

COMMONS

GOVERNANCE OF SHARED ASSETS



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WITH FOREWORD BY KATE ASHBROOK



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Table of Contents

Copyright	3
Foreword	4
About the authors	6
About the book - Commons	7
COP21 - 'Gentlemen's Agreement' or new approach?	9
Cities and the concept of 'urban commons'	21
Designing the urban commons	26
Urban commons - the view from beneath	32
What value street art?	38
Marine fisheries	46
What future for Lowland commons?	50
Peatlands	54
Climbing the wall	60
The Internet is not a commons?	66
Final thoughts	68

Copyright

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Foreword

By Kate Ashbrook - Open Spaces Society



When I first went to work for the [Open Spaces Society](#) more than 30 years ago I was familiar with the concept of common land and rights in England and Wales and was excited by the prospect of campaigning for them—and for the public’s right to walk there. The law of commons is ancient, intricate and sometimes bizarre, but the subject is fascinating.

But it was not until [Countryside and Community Research Institute](#) hosted the International Association of the Study of the Commons’ biennial conference in Cheltenham in 2008 and I was invited to participate that I became aware of the wider concept of commons. I briefly met that doyenne of the commons, the late Elinor Ostrom, and I realised that commons were not only the ones I knew but, as this book shows, they embrace cities, fisheries, mountain walls, the internet, the stratosphere—and much more.

This book is an eye-opener. It encourages you to think differently about everyday things, such as graffiti, and dilemmas about public versus private (which is not such a straightforward distinction as it might seem).

Probably the most challenging is the chapter on the Paris Agreement. Here [John Powell](#) demonstrates the difficulty of applying Ostrom's eight design principles (see pages 15-16) to problems of global commons such as climate change, because those principles are rather too relaxed and cannot support the imposition of sanctions. But it is imperative that nations co-operate to find a solution to such problems and, within the concept of commons, we can find a way.

Kate Ashbrook, February 2016.

[Kate Ashbrook](#) is the general secretary of the Open Spaces Society which is Britain's oldest national conservation body, founded in 1865. She is also president of the [Ramblers](#), patron of the [Walkers Are Welcome Towns Network](#), and a trustee of the [Campaign for National Parks](#) and the [Dartmoor Preservation Association](#). She owns 17 acres of common land in the Dartmoor National Park, on a steep, wooded slope above the River Tavy, which she manages for fritillary butterflies.

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About the book - Commons

The idea for this book came slowly following a gradual collection of [blog posts on the CCRI website](#) in recent years. The posts centred around the general theme of how we manage shared assets and what alternative approaches there might be, informed by research and practice in the governance of commons resources.

The whole area of commons and management of common pool resources has become more topical over the last 6 years following the award of the Nobel Prize for Economics to Elinor Ostrom, for her work on commons. Commons has long been an element of research within CCRI, particularly in relation to [Common Land and Town and village Greens](#) in England and Wales. Chris Short organised annual conferences on common land management from 1999-2010 which attracted over 1,500 delegates and sponsorship from the Countryside Agency, Defra, Natural England and the Countryside Council for Wales.

I worked on new commons legislation for three years (2003-06) but our collective knowledge was vastly expanded by delivery of a [global commons conference for the IASC in 2008 \(at which Elinor Ostrom was a key speaker\)](#). Hosting more than 500 delegates from over 70 countries broadened our understanding of the extent and significance of common pool resources, and the need for improved management and governance. A total of 420 papers were given at nearly 90 sessions, in addition to book launches, field trips and a plethora of workshops. Since then we have started delivery of a commons short course series, and worked on a wider range of commons problems including fisheries, water management, food production, and urban issues. We continue to explore the potential for new solutions to complex socio-ecological problems by looking through the conceptual 'lens' of commons.

This book is no more than a set of 'musings' or collected thoughts about a range of issues which we have addressed in our professional activities.

It does not claim to address all aspects of an issue, or to present a balanced view of research findings. The aim is simply to present some of our ideas about management and governance of a range of resources that can be perceived in some way as 'shared assets'. The resources addressed range from the local to the global, and encompass what have been termed traditional commons (such as fisheries, pasture, water) and 'new' commons such as the internet and urban areas. Our purpose in producing this book is to raise awareness of the principles of commons governance. Our aim is to encourage thinking about the ways in which application of these principles might open up alternative solutions to achieving long-term and sustainable management of the many assets that we share in common.

