system. Fake democracies are allocated systems*."

So if we have to recover our capacity to be truly free, we have to understand our relationship with the Earth, which creates our ways of life, and our relationships within the community. All of this means reclaiming the commons. It's when we start realising that the nature of the way life is organised – the "web of life" – is a commons, that we then stop imagining that a Monsanto or a Bayer putting one toxic gene into a plant is inventing life, which is a man-made machine that they have manufactured. No! A seed is a seed – it reproduces and multiplies on its own. Sadly, when you put a contaminant, it also multiplies with the contaminant; but it is not being made by that pollution. It is making itself. Just as much as a river flows on its own. If someone puts mercury into it, the mercury is a part of the river but the mercury is not making the river. So these are very fundamental illusions of what will allow the push for GMOs or the very mistaken idea that corporations are the "inventors" of the seed. Corporations are there to be the owners of the seeds. Their only concern is their right to collect royalties and they're pushing our farmers to suicide.

I have been dealing with this tragedy of 300 000 farmers pushed to suicide because of debt – a debt caused by an increase of more than 70% in the price of seeds. This false technology also increased the cost of the pesticides because it is not working to control pests, just as herbicides are not working to control weeds. After all, when you have the wrong thinking about how the world works, you will come up with the wrong tools. And your technologies will fail, no matter how much you repeatedly call it innovation. It is a failed technology. And repeating failures is not the kind of innovation we need.

Sadly, in the debate we've had in India recently around GMO mustard seeds and the Bt cotton[1] suicide, there are people who say: "*But seeds in nature have a short shelf-life system and only corporations have the power to bring in new models.*"

No, a seed is life itself. It's the beginning of the fruit system. It is where life is renewed. It is where freedom is sung. It is where the

commons start. Because the seed is a "commons", not just for humans. The seed is a "commons" for the pollinators; the pollen of that plant which they fertilised. The plant gives the pollen to the bee. The bee gives fertility to the plant in deep mutual support of each other. That what a "commons" is.

How did you first become aware of and involved in this struggle to defend the commons?

VANDANA SHIVA: I first heard about this phenomenon of creating genetically engineered crops in order to own the seed patents and then imposing free trade agreements in 1997, in an interesting meeting near Geneva (in Megève, France). That's the day I made a commitment: I'm going to protect the seed. I will look at the genetic engineering at the scientific level. We defined the issue of biosafety in the UN treaties and now we have a UN law on biosafety. It's because of these laws that Europe is largely GMO-free. India has not yet any GM food crop but they are trying to push the GMO mustard seed and we are against it.

I HAVE BEEN DEALING WITH THIS TRAGEDY OF 300 000 FARMERS PUSHED TO SUICIDE BECAUSE OF DEBT – A DEBT CAUSED BY AN INCREASE OF MORE THAN 70% IN THE PRICE OF SEEDS

The illusion of corporations being inventors of seed and the issue of patents are part of a very big issue. I work with our government to draft laws that don't allow patents on seeds, plants, and animals. Argentina has such laws; Brazil has such laws. But the most important advancement in starting to reclaim the seed as a "commons" began with creating community seed-banks, rather than privatised seeds, in the hands of now three corporate giants. When I started this work, they said there would be five giants. They're down to three. Before we know it, there'll be just one, and then it'll collapse; but before this collapse we want to make the world a different place so that life can thrive. People from 320 community seed banks went to Navdanya[2]. They have nutritional seeds,

1 Genetically modified organism (GMO) cotton variety

OUR WORK HAS SHOWN THAT WE ACTUALLY GROW MORE FOOD AND BETTER FOOD WITHOUT CHEMICALS

delicious seeds. My team has just come back. They have just found five varieties of the Moong dhal. Diversity is the way of nature. And as long as we have communities and seed breeders, we will have diversity. When three giants have seeds in their hands, they will breed failed toxic monocultures. The seeds help farmers come out of that crisis of climate change, whether that crisis manifests itself through extended droughts, the super cyclone of Orissa, or the tsunami tragedy in Tamil Nadu.

Bill Gates and his corporate lab said: "*We are inventing a sort of surgeons*". How are they still making their seeds? There are for fighting biopiracy – which is nothing more than pirating our knowledge – pirating indigenous biodiversity and then saying:"*This is my invention*". That is a very important part of my own personal fight, alongside Navdanya.

In 1984, Union Carbide's pesticide plant exploded in the city of Bhopal. Today, Carbide is owned by Dow, and Dow and DuPont are linked. So in a way, the Bhopal disaster is the responsibility of Dow and DuPont. That was the moment when I started a campaign saying "*No more Bhopal, let's plant a Neem!*" Because the Neem tree gives us our best natural control system. Our grand-mothers used it. Our great grand-mothers used it. We joined hands with the Greens in the European Parliament and IFOAM, the international organic movement. And over 11 years we fought the biggest government of the world: the US Department of Agriculture. Joining hands with the big toxic company called WR Grace to claim that they had invented the use of Neem for the best control. It took 11 years, but we won, because we worked in solidarity.

