

In Defense of the Commons - The Threat of Enclosures

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“Enclosures have appropriately been called a revolution of the rich against the poor.”

Karl Polanyi, *The Great Transformation*. 1944. (p. 35)

Shared access, reliance, use and governance of natural resources is a common form of tenure in the world, North and South, rural and urban. The specific rules and institutions that govern common property are very diverse, developed by communities groups on their own direct experience and reflecting their priorities. Where well managed, such systems have proven capable of preserving the long term health of the resources and sustained benefits to the community relying on them. Common spaces are under increasing threat – their resources are grabbed for private interests, mined and degraded for short term gains. A critical factor in this is the weakening of common property management systems, undermined as the paradigms of privatisation and market commodification have dominated policy development. Networks and movements of the poor around the world are reacting to the destruction of their natural resources, and standing up in defence of the commons and the common property systems which sustain them. This article identifies some of the threats to the commons and highlights the resistance of local people.

The commons refer to forms of wealth that belong to all of us and that must be actively protected and managed for the good of all. Commons can be natural, such as air, water, land, forests and biodiversity; social and institutional, such as public goods, spaces and services; political, such as collectively held notions of democracy, justice and governance; and intellectual and cultural, such as general knowledge, everyday technology, shared music and scientific truths. While such categories may differ across countries and regions, commons generally consist of resources that communities and societies recognise as being accessible to everyone, and that are conserved and managed collectively for use by present and future generations. In this paper, we shall limit our discussion to the natural commons, particularly land, forests and water bodies.

Put simply, the natural commons include all lands, water bodies and associated resources that are not under private ownership or governed by private property regimes. These can include, for example, farm/crop lands, wetlands, forests, wood-lots, open pasture, grazing lands, hill and mountain slopes, streams and rivers, ponds, lakes and other fresh water bodies, seas and oceans, coastlines, etc. In many rural communities, farm/crop lands are communally owned, although the tenure rights of families that farm specific parcels of land are recognised and respected. In every part of the world, agricultural, forest, fishing, marine, pastoral, nomadic and indigenous communities have developed and practiced sophisticated systems of using, sharing, governing and regenerating their natural commons. These systems are essential elements of their respective

cultural-political identities and are crucial to their very survival.

The notion of the commons does not negate individual agency and responsibility; on the contrary, protecting and managing collective resources requires a collectivity of individual actors working together towards shared goals. The commons provide a framework for resource tenure and management in which individual benefit is assessed in terms of the wealth of shared resources, and future, long-term security is not discounted in favour of short-term gain. The interests of a few cannot undermine the needs of the majority. For example, forests and streams used by multiple communities for food and income can become rapidly depleted in the absence of regulations to prevent over-harvesting of forest and marine products and to ensure the health of the ecosystems. In the Lao PDR, rural communities in many parts of the country report that as a result of government mandated relocation and rapidly growing trade in non-timber forest products (NTFPs), many more people are foraging, harvesting and fishing in the same forests and streams, which in turn are depleting local food and medicinal resources that have sustained local communities for decades.

The commons continually face the threat of enclosures, i.e, bringing them into private property regimes, demarcating and delineating zones for exclusive use by particular actors/groups, and breaking up and parcelling out collectively managed spaces for fishing, foraging/gathering, grazing, etc. to individualised ownership. Threats come from both, outside and inside communities and societies through actors for whom, systems of shared access, responsibility and benefits are barriers to the accumulation of profits and power. These include landed classes, free market traders, speculators, private companies/corporations, the global consuming elite and the State. Open access lands, water bodies, forests and their associated natural resources offer the promise of revenue and profits, and are routinely expropriated for extractive industry, logging, hydro-power and other energy production, agricultural investment, tourism and development infrastructure. Wealthy governments are acquiring large tracts of productive lands in poorer countries to secure food supplies and employment for their own populations, while financial investors and traders are snapping up land for speculative purposes.