John Powell, February 2016.

COP21 - 'Gentlemen's Agreement' or new approach?

To what extent has the 2015 UN Climate Change agreement incorporated Elinor Ostrom's principles for commons governance?

Two developments took place during 2015, both related to society's capacity to deal with the management of global commons problems. The first, the [Pope's Encyclical of 18th June 2015](#), which has been widely praised by environmental groups as well as UN Secretary-General Ban Ki-moon, calls for action on climate change and for the rich to change their lifestyles to avert the destruction of the ecosystem. It implores not just Roman Catholics, but every person living on our planet to protect the Earth - 'our common home'. It states that dealing with global commons issues is an activity that should not be left to governments, or corporations, or some other organisation to solve, but is the task of every individual.

The second event was the [Paris Agreement](#), where a new global climate change agreement was put together by the 195 Nations attending. The Agreement is the outcome of the United Nations Climate Conference which took place in Paris late last year (30th November to 12th December 2015), as one step in a long process of [international climate negotiations](#). The Paris Climate Conference has been seen by some as a 'last chance' to achieve "...a legally binding and universal agreement on climate, from all the nations of the world", and the Pope's Encyclical, issued in advance of the conference, was clearly intended to influence the thinking of those involved.



Electricity pylons near to a coal-fired power station

Climate change can be viewed as a global commons issue as we all contribute to the emission of global warming gases, and we all rely on a stable climate for survival. Large scale commons such as climate offer significant challenges to the more traditional environmental management approaches, as integrated action is required at both local and global scales, along with new institutional arrangements to bring about improvements. Increasing understanding about the nature of commons resources among policymakers will be a key requirement for achieving new and innovative approaches to such global issues. An important principle to grasp is the extent to which every individual is involved in both causing, and being a victim of, climatic change. Management of global commons issues such as climate change are extremely difficult, as no single person, group, or nation, has the power to bring about improvements; in this case it requires action from all of us, as Pope Francis pointed out in his Encyclical. These events leave us facing two questions: first, to what extent can the Paris Agreement be considered a success; and second, what can our understanding of smaller-scale commons governance contribute towards the problem of managing global climate change?

To what extent is the Paris Agreement a success?

In order to explore the first question we should examine what the Paris Agreement achieved, but that can depend on whom you listen to. Some climate scientists, including [James Hansen](#), indicate that the proposed decreases in carbon emissions do not go far enough, suggesting the Agreement is not adequate to prevent global temperature rise of more than 2C, beyond which significant levels of ecosystem deterioration are envisaged. 12th December 2015. There is also criticism that there are no enforcement mechanisms, and no guarantees of financial support from the rich nations to assist the poor in reducing their carbon emissions.



Will the USA assist less affluent nations?

On the other hand the Agreement has also been hailed as a major success. [Anne-Marie Slaughter](#) (President of the New America Foundation), for example, stated that the Agreement represents a:

*“...new kind of global governance...which substitutes rolling processes for fixed rules”
that is “far better suited to the kinds of global problems we face today”.*

The fact that 195 countries talked for nearly two weeks in order to reach an agreement illustrates that global warming is finally on the political agenda, is in itself a success, and was helped by progress made between China and the USA to take steps to control their own carbon emissions. The Agreement puts climate change firmly on the political agenda at the global level. It is important to note, however, that the agreement '[will only become legally binding if joined by at least 55 countries which together represent at least 55 percent of global greenhouse emissions](#)'.

The countries signing up will need to adopt it within their own legal systems and be in a position to sign the Agreement between 22nd April 2016 and 21st April 2017. For many, including some of the larger Carbon emitters such as the USA, this will not be an easy task.

What does the Paris Agreement actually achieve? In an editorial, [The New York Times identified](#) four main items in the agreement:

- Rise in global temperatures is limited to no more than 2 degrees Celsius. The aim is to limit the rise in global temperatures is limited to no more than 2 degrees Celsius.
- Collective responsibility. A total of 186 of the countries signing have already agreed to cut or limit the growth of their greenhouse gas emissions. This includes both developed and developing countries and is felt to '[...reflect a new sense of shared responsibility](#)'. However, these commitments will take us only halfway to the 2 degree goal.
- Regular assessments. The signatories agreed to meet every five years to take stock, and revisit their commitments, and where necessary to increase them so that the 2 degree goal can be attained.
- Transparency. The agreement requires regular and transparent reporting of every country's carbon reductions.