2 Navdanya is a network of seed keepers and organic producers, spread across 18 states in India.

What is the impact that corporate giants' control of agriculture has on small-scale farmers? How can they resist in the face of such odds?

VANDANA SHIVA: We have a beautiful Basmati here. India has 200,000 rice varieties. Our farmers' plant breeding was a breeding in and of the commons; a shared activity. A corporation in America took our Basmati and attempted to patent it. Corporations taking over the seeds to push their chemicals brings new disease problems. We have a lot of allergies related to weeds, such as gluten allergies. Every third person now has a gluten allergy. But the weed itself is not contributing to gluten allergies. Breeding for industrial purpose is the cause. That's why we have such weeds in India, yet without the gluten allergies.

Monsanto claimed to have invented the "end of weeds". Before that, they had to apply for that patent. So biopiracy has been a very big fight. We have also realised that these are the same corporations selling the chemicals that have shaped industrial farming, based on fossil fuels. Chemicals are made from fossil fuels whether they're synthetic fertilisers or synthetic pesticides. They are all made from fossil fuels. They're petrol-based and natural gas-based. These chemicals are what we want to clean away. They are the same chemicals that led to the creation of mustard gas, which poisoned and killed us during the war, with French troops as the primary victims. This expertise in war was turned into an expertise in how we grow our food. And for nearly 70 years, humanity has been fed the belief that without the chemicals, we will not have food security. Our work has shown that we actually grow more food and better food without these chemicals. That's why a big part of Navdanya's secondary work is promoting ecological farming, and training farmers in agro-ecology. We have trained more than a million farmers. Of course, farmers eat. But farmers have to sell something because it's their livelihood. What they grow directly impacts on the health of the people. Farmers do not grow commodities; they grow health. And when they grow healthy crops, building biodiversity, the people who eat that food grow healthy. These farmers push Navdanya to create a distribution system with them as the starting point.

When we look at the biodiversity model of agriculture in contrast to the toxic, poisonous fossil fuel model of these three corporations, which are Bayer-Monsanto, Dow-Dupont, and Syngenta – we're talking here about three poison manufacturers whose rules have become law. And they will merge together. Monsanto and Bayer are not merged today, but they were previously. The owners want to be the same. This is a game of musical chairs to confuse the public. But we won't be confused, because our vision is freedom. We don't need this free trade agreement they push. They

THE GREEN MOVEMENT OF TODAY HAS TO BECOME A MOVEMENT FOR JUSTICE; IT HAS TO BECOME A MOVEMENT FOR FREEDOM

push the World Trade Organisation, thinking they own it; we think we are building a movement of people to help them against the grabbing of our seeds; against the grabbing of our agriculture. So now they want to bring in TTIP and TPP to complete the task they have set for themselves, towards absolute intellectual property, and harmonisation of regulations. So that Europe loses its safety standards and has to go under the United States wing where there is no regulation or labelling on GMOs. The poor majority of American citizens have absolutely no idea what they're eating. That's why the US is the second nation in the world when it comes to diseases related to food.

What's the future of the commons now in this great battle for the seeds? And how can Green parties contribute?

VANDANA SHIVA: We are now working to make the connection of "food as a commons" deeper. The idea of "the seed as a commons" has grown through the seed networks and community seed-banks. We're now working on "food as a commons". And behind me, this is the beautiful Annapurna. She is the Goddess of food. We are creating communities within cities, and villages start relating to each other. We want to get rid of this model, in which four commodities are produced by three or four trading giants, while the seeds and the chemicals come from the same toxic corporations, with everyone forced to eat toxic food, and agriculture destroyed everywhere. No: we can have local food systems that increase the incomes of our farmers and reduce the cost of good, organic food. We address the problems of disease, hunger, and poverty at the same time. So the Green movement of today has to become a movement for justice. It has to become a movement for freedom. It has to become a movement for ending the rule of poisoners. It has to become a movement to end the rules of corporations. And for all of this, we have to reclaim the "commons" at many, many levels, including the commons in our minds. Be able to think differently outside the prison of the materiality box. That's the reason we have organised the tribunal

on the 14th to 16th of October. Bart Staes was there, because we work very closely with the Greens in the European Parliament, and we do want to start an all-encompassing programme to end a century of ecocide and genocide by these companies that control our food and agriculture. Reclaim the commons of our seed, reclaim the commons of our food, but most importantly, reclaim the commons of true democracy.

VANDANA SHIVA
is a renowned Indian scholar, as well as an environmental, eco-feminist, and anti-globalisation activist. She has authored many books, and has been key in movements around intellectual property rights, biodiversity, bio-technology, genetic engineering, and in the fight to hold multinational corporations to account for environmental destruction and human rights abuses. Central to her work is the idea of rejecting corporate patents on seeds and advocating for 'seed freedom' through her organisation, Navdanya.