COMMERCIALISATION, COMMODIFICATION, PRIVATISATION

The expansion of global capitalism and neoliberalism has greatly accelerated enclosures. Market-driven frameworks and policies such as free trade and investment agreements, financialisation, private property regimes, and privatisation of public goods and services destroy notions of collective governance and responsibility, and pave the way for commons to be fenced. In a cynical manipulation of the climate crisis, new global commons—the atmospheric commons—have been defined to enable their capture through market mechanisms. Emissions trading, clean development mechanisms (CDM) and REDD (Reducing Emissions from Deforestation and Forest Degradation in Developing Countries) allow polluters and financial traders to monopolise resources vital for the planet and society but provide no assurances that anthropogenic climate change will be effectively checked.

Free trade and investment agreements generally result in the capture and conversion of forests, pastures, wetlands, watersheds and other commons for industrial and resource extraction purposes. Industrial agriculture spurs the concentration of productive resources, land and labour in the hands of corporations and local elites. Rivers and underground water sources are diverted to feed tourism, energy and manufacturing industries. Many trade-investment deals provide private corporations and research institutions access to agricultural and natural biodiversity and knowledge with the possibility to extend intellectual property rights (IPR) or patent protection to products derived from them. Profits generated from such patents accrue largely to the prospecting corporations and

institutions, and not to the communities and societies that have nurtured these commons for generations. Such bio-piracy is also enabled through bilateral academic and technical collaboration programmes, often under the rubric of development aid. The appropriation of elements of the collective wealth and knowledge of communities and societies into proprietary goods to generate monetary profits by commercial actors is a matter of great concern in many developing countries and among indigenous peoples everywhere. Women, who are the savers of seed in most peasant farming communities, are generally the first to be displaced from agriculture through new production packages based on 'improved' seeds.

The commons are also endangered by policy conditions attached to development financing from international financial institutions (IFIs), and bilateral and multilateral donors, who tend to favour the commercialisation and privatisation of natural resources, trade liberalization and investor-friendly regulation. Majority of the governments from the South are deeply dependent development aid, credits and international capital to meet domestic expenditures, and are more than willing to grant unrestricted access to natural resources within their boundaries in exchange for foreign aid and loans. All IFIs favour the privatisation of public goods and services such as water supply, sanitation, health, education, electricity, and food storage and distribution.

The World Bank is firmly committed to private property regimes, individualised 'marketable' land rights and "easing barriers to land transactions." In World Bank parlance, "good land governance" may include strengthening women's access to land and capital, but it also includes facilitating land-related investment, transferring land to "better uses" and using it as collateral for loans. [1] The Asian Development Bank (ADB) promotes rapid economic growth through private sector operations, which have repeatedly resulted in widespread air and water pollution, land degradation and depletion of natural resources. Borrowing governments are required to provide private companies unfettered access to land, water and other natural resources, and enact 'market-friendly' (rather than community or societyfriendly) policies and regulations. There is little recognition of the complex relationship and inter-dependence between human well-being and the goods and services that healthy ecosystems provide—especially in rural areas. Industrial, chemical-intensive and monoculture oriented agriculture and agro-forestry (including plantations), large-scale commercial aquaculture and extractive industry—all of which bring the commons into private property regimes—are high on the agenda of IFIs and even the Food and Agriculture Organisation (FAO). Not only are forests, woodlots, pastures, wetlands, hill slopes and streams given over to private companies for long periods of time (25-99 year-long leases) but also, they are polluted, contaminated, degraded and depleted through over-use, extensive application of chemicals and dumping of waste matter.