The Agreement goes further than this, however, there are Articles that illustrate the signatories realised the need for capacity building among nations at all levels of society, and the need for a flexible approach to address the problem. To the list above we can also add the following:

- Support for capacity building. Capacity building and participatory approaches are required at all levels from national down to the local level.
- Flexibility. The Agreement recognises the differential abilities of developing and developed countries to take action, and in terms of the type of action taken to reach the overall goals.
- Recognition of the need for wider societal involvement. The Agreement supports the need for both public and private sector involvement, using both science and indigenous knowledge to help develop solutions that will deliver the overall goals.

The fact these are written into the Agreement represents a step forward. It indicates that the signatory countries are starting to recognise the need for wider involvement in finding solutions.



PV Solar - an increasing sight across the UK

Unlike a standard international treaty, what the Agreement did not do is come up with fixed targets that must be met to avoid the imposition of sanctions. There is widespread acknowledgement that such an approach would not have worked. What the Agreement has accomplished instead, is a conceptualisation of a process about how global climate issues might be managed in the long-term. The Agreement is based on

[Intended Nationally Determined Contributions](#) (INDCs) which effectively amount to 'draft' national climate contributions to decrease carbon emissions. These target emission reductions were announced by 186 countries in the run up to the 2015 climate conference in Paris but it is estimated that the INDC contributions will only limit global warming to 2.7C by 2100 – assuming they are implemented in full. [What the Agreement does is enable all the signatories to meet every five years](#) (after 2023) to perform a 'stocktake' and decide whether progress is occurring at a suitable pace, and what else might be required to meet the 2C target.

On ratifying the Agreement each country will establish a target for emissions, but this will be voluntary and there will be no enforcement measures to ensure targets are met – only a 'name and shame' process through the transparency created in ensuring signatories publish all relevant data related to carbon emissions – and it is this lack of any enforcement mechanisms that is one of the major causes of concern for climate scientists. Thus, while there is recognition that every country will need to be involved, and that there needs to be transparency in terms of emissions and control measures, the only means of checking progress is a series of regular meetings. Whether this will be sufficient to ensure that the signatory countries have the political will and enforcement capacities to actually reduce carbon emissions within a voluntary system, with limited checks, remains doubtful. Experience with commons, from the very local to large regional resources such as marine fisheries, suggests that governance based on voluntary action does not work, and commons can only be managed successfully where monitoring and enforcement of rules occurs.

One might, therefore, be forgiven for considering the outcome from the Paris Conference as little more than a 'gentlemen's agreement', with the aura of polite trust that accompanies such informal and legally non-binding arrangements; it's as if the signatories are saying 'we are all honourable people, and if everyone pulls their weight then things are bound to improve'!

We are left asking ourselves whether this actually represents a new approach to managing global commons. Is it a new departure from the old reliance on international treaties backed up by sanctions, is it a

'fudge' brought about by an inability to reach agreement on more demanding approaches, or is it actually a new way forward? Can international agreements with no means of enforcement beyond 'publicity' be applied in practice? Does it offer any lessons that point the way towards more effective global commons governance?



Wind turbines - an increasing sight across the UK

Can our understanding of commons resources contribute to the creation of new systems for the governance of global climate change?

The second question of interest is whether commons scholars, and the past decades of commons research, have got anything useful to say about the management of global commons, and if so whether that is having any influence on the development of this new approach to managing climate change. In short, it would be useful to explore whether the Paris Agreement integrates any of the design principles put forward as necessary for effective and long-term commons governance?

Ostrom's design principles for commons governance (1990), were insights developed from years of research based on the operation of relatively local and small scale commons resources. As such they have been criticised as being inadequate for dealing with global commons problems. The eight design principles can be summarised as follows*:

1. Clearly defined boundaries for the resource and the rights of users
2. Congruence between appropriation and provision rules and local

conditions. Appropriation rules must be linked to local conditions and to provision rules.