BENJAMIN JOYEUX
is a lawyer, ecologist, libertarian and anti-globalisation activist. He is currently a communications advisor to the French speaking delegation of Green members of the European Parliament; and is the co-author, with Edouard Gaudot, of *l'Europe c'est nous* (Les Petits Matins, April 2014).

NASSONIA FOREST
INTO THE COMMON WILD

ARTICLE BY
JONATHAN PIRON

In Belgium, the Nassonia project aimed at re-creating a natural forest in Wallonia has generated controversy as well as enthusiasm. Beyond the initial start-up of the project, set up by the Pairi Daiza Foundation, the matter of how it will be run is rarely raised. By adopting an integrated approach and transcending tensions, the Nassonia experiment could prove to be innovative model of governance, at the social, institutional and environmental levels.

FR

This article is available in its original language (French) on the Green European Journal website.

NASSONIA: UNE FORÊT EN COMMUN

En Belgique, le projet Nassonia, destiné à recréer une forêt naturelle en Wallonie, soulève de nombreux débats. Le projet crée un enthousiasme certain autour des enjeux environnementaux mais, au-delà de sa mise en œuvre, la question de sa gestion est peu abordée.

The continuous degradation of the environment under the combined effects of pollution and the consumption of resources weighs heavily on human societies. Forests, which could have been seen as unchanging places, are some of the most seriously affected. Apart from some protected regions in Europe, the continent hardly contains any more primary forests[1]. The majority of forests have been shaped by humans, and are owned, whether privately or publicly, with a view to exploiting the natural resources.

It is in this context that the Pairi Daiza Foundation's proposal, via its president Eric Domb, for the long-term rental (99 years) of a forest in Wallonia for conversion into a protected area, has raised as many plaudits as questions. As part of an environmental approach, the project's objective is to understand how a forest reverts to its natural state. However, the fear of seeing the land in private hands raises several questions: will those who had access to the forest still be allowed to use it? And how will revenues be used? Who will manage it? Faced with these different issues, wouldn't a positive alternative be a forest that is managed in common?

1 Primary forests are forests of native tree species, where there are no clearly visible indications of human activities and the ecological processes are not significantly disturbed. Source: http://www.greenfacts.org/glossary/def/forest.htm

FROM NASSOGNE TO NASSONIA: RE-APPROPRIATING THE FOREST

Owned by the local municipality of the same name, Nassogne forest covers 1,538 hectares, predominantly in the Natura 2000 zone. The end of the last hunting rights lease, which has not been renewed, led local people to seek other projects for the site. This was when the Pairi Daiza Foundation announced its interest in a lease for the Nassonia project. The project would be the first forestry project in Western Europe entirely dedicated to biodiversity. A preliminary agreement concluded with Nassogne's communal college aims to allocate the land to 'a series of actions to support the natural habitat and animal and plant species'.

On the practical level, the plan would involve a 99-year 'emphyteutic' lease. The foundation would thus become tenant of the forest. An annual sum of around 400,000 euros per year is suggested by the Foundation, close to the amount received by the Nassogne local authority via their usual income stream.

The day-to-day running of the forest would be taken over by the Pairi Daiza Foundation. With a different mission from the Belgian wildlife park, the Foundation will protect natural habitats, and enable their natural recolonisation by existing local species. The advocates of the project emphasise that the Foundation's status doesn't allow for profit-making.

Another element of the mission statement is a commitment to possible deforestation operations as part of a short circuit system, in keeping with a circular economy. Furthermore, beyond the 'biodiversity' brief, the Nassonia project is also a vision of 'integrated tourism', centred on teaching and the respectful access to flora and fauna within their natural habitat.

OVERCOMING THE OBSTACLES

The project rapidly generated enthusiasm in the scientific community. Several professors and public figures expressed their interest in the media, supporting the initiative and its environmental approach. A group of Nassogne residents also created a group called 'Pro-Nassonia', reinforcing local support for this 'visionary project'. However, following the setting-up of the project, many questions remain about its day-to-day management.

First is the issue of Rights of Usage; the oligarchic nature of the Foundation raises questions about how open the management structures will be. The actual rights of usage of the forest have yet to be specified. The Minister René Collin, in charge of Agriculture, Nature and Rural Affairs, underlines the importance of the multiple use of the forest, including its productivity, such as timber, which provides thousands of jobs. The Minister is insisting that the project guarantees access to the forest, as well

as the control of game, if necessary by human intervention, so this is still a moot point.

