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## The right to common

*Enclosures have appropriately been called a revolution of the rich against the poor. (1)*

*Commons are not just a “third way” beyond state and market failures; they are a vehicle for claiming ownership in the conditions needed for life and its reproduction. (2)*

### **Commons and Commoning**

In the broadest sense, commons are different kinds of wealth, resources, spaces, values, systems, processes and activities that ‘belong’ to groups or collectivities, and that are actively claimed, created, recreated, protected and restored for collective good and purpose, for present and future generations.

The best-known examples of commons are in nature: air, water, land, forests, and biodiversity. Commons can also be social, intellectual and cultural: for example, health and education systems, knowledge, technology, the internet, literature and music. As widely accepted moral and political claims to protection from abuses of power, and of access to resources and conditions essential to life, human rights can also be viewed as global commons. (3) However, the discourse of human rights has become trapped in the language of neoliberalism and individualism, which contradict the underlying values in notions of commons.

Commons can be linked and networked: a thing, space, system can be commons and enable other commons, for example, internet is commons and internet technology has enabled virtual knowledge commons. Similarly, ancestral domains of indigenous peoples enable the development of local knowledge, science, and resource use and conservation systems.

Commons can be inherited by a community or group from previous generations and passed on to future generations. They can be invented, created, adapted, protected, and replenished through collectively agreed rules. Many credit unions started as commons initiatives. Some retained their commons identities while others became co-opted by capitalism to become microfinance institutions. Communities in many rural areas across Asia share labour, produce and income to maintain collective food reserves. Most villages in Southeast Asia have community forests, common water sources (wells, ponds, lakes, streams, etc.) and common lands for grazing and foraging. Seed saving and sharing among peasants is one of the most enduring kind of commons, crucial in strengthening community resilience and food sovereignty, generating a shared sense of place and interdependence, and highlighting the vital role of women.

Commons evolve in practice and there are no commons without commoning. (4) Commoning are continuing, dynamic processes by which commons are created, adapted and strengthened to last over generations and across varying, often conflicting interests. For something—whether a resource, space, knowledge, facility or even a concept—to become commons, it must be identified and delimited as commons. Its boundaries, users, rules of access, use, control, inclusions-exclusions and system of governance must be developed by the participants of that commons, and recognized by

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broader society.

Commons offer creative life and survival options amidst the recurring crises triggered by capitalism and neoliberalism. Equally, they enable people to effectively resist extractivism, destructive development and capitalist expansion.

### **Ownership and Governance**

Commons are not governed through private property, market or state regimes, but by one or many groups of people, who can be socially, economically and culturally diverse. For example, a geographical territory may include a forest, river and coastal area that is shared, used and protected by peasant, fishing and pastoral communities through a collectively developed system of governance with rules, responsibilities, obligations and penalties for over-use, wrongful use, damage, etc. Food and agricultural cooperatives can involve producers, processors and consumers operating with collectively developed rules and regulations for quality, storage, safety and pricing.

Commons problematize notions of property: many commons are not completely open for everyone to use and exploit as they wish, but they are not private property either. In private property regimes, individuals hold legal ownership of specific properties, can legally exclude others from uses and benefits of that property, and have the right to dispose of the property as they wish. Individual, private property forms the basis of market based exchange; expressing such transactions as 'rights' conveys that human rights are necessarily individual, and that in a market, all actors have the same 'rights.' Commons on the other hand, are about collective 'property' and ownership (for want of better terms), where groups of people exercise collective rights to use, benefit from and make decisions about a shared thing, space, resource, etc. In contrast to private property regimes, power asymmetries among people and communities, and the potential for power abuses are factored into commons governance.

Agency in the commons is autonomous from state and market institutions. At the same time, the creation and practice of a commons involve negotiations of social and political relationships among people who are participants in the commons, as well as between them and actors outside the commons. For example, village residents who form a community forest need to negotiate with state authorities and/or neighboring villages, all of who may want control over the forest. In urban vegetable gardens, participants need to negotiate land lease, rules of use, management, etc. with relevant municipal authorities.

Although collectivity is at the heart of commons, they do not negate individual agency and responsibility; on the contrary, protecting and managing collective resources/wealth require a collectivity of individual actors working together towards shared goals. In many upland areas in Asia, swidden fields are claimed by individual families but the broader hillside is protected by the entire community. The lives and livelihoods of fisher folk are greatly dependent on rivers, lakes and oceans as commons, and their cultures and traditions define practices, rules and limits for harvesting from and protecting these commons. In some rural communities, crop and grazing lands are communally identified, although the tenure rights of families to cultivate specific parcels of land are recognised and respected.

Thus, the relationships that individuals and groups build to create, use, protect and strengthen commons are particularly important. The very concept of commons refers to a shared ownership relationship, which entails shared responsibility and shared beneficiary relationships. These relationships are expressed as social conventions, norms, informal customary laws and behavioral

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patterns. The commons demand conscious, deliberate participation and involve rights as well as obligations. People agree to be part of a commons, to enter into the system of rules (however informal or customary) of a commons. Commons governance is fundamentally about social/political relationships, and cannot be disassociated from the unique relationship that participating communities build. Well-functioning commons governance promotes personal responsibility, social cohesion, plurality, sustainable use of often-endangered resources and revival of positive traditional practices.