3. Collective choice arrangement. Most of those affected by the operational rules can participate in modifying the rules.

4. Those monitoring the system are accountable to the appropriators, or are the appropriators themselves.

5. Graduated sanctions for those who violate operational rules.

6. Conflict resolution mechanisms. Provide accessible, low-cost means for dispute resolution.

7. Minimal recognition of rights to organise. Rights of appropriators to devise their own institutions are not challenged by external government authorities.

8. Nested enterprises. Build responsibility for governing the common resource in multiple layers of nested enterprises.

It has been suggested that the design principles cannot be applied at global levels for a host of reasons, including: the complexity and lack of understanding of global socio-ecological systems; the inability to assign rights of use; the difficulties of monitoring; the inability to impose sanctions; the inability to enable the appropriators to devise institutions; and, the complexity of any system of nested enterprises that would be required. It is true that the principles were drawn up using commons where the spatial boundaries and allocation of rights could be more easily ascertained, and some of the principles either may not apply, or might have to be re-conceptualised. The complexity of global commons issues and lack of defined boundaries would undoubtedly make management more difficult, particularly if everyone is considered a 'user' or rights holder, and linking appropriation rules to local conditions may not be relevant in such a situation. Principle 7 on who should be involved in creating the governance institutions will need to be adapted for global scale commons, and in addition the eighth Principle, on nested enterprises, might need to be re-considered in the absence of suitable international institutions. Principles 3 to 6, however, are applicable, though they might need some modification. There will still be a need for monitoring, rule-making, sanctions, and conflict resolution.



A hazy scene from northern India

There have been more recent proposals for modifying the design principles to make them more applicable to global issues such as climate change. Stern (2011)*, for example, suggested the following principles for global commons:

1. Invest in science to understand the resource and its interactions with users and those affected by its use.
2. Establish independent monitoring of the resource and its use that is accountable to the range of interested and affected parties.
3. Ensure meaningful participation of the parties in framing questions for analysis, defining the import of scientific results, and developing rules.
4. Integrate scientific analysis with broadly based deliberation.
5. Higher-level actors should facilitate participation of lower-level actors.
6. Engage and connect a variety of institutional forms from local to global in developing rules, monitoring, and sanctioning.
7. Plan for institutional adaptation and change.

Looking at the Paris Agreement it would appear that some of these principles are being put into effect. In particular Principles 1, 3, and 4 appear to have been integrated into the process, while the other Principles have not, or are only considered to a lesser extent. The Agreement raises the issue of the need for greater scientific understanding and awareness raising at all levels (Principle 1), which will certainly be required if a wider range of organisations are going to have a role in implementing the INDCs. The recognition of the need for capacity building illustrates the influence of this particular principle. In addition, Principles 3 and 4 on ensuring meaningful participation, and integrating scientific analysis with deliberation, were certainly a feature of the Paris Conference.

Independent monitoring (Principle 2), is required for managing carbon emissions, but the Agreement is going to rely on the transparency of self-reporting rather than create potentially expensive and onerous monitoring systems. In terms of meaningful participation the Conference itself was open to a wider range of parties than previously, but little evidence that higher-level actors are supporting the participation of 'lower-level' actors. Principle 6 has not been achieved at this point, as relatively few organisations were involved in developing the INDCs, and the process has mostly been top-down. The focus of the Agreement was not on rules, sanctions and monitoring, preferring instead to rely on publicity and regular meetings to check progress. Principle 6 as stated above might be considered as rather weak, requiring only 'engagement' in rule creation and sanctions, but says nothing about implementation, and there is no consideration of the need for conflict resolution. Principle 7 has been applied but only to the extent of recognising the need to flexibility and creating the foundation for a reflexive process of checking the extent to which INDCs are being effectively implemented.

Discussion

The Paris Agreement has demonstrated that global level agreements can be made between large numbers of countries, even where there are conflicting views as to the correct course of action, and significant imbalance between those causing the problem and those most likely to

suffer the effects. The Paris Agreement is one step on a long road. Looked at through the lens of commons management it is not much more than its title suggests, an 'agreement that there is a problem', and that needs to be addressed at the global scale. There are commitments for the signatories to reduce their carbon emissions (through the INDC mechanism), but those commitments will require ratification by national governing bodies, implementation by countless organisations, and ultimately by individuals, who will need to have an enhanced awareness of the global climate problem if they are going to undertake behavioural change at the most basic levels.