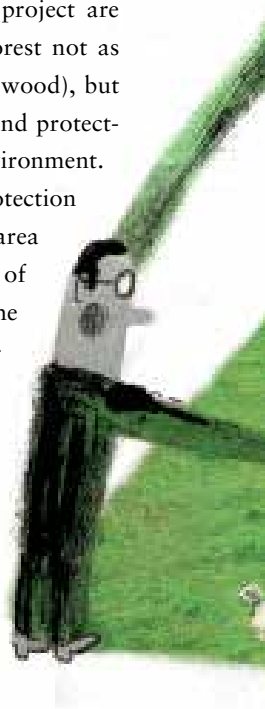
As far as the transformation of the forest is concerned, in the case of Nassonia, the lease in place relates to the nature of the asset. The forest would go from being a public asset to a private one. More technically, this transfer transforms a hitherto open and uncompetitive domain into a competitive and exclusive one. This also raises more questions around the most appropriate management model.

Finally, to financial management. Management, and therefore the distribution of the revenue from the forest, no longer come under the municipal purse. Many questions therefore come into play over the attribution of natural resources such as timber, game, and so on. These revenues could be considerable, compared with the annual rent paid to the local community. But these are not the only factors; the very financial sustainability of the project will rest on the shoulders of a private foundation, which raises issues about the future of the project if the foundation, along with the initiatives developed by Nassonia, should cease to exist.

Despite these various obstacles, this project is of definite interest. The question now is what mechanisms will be put in place to resolve these tensions, and this is where the model of the commons could play a role.