Although many governments, IFIs and other regional/global institutions acknowledge the importance of natural resources to the survival of rural peoples, they do not recognise the importance and viability of collective eco-system management with localised centres of governance and decision making. Their preferred models of governance prioritise individualised ownership and access/tenure rights that can be freely traded in markets. In January 2010, the World Bank, Food and Agriculture Organisation (FAO), International Fund for Agriculture Development (IFAD) and United Nations Conference on Trade and Development (UNCTAD) proposed the "Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources" (RAI) to ostensibly minimise the most egregious impacts of large scale, private, agricultural investments on land. The RAI are geared towards smoothening the access of agricultural investors (usually large, well endowed corporations) towards the agricultural lands and natural resources they want, rather than empowering rural communities to uphold their rights to resources that are crucial to their own livelihoods and to the livelihoods of future generations. The RAI discount future collective/societal potential in favour of present individualised opportunities for profit making.

PROBLEMS WITH GOVERNANCE

States have, by and large, tended to adopt land, water and natural resource governance models that favour the interests of markets and corporations over the interests of their citizens—especially those who rely most on them for food, health, livelihoods and survival. In most countries, lands, forests, coastal lands, wetlands, slopes and water bodies not under legal private ownership are designated as ‘public property,’ and governments claim the authority to allocate/use them for national economic and security purposes. Thus, forests, pastures and farmlands are converted to mono-crop plantations and large industrial farms, lakes and wetlands are filled for real estate projects, rivers are dammed, and lands and water bodies are sequestered for mining, drilling and other extractive industry. Exclusive forest preserves and biodiversity conservation areas are established that restrict or deny access to local communities but allow private companies/corporations to log and harvest resources through special economic concessions. In each of these cases, natural resources are commodified and privatised, long-standing local practices of community resource use and governance are dismantled, and local communities are denied access to the very resources that they nurture and that sustain them.

The privatization and commodification of the commons have profound and long-term impacts on rural and urban societies. Time tested practices of sharing, using and managing natural resources 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. Local people are cut off from crucial, life-sustaining spaces and resources, and the natural environment is degraded because of deforestation, land use changes, chemical contamination, diversion of water flows and over-exploitation, which in turn negatively affect the availability and safety of wild, foraged and gathered foods. Privatisation and commodification specially disempower women 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 and control of natural resources from smallholders, communities and society to private companies and corporations, which in turn result in prioritising short-term private/corporate profits and endangering the future availability and quality of natural resources. Communities across the world report that their traditional, informal systems of 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, privatisation and commodification have generally been criminalised and often violently repressed by governments.

Local governance, however, is not without problems. Nor is traditional leadership uniformly good and just across communities and societies. Traditional power structures are as susceptible to corruption, abuse and capture by vested interests as modern power structures. Communities in much of rural India tend to adhere to deeply entrenched discriminatory practices based on the caste system, that forbid particular communities to use the same commons as others, and sequester some resources for exclusive use by historically powerful groups. Sedentary farming communities often clash with nomadic pastoralist and forest peoples’ communities over rights to control the use of open pasture, forests and woodlands. Even in less stratified villages for example in India, Laos and Cambodia, village chiefs feel well within their bounds to sell off community lands for personal gain. Some of the worst problems arise where modern, formal administrative hierarchies co-opt traditional leaders, driving wedges between community and government priorities. In much of the world, patrilineal and patriarchal social-political structures deny women voice in making decisions about how community lands and resources should be used and managed. Farmers’ organisations across the world recognise that women have deep ties with the land and that food producing

commons are more likely to be reallocated to commercial use if the power to make decisions about land use lie solely with men.

Today, the threats to the commons are greatly multiplied by the food, finance and climate crises, all of which are being used as opportunities by state, corporate and international institutional actors to find more ways to deepen their control over precious, life sustaining resources. Particularly threatened are land, forests and water sources—that are of tremendous value to producing food, regenerating biodiversity and ensuring soil fertility—as states, investors and financiers realise that control over these are tantamount to control over life itself.