## **Threats of Enclosures**

The most direct threats to commons come from enclosures that bring existing commons into private property and free market regimes and prevent new commons from being formed. The infrastructure of neoliberalism--trade and investment liberalisation, privatization, corporate and market friendly regulation, commodification and financialization—undermines collective governance and responsibility by increasing focus on individualized benefits and property rights. States have tended to adopt governance policies and systems that favour the interests of corporations and markets over those of peoples, local communities and nature. Public interest—a concept of collectivity that goes beyond the sum of individual interests-- is being rearticulated in terms of individualized benefits and rights best served by neoliberal market transactions.

Lands, forests, rivers and other water sources are captured for logging, industrial agriculture and plantations, extractive industry, property/real estate development, energy production, tourism, etc. Industrial agriculture spurs the concentration of productive resources, land and labour in the hands of corporations and elites. Global value chains undermine the abilities of workers to organize, form unions and negotiate collectively for living wages and dignified work.

Free trade-investment deals enable corporations to win access to agricultural and natural biodiversity and traditional knowledge, and claim intellectual property rights (IPR) over products derived from them. Profits from these patents accrue to the prospecting corporations and institutions, not to the people who have nurtured these commons for generations. Bio-piracy is a persistent danger to indigenous peoples and other rural communities. Women, who are the savers of seed in most peasant farming communities, are generally the first to be displaced from new agricultural production packages based on “improved” seeds. Financial markets are penetrating deeper into our lives and economies and seek to capture nature itself, as with the Green Economy. New financial assets are being created from land, water, soil, carbon, oceans and biodiversity, whereby natural resources can be traded as commodities. (5)

The commons are also endangered by policy conditions attached to development financing from International Financial Institutions (IFIs) and bilateral and multilateral donors, who favour neoliberal approaches to development. The World Bank is firmly committed to private property regimes, individualised ‘marketable’ land rights and establishing land, carbon and water markets. The International Finance Corporation (IFC) provides financing for private investment projects that result in the destruction of nature and displacement of local populations from their territories. The Asian Development Bank (ADB) promotes rapid economic growth through private sector operations, which have repeatedly resulted in air and water pollution, land degradation and depletion of natural resources. In all operations advanced by International Financial Institutions, client governments are required to provide private companies unfettered access to land, water and other natural resources, and enact 'market-friendly' (rather than community, society and nature friendly) policies and regulations.

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The privatization and commodification of the commons have profound, long-term impacts on communities and societies. Time tested practices of sharing, using and managing resources, capabilities, infrastructure and labour within and among communities and different user-groups are dismantled, increasing the potential for conflicts, weakening social cohesion, and diminishing the quality of eco-systems and lives.

In rural areas, local people are cut off from crucial, life-sustaining spaces and resources, and the natural environment is degraded by deforestation, land conversions, chemical contamination, diversion of water flows and over-exploitation, which negatively affect the availability and quality of wild, foraged and gathered foods. Women are especially disempowered since they are responsible for most foraging activities and rely (more than men) on their immediate environment to ensure the sustenance of their families.

Enclosures shift ownership, stewardship and control over natural and productive resources from small-scale producers, workers, communities and society to corporations and elites, who seek to maximize profits as quickly as possible and endanger the future availability and quality of natural wealth and resources. Local populations are robbed of political agency and of their rights to make decisions about how they produce, consume, live and work.

Communities across Asia report that their traditional, informal systems of using and managing natural resources and territories were far more effective in conserving and regenerating lands, soils, forests, water and biodiversity than the modern, formal systems introduced by states. However, actions by communities to defend their commons from expropriation, privatization, commodification and financialization are increasingly criminalised and violently repressed by governments.

### **Commons and Commoning as Resistance**

Commons have always been terrains of struggle between different societal, political and economic actors; but at the current conjuncture of recurring crises, commons are spaces where the fiercest and most enduring resistances to capitalist development, neoliberalism and economic growth are being waged. At the heart of these struggles are core values of collective human rights and responsibilities; nature's rights; gender, social and ecological justice; sustainability; democracy; self-determination and; inter-generational equity.

Commons are non-commodified systems of production and thus a direct challenge to capitalism. They provide a framework for living, producing, consuming and exchange in which individual benefit is inextricably tied to collectivity and long-term security is not sacrificed for short-term gain. The very act of commoning is political in that it challenges established power hierarchies whereby the interests of a few are not permitted to undermine the needs of the majority.

It is crucial that we not only defend existing commons from enclosures and cooptation, but also, shape new commons to respond to challenges and crises, and to give expression to the regenerative capabilities of people and nature.

*Shalmali Guttal, s.guttal [at] focusweb.org*

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(1) Karl Polanyi (1944) *The Great Transformation: the political and economic origins of our time*. Page 35 Boston, Beacon Press.

(2) Massimo De Angelis (n.d.). "Crises, Capital and Co-optation: does capital need a commons fix?"  
<http://wealthofthecommons.org/essay/crises-capital-and-co-optation-does-capital-need-commons-fix>  
(last consulted: 23 October 2017)

(3) <https://blog.p2pfoundation.net/right-common-basic-human-right/2016/06/22> (last consulted 22 October 2017)

(4) Peter Linebaugh. *Some Principles of the Commons*.  
<https://www.counterpunch.org/2010/01/08/some-principles-of-the-commons/> (last consulted 20 October 2017)

(5) Antonio Tricarico. *The Coming Financial Enclosure of the Commons*.  
<http://wealthofthecommons.org/essay/coming-financial-enclosure-commons> (last consulted: 27 October 2017)