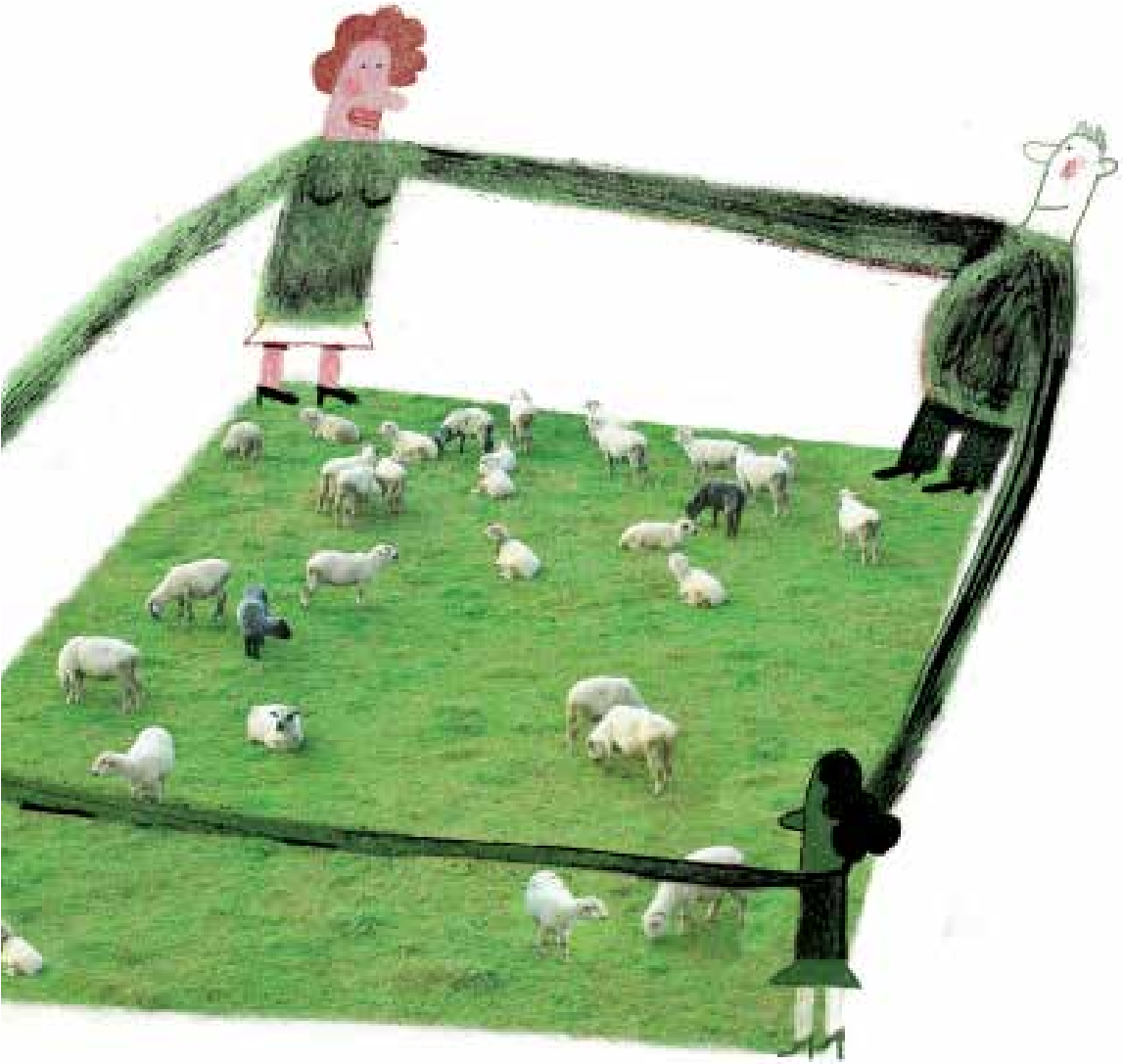
COMMON NASSONIA: A NEW HORIZON

The dynamics of the Nassonia project are interesting, in that it sees the forest not as a site of raw materials (such as wood), but as a systems network, built around protecting and enhancing a natural environment. However, environmental protection alone does not transform the area into 'common land'. The variety of uses in itself doesn't mean that the forest and its resources can simply be reduced to the owners of the land. Above and beyond resource management, the commons raise the question of governance and the appropriate institutional design. This institutional innovation is the key to this development.



Firstly, how best to approach the issues around the commons? A common asset is shared as a result of individual interactions. Unlike a public asset, it is thus not so much the asset in itself that produces well-being, but the very fact that its production is a common endeavour.

How can Nassonia best be inspired by these principles? As we have seen, the main issue is one of usage, and the management of this usage, and what sort of institutional tools are put in place. Thus, the decision-making pro-



cess, in the hands of the owners of the land, leaves the asset in the private sector, and thus inaccessible to third parties. So, in the case of Nassonia, the management of the complexities of the forest, and the interactions between the various users, is a different process. A forest is a place where a host of different users come together, each with their own agenda, from enjoying its nature and culture to hunting and recreation, not to mention the involvement of local people.

Various examples of commons forest management exist in Western Europe. 'Forest Group' projects have been set up in Flanders. These spaces for dialogue and collective governance aim to manage the forests efficiently, based around user co-ordination and communal decision-making. The different users come together in a spirit of compromise to reach a consensus on common objectives. They can also collectively take over the management of different services provided by the forest.

For the organisation to be efficient, this communal management has to use effective systems of evaluation and penalties. Transparency, ongoing evaluation and self-critique, as well as warnings and a scale of penalties adapted to the situation, are crucial for this to succeed. Without this, management could descend into an anarchic situation that is difficult to get out of. Focused management of the ecosystem is a crucial cornerstone of the process.

THE COMMUNAL APPROACH COULD BE A BEACON PROJECT AROUND WHICH TO MOBILISE PEOPLE; NASSONIA WOULD BECOME A GOVERNANCE EXPERIMENT

This communal governance must also involve clear resource boundaries. These must be clearly defined, in coordination with the chosen institutional approach. The circles model, as proposed by the Nassonia Foundation, means a central pocket can be protected, and allowed to revert to its natural state, and must therefore be inaccessible. Successive circles are increasingly open to different uses. The links between the different circles, the adaptation of governance depending on different uses, and the principle of non-appropriation, are also central elements in defining the nature of the asset and are in line with its communal aims.

So, what about the matter of ownership? This question is central to the debate around commons theories. In the case of a large-scale project, the necessary initial capital is considerable, and can compete with more conventional initiatives. In the example of Nassonia, the cost of the lease, around 400,000 euros, puts it into another league. Until it has the means to lease the land, the Foundation has to rely for financial backing on the public limited company Pairi Daiza.

How the funds are earmarked, and which criteria are used, is an important issue, as is the danger of the foundation coming under company tax law liability, as the sale of wood is a profit-making activity. There are various options for creating structures that can deal with these questions. The land could remain in the hands of the local authority, which would cede the organisation and management to a recognised collective structure. Released from the constraints linked to the initial purchase, this arrangement would place public authorities in the role of trustee, in the case of a serious setback. This arrangement already exists in some jointly managed nature reserves, in particular in North America.

Throughout these stages, continuous dialogue between the various users is crucial, as is decision-making based on trust and transparency. Underlying this must be checks and balances

to ensure that the rules of use are appropriate for local conditions. This rigour is an essential basis for the stability and longevity of the project, enabling it to weather any setbacks, particularly financial ones.

THE TIMES THEY ARE A-CHANGIN'

So, what can be learnt from all this? A communal management structure for the Nassonia project would engender 'social peace' between foundation members, public authorities, environmentalists, the timber industry, the forestry community, hunters, tourism, and elected representatives. Above all, the communal approach could be a beacon project around which to mobilise people; Nassonia would become a governance experiment, giving the project even more value.