RESTORING AND DEFENDING THE COMMONS

Under threat, the commons have always been arenas of intense social-political organisation, mobilisation and action. As threats to the natural commons multiply, so do struggles of local communities intensify to defend their collective rights to land, water, forests and shared territories. These include advocacy for innovative approaches to governing, stewarding and managing natural resources and territories. At the heart of their struggles to defend and reclaim the commons are principles of human rights, social and ecological justice, sustainability, democracy, self-determination and inter-generational equity.

Key demands and proposals by farming, fishing, pastoralist, forest and indigenous peoples' organisations as put forward at public fora, include: [\[2\]](#)

- Land, territory and natural resources are not simply economic assets; they are the foundations of culture, identity, society, food sovereignty, self determination and well being. They must be protected as commons to achieve social and economic justice, and the well-being of communities, society and ecosystems in the present and for the future.
- There is an urgent need in all societies to arrive at an understanding of what resources constitute the natural commons and how they should be protected from profit and rent-seeking actors and processes at all levels, local to global.
- Communities must be guaranteed security of access and tenure over their commons by law, with community-generated rules for sharing these resources with external actors.
- All communities that share any commons must urgently formulate enforceable rules to prevent over-use, degradation, pollution and depletion.
- The governance and management of natural resources, land and territories should be rooted in collective rights and common property frameworks. Communities should have the power to make rules and regulations about individual and collective access, tenure and ownership, including appropriate rewards and penalties for abuse and wrong-doing.
- Women must be full and equal participants in all decision making about the commons.
- Laws pertaining to the use, access, tenure and governance of land, forests, water and other natural resources should be based on the realities, wisdom and practices in different geographic areas/zones; people in different regions have evolved practices of using natural resources that are compatible with their micro-environments; law-makers and governments should respect and learn from these.

- The rights of communities to self-determination must be respected and upheld; this includes protecting their traditional and customary use, access and tenurial rights to eco-systems and territories.
- Indigenous peoples' rights as laid out in the UN Declaration on the Rights of Indigenous Peoples, must be respected and upheld.
- States as duty bearers must work for the protection and fulfillment of peoples' collective rights to land, territory and natural wealth, including the promotion of local control over land, territories, and natural wealth by different social-cultural communities, recognising their multidimensional relationship to these commons. This calls for democratic, gender just, equitable, sustainable and inclusive community stewardship and governance.
- States must accept and respect the knowledge, practices and abilities of communities to conserve, manage and protect their natural resources; new technologies to develop and manage land and natural resources should be accessible, affordable, sustainable, self-manageable, gender-just, and build on existing good practices.
- All state and market initiatives to enclose the commons must be rejected and firmly resisted; those commons that have already been privatised and commodified must be reclaimed and handed back to communities for restoration, sustainable use and protection. Market mechanisms should not be permitted in systems to govern natural wealth and territories.
- Remedial justice must be provided in timely and appropriate ways for the destruction of land, territory and natural wealth by the state, international financial institutions (IFIs), big business and other private entities. This includes environmental clean-up and restoration, the costs of which should be borne by the polluters.
- Communities have the civil and political rights to resist state expropriation and corporate grabs of their commons. Community and broader societal struggles to defend the commons must not be criminalised and repressed by states.
- All guidelines for the governance of land, territory and natural wealth must respect, recognize and uphold community control in the governance of these commons; the principle of Free, Prior and Informed Consent (FPIC) must be respected and upheld; communities must be able to exercise their rights to decide how the resources in their territories and ecosystems should be used.
- Laws pertaining to access, tenure and use of land and natural resources should be formulated through a governance system that is democratic, ecologically sustainable, socially acceptable, inclusive and gender-just.

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P.S.

* "In Defense of the Commons":

<http://commonstransition.org/in-defense-of-the-commons/>

Footnotes

[1] <http://www.responsibleagroinvestment.org/rai/node/254>

[2] Many of these demands and proposals have been formulated through consultative processes to develop guidelines for sustainable land and resource tenure initiated by the Committee for World Food Security in the Food and Agriculture Organisation (FAO).