The fact remains, however, that this approach is just one of many, in the context of a broad and diverse range of commons projects. Commons dynamics are reinventing politics, that is to say the way in which decisions are framed and taken. The ethical and sustainable criteria that they introduce mean the commons go beyond traditional divisions. They are also bringing about the emergence of a new area of management and usage, between private and public, overcoming the increasingly apparent limitations of this dichotomy. The strength of the commons is also their great elasticity, which increases their field of appropriation and enables them to adapt to many other contexts. There is a lot to be learnt from this strength; promoting the commons has to mean making the best of existing structures and their dynamism. In a context of crises of representation and redistribution, these new processes must emerge from their theoretical cocoons and face up to practical reality, and so to trials, and even errors. This is the only way we can usher in the transition to which so many of us aspire.

JONATHAN PIRON
is Foresight Counsellor for Etopia,
the Belgian French-speaking Green foundation.

COSMIC BONANZA
MINING IN OUTER SPACE

ARTICLE BY
LIESBETH BENEDER & **RICHARD WOUTERS**

Is an end to scarcity in sight? American companies are preparing to tap a vast source of raw materials on celestial bodies. But space mining is also a source of conflict, as the global commons of outer space are being enclosed, repeating patterns of appropriation of our own planet's resources.

For the genuine pioneering spirit, America is still the place to be. In 2015, President Obama signed a space mining bill into law. Under the Space Resource Exploration and Utilization Act, American companies can get permission to mine raw materials on planets, moons, and other celestial bodies. The act guarantees that companies actually own the materials they dig there.

The *Space Act* came into effect after a lobby of enterprises focused their activities on space mining. These companies bear names such as *Moon Express*, *Planetary Resources,* and *Deep Space Industries*. They develop spacecraft and robots for unmanned mining missions and are backed by investors with deep pockets. Google's billionaire co-founder Larry Page, for example, is one of the financiers of Planetary Resources.

Frontrunner in the race to space is Moon Express. In 2016, the American administration granted the company permission for the first commercial landing on the Moon. This lunar exploration mission is planned for 2017. In ten years' time, Moon Express wants to be able to bring raw materials such as metals back to Earth and sell them.

Other space miners look towards asteroids, the numerous lumps made up of rocks and metals orbiting the Sun. Some of these asteroids get close to Earth during their orbit. High concentrations of metals thinly sown in the Earth's crust, like platinum, can be found at their surface.

NL

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GRONDSTOFFEN UIT DE RUIMTE

Nu Amerikaanse bedrijven zich opmaken voor mijnbouw in de ruimte, ontstaan er conflicten over de privatisering van dit mondiale gemeengoed.

An asteroid with a 100-metre diameter may contain billions of Euros worth of precious metals. The gravitational pull of these planetoids is negligible, offering an advantage over the Moon: much less fuel is needed for soft landings and take-offs.

Following the US, the United Arab Emirates and Luxembourg are working on space mining legislation. Both countries are looking for new business models now that fossil fuels and tax evasion are on the way out. In 2016, the Luxembourg government announced it would allocate two hundred million Euros for the development of space mining technology. Deep Space Industries and Planetary Resources decided to set up a branch in the grand duchy in order not only to acquire government funding, but gain legitimacy as well. That is to say, the American Space Act is controversial.

TRAGEDY

The only 'constitution' that pertains to space is the 1967 *Outer Space Treaty*. This UN treaty states that space and all its celestial bodies are the province of all mankind and bans countries from appropriating them. The American Space Act appears to be at odds with this treaty. How can a country grant ownership of an asteroid's resources to a company, if the country doesn't own the asteroid?

In 2016, the Space Act was strongly criticised within the legal subcommittee of the UN Committee for the Peaceful Uses of Outer Space. Russia stated that all resources in space fell under the non-appropriation clause and called the American act unacceptable. Belgium adopted the same stance as well. National legislation was not the solution for the lack of international rules, the Belgian representative said. "Do we really want a situation of 'first come, first served', whereby some countries lay their hands on the resources while others are left with the crumbs?"

"The problem is that the Outer Space Treaty neither forbids nor allows the appropriation of resources", says Tanja Masson-Zwaan, who teaches space law at Leiden University. "Alongside the ban on the appropriation of celestial bodies, there is another provision: countries have the freedom to use space. I, myself, infer from this that the Space Act is not in contravention of the Outer Space Treaty. Indeed, with this act, the US lives up to an essential condition in the treaty: private activities in space require the approval and the supervision of a state."

Proponents of the Space Act often draw an analogy with fishing in international waters. Even if no one owns the high seas, each country is allowed to catch fish. Likewise, every country should be free to mine raw materials in space. But this is a misplaced comparison,

according to space expert Erik Laan. "Free fishery has led to overfishing and fishing wars. Eventually, countries have been compelled to set up numerous fishing treaties. Don't forget that fish are a renewable natural resource: if you don't catch too many fish, stocks will remain stable. Raw materials in space on the other hand are not renewable: what you take away cannot be replenished. I would prefer to compare space to the deep seabed."

Since 1994, the mining of minerals in the seabed below international waters has been supervised by the International Seabed Authority. It gives out licences to companies and has to ensure that all countries benefit from the proceeds. Although plans for deep sea mining met with resistance from environmentalists, the part of the United Nations Convention on the Law of the Sea (UNCLOS), which called the International Seabed Authority into being, bears witness to progressive thinking. It incorporates the principle of the 'common heritage of mankind'. This implies that global commons, such as the seabed, cannot be anyone's property and should be managed by the international community; the proceeds have to be shared by all countries and the commons must be passed on to future generations in good condition. All of this is in a bid to prevent a 'tragedy of the commons', whereby the collective resources are exhausted as a result of overexploitation.

FAIR SHARE

One would wish there were such a treaty for space. In fact, there is one, but it has remained a dead letter. The 1979 Moon Treaty identifies the Moon and all other celestial bodies as the common heritage of mankind. It contains an explicit ban on the appropriation of resources. It requires an 'international regime' to be set up for the management of the resources and sharing of the benefits. But the space powers, such as the US and Russia, recoiled from this fair share deal. They didn't sign the Moon Treaty. Only sixteen countries, including the Netherlands, Belgium, and Austria, have ratified it.

"With its poor backing, the Moon Treaty cannot be seen as part of international customary law. It is only binding for the countries who are party to it", says Tanja Masson-Zwaan. "The Netherlands is trying to reanimate the treaty, but is looking for alternatives at the same time. That is why we have founded the *The Hague Space Resources Governance Working Group*, alongside universities, governments, space mining companies, and one NGO. Jointly, we are trying to formulate building blocks for international rules on space mining. Those rules can later be laid down in a new treaty, but in non-binding guidelines as well. If enough countries embed such guidelines in their laws, they can acquire the status of binding international customary law. Even the US government may be open to

discussion. It agreed that the UN space committee put space mining on the agenda for 2017 as a separate item."

CONFLICTS

Even undaunted optimists expect it will take another ten years before space mining is a reality. There is yet sufficient time to formulate international rules, both Masson and Laan assert. But the history of the International Seabed Authority shows that time is running out, argues Bas Eickhout, a Dutch Green Member of the European Parliament. "It took twenty-five years before the world community agreed on the Seabed Authority. The US still does not recognise its powers. We must prevent space from becoming a new divisive issue in world politics. That is why I have asked the European Commission to work towards a moratorium on space mining. Such a moratorium is already in place for Antarctica."

EVEN UNDAUNTED OPTIMISTS EXPECT IT WILL TAKE ANOTHER TEN YEARS BEFORE SPACE MINING IS A REALITY

Doesn't the abundance of resources in space make it pointless to quarrel about them? In 2014, the American astrophysicist Martin Elvis published some eye-opening maths. On the basis of the size, composition and orbit of known asteroids, he estimated that there are only ten near-Earth asteroids on which the mining of platinum and related metals might be profitable.

"That number of ten is a lower limit", Laan explains. "More and more, asteroids are being discovered. But there is every reason to fear conflict. One lucrative asteroid best reached from Earth may give rise to competition. If two governments give out licences to two companies to mine the same asteroid, you have a conflict in space, which can only be prevented by international rules."

In addition to the property aspect of outer space mining, other issues need to be clarified, Eickhout says. "How can we prevent celestial bodies from being infected with earthly microbes? Who cleans up the space debris if accidents occur? Are mining companies allowed to change the orbit of an asteroid to get it closer to Earth? Let us beware of a cosmic gold rush. After all, the most urgent problems on Earth, such as climate change, will not be solved by space mining."

SCARCITY

An all too firm belief in space mining might take a wrong turn for Earth, were mankind to declare the end to scarcity prematurely. In a leaked 2013 video, Deep Space Industries asserts: "Our world is at its limits and

yet, we all want more. And why not? Our tiny planet sits in a vast sea of resources." Will space mining become an excuse for the continuation of a wasteful Western lifestyle?

"*We must indeed be careful with such marketing stories,*" *Laan believes. "Meanwhile, Deep Space Industries admits it will not be bringing raw materials to Earth. The resources in space are mainly going to be used in space itself.*"

The costs involved in launching matter into space from the Earth are steep. With the energy it takes to escape the Earth's gravity, millions of kilometres can be covered in space. That is why it is appealing to build spacecraft and space stations in space, using off-world metals. Fuel for spacecraft can be produced in space as well, out of water found on asteroids and with the use of sunlight. As yet, that is where the biggest opportunities lie for space miners.

In the short run, Laan suspects, only rhodium is valuable enough to be asteroid-mined and taken to Earth. "That could be feasible in ten years' time. This platinum-like metal is very rare in the Earth's crust and hard to mine. It has numerous valuable applications, in *clean-tech* among other fields. The price of rhodium once peaked at 200,000 Euros per kilogramme."

INSURANCE

In the 2014 science-fiction film *Interstellar,* space travel has come to lie idle, what with the tremendous burden it imposes on the Earth's already exhausted resources. That is not an attractive scenario. Even if we cannot solve scarcity with it, space mining opens up an interesting perspective: a space sector that is self-supporting in materials and energy.

The exploration of space provides valuable knowledge about the origin of the universe, the Earth and life. In addition, space travel is an insurance policy should our planet become uninhabitable. This might not only be brought about by humans, but also by a meteorite hitting Earth or a supervolcano erupting. By spreading across our galaxy, we can at least protect part of future generations, both people and other species, from cosmic catastrophe. If we find that a worthwhile goal, can we allow ourselves to reject mining in space – provided rules are in place to prevent both a tragedy and an enclosure of the cosmic commons? Or do we resign ourselves to the fact that Shakespeare's works and the theory of relativity, friendship, and love, will all one day be lost?

LIESBETH BENEDER
is a philosopher of science. She teaches and researches medical ethics at Utrecht University. She also works as a volunteer for Bureau de Helling, the think tank of Dutch green party GroenLinks, where she focuses on raw materials policy.

RICHARD WOUTERS
is an expert in European affairs. He works as a researcher for Bureau de Helling, the think tank of Dutch green party GroenLinks, where he focuses on the circular economy and raw materials policy.

GLOSSARY

RAW MATERIALS FROM SPACE

During the formation of planet Earth, gravity pulled many metals to its core. These are only found sporadically in the Earth's crust. However, on many asteroids these metals lie at the surface. These so-called metallic asteroids – once the cores of celestial bodies that have fallen apart – largely consist of metal. Other asteroids are rich in water, in the form of ice, which is found on the Moon, too.

PRECIOUS METALS

Asteroid mining corporations have set their eyes on platinum and related metals such as palladium and rhodium, which are rare on Earth and costly. Platinum metals are used in catalysts and electronics.

BASE METALS

Metals such as iron and zinc coming from asteroids can be used in the construction of spacecraft and space stations. When the recoverable stock of these metals on Earth is depleted – zinc reserves could be exhausted by 2100 – it may be profitable to transport them to Earth.

WATER

Water extracted in space stays in space: as drinking water for astronauts and for growing crops. With the use of solar panels water can be split up into hydrogen and oxygen. Thus creating fuel for spacecraft.

GREEN EUROPEAN FOUNDATION

The Green European Foundation is a European-level political foundation whose mission is to contribute to a lively European sphere of debate and to foster greater involvement by citizens in European politics. GEF strives to mainstream discussions on European policies and politics both within and beyond the Green political family. The foundation acts as a laboratory for new ideas, offers cross-border political education and a platform for cooperation and exchange at the European level.

GREEN EUROPEAN JOURNAL

The Green European Journal is an editorially independent publication of the Green European Foundation. The Journal is a platform helping debates and ideas to travel across Europe's cultural and political borders and debate among Greens, and contributing to the construction of a European public space. The Journal regularly collaborates with partner publications and correspondents across Europe. Thematic editions explore a topic in depth from different analytical and cultural perspectives. The present thematic edition is the 14th since 2012. The Green European Journal also publishes regular "in the debate" articles and interviews in various languages online. Find them all on the website, on Facebook and in our monthly newsletter.

Green European Foundation asbl
3 Rue du Fossé – L-1536 Luxembourg
Tel: +32 (0)2 234 65 70 I Fax: +32 (0)2 234 65 79
E-mail: info@gef.eu I Web: www.gef.eu

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15 Rue d'Arlon – B-1050 Brussels – Belgium

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EDITORIAL BOARD	Juan Behrend Erica Meijers Marta Neves Edouard Gaudot Adam Ostolski Georg Maißer
PRODUCTION	Micheline Gutman
GRAPHIC DESIGN	Claire Allard
ILLUSTRATIONS	Klaas Verplancke

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FINDING COMMON GROUND

Applied in contexts ranging from urban public spaces to agriculture, from natural ecosystems to the virtual world, the immense diversity of meanings ascribed to the commons testifies to the rich and multifaceted significance this concept has acquired, defying a fixed definition and rigid framework. Today, the term has been deployed to refer to tangible common goods, such as rivers and seeds, as well as to forms of social organisation and management of these resources, such as cooperatives or public spaces that are communally owned and maintained. It has also come to encompass new governance regimes and decision-making models, which often incorporate hybrid structures and innovative procedures that demonstrate that a strict division between private and public sectors is outdated.

The emergence and proliferation of citizen-led initiatives for the management of resources and spaces point to failures of both the market and the state to adequately manage these in a fair and inclusive manner. This is why Greens in Europe must not only monitor these developments but also actively engage with this resurgence of commons initiatives, in order to grasp the underlying political lessons for 21st century politics that the commons can teach, as well as in light of the significant convergence between political ecology and the underlying values, principles, and norms that are bound up with these initiatives.

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