Management of global commons will depend on individual action, in exactly the same way as the long-term sustainable management of any commons resource requires individual restraint to ensure rights of use are not exceeded. The major difference is that with a global commons there is no external body telling us how to act, we all have to recognise that living within the planetary ecological limits is the only guarantee of long term survival. We also know from extensive research on commons, that even at the level of the smallest common, whether it is a pasture, a piece of woodland, a fishery, or a communal garden, there are those who will seek to gain at the expense of others, or who will try to avoid undertaking their fair share of the work that maintains the common (free riders). Monitoring of other resource users, keeping an eye on neighbours, enforcement of rules, and imposing sanctions on the rule-breakers, are the necessary elements of sustainable commons management. We cannot expect resource users to police themselves; an external body (or set of bodies/institutions) standing separate from the resource users is usually the best approach, as it provides a means of hearing appeals over unfair treatment and resolving disputes between different users. At the global level there is no suitable institution with the ability to play this role. The UN, already over-burdened and under-funded, does not have the capacity to be effective, so the question remains, how do we ensure rights of use in a global commons are not exceeded?

The Paris Agreement is silent on these issues. Like many attempts to deal with large-scale commons the focus has been on the state of the resource itself, and not on the institutional arrangements and governance systems required to ensure sustainable use. Paris is the first

step – agreement by everyone that there is a problem, and recognition of some of the requirements needed to resolve the problem: trust, transparency, capacity building, flexibility, collective responsibility, and the need for wide involvement to develop effective solutions. In itself, that is something of a success.

In terms of dealing with carbon emissions, however, Paris is not much more than a ‘gentlemen’s agreement’ and will not address the fundamental problems of climate change. In particular it does not create the institutional arrangements needed to ensure reduction in carbon emissions. In terms of a new approach to global commons governance, however, the Agreement shows some promise. The way in which it is structured suggests recognition of the need for a more flexible approach to managing global commons, and some of the Articles demonstrate awareness of the need for wider societal involvement and capacity building. What is not apparent from the Agreement is any realisation of the need for rules, monitoring, and enforcement mechanisms. Nor is there consideration of the institutional arrangements that might be required to put those elements into effect, and that is where attention must now be focused, building on the experience and understanding built up over the last few decades of research into commons governance. In terms of a new approach, it is a promising start, offering a foundation for a potentially radical alternative to previous attempts at managing global commons.

*Ostrom, E. (2005) *Understanding Institutional Diversity*. Princeton University Press.

*Stern, P. (2011) Design principles for global commons: Natural resources and emerging technologies. *International Journal of the Commons*. Vol.5, Issue 2.

John Powell (2016)

Cities and the concept of 'urban commons'

There is a new interest in the management of cities and in conceptualising shared urban spaces as a 'new' form of commons.

Scholars and activists have recently been exploring the management and governance of shared urban spaces such as city streets, green spaces, parks, public squares, and even community gardens. This is not to say that interest in the governance of urban spaces is anything new – concerns go back to the first city-states – which were just as concerned with how people can govern the areas they utilised in-common as we are today. [This renewed interest](#), particularly in [Italy](#), is slightly different. Firstly, it has been sparked by concerns over austerity policies, which have seen cutbacks in local authority budgets resulting in reduced spending or even loss of services and shared spaces. When this is also aligned with increasing corporate power, selling off public land and property to private developers, and privatisation of urban spaces then the level of citizen concern is rightly raised. Secondly, it is using the concept of commons to explore solutions.



Who owns the streets? New York City

One recent outcome of this renewed level of interest is the Bologna Regulation based on the notion of the city as a commons. The 'Bologna Regulation on Public Collaboration for Urban Commons' was adopted by the city towards the end of 2014, providing an opportunity to explore different collaborative approaches to the management of certain types of urban space and property (including both public and private property) for a period of one year. The regulation is one product of 'The City as a Commons' project supported by [Fondazione del Monte di Bologna e Ravenna](#) but is an idea also being taken up by other Italian towns and cities.

Although the regulation includes the term 'urban commons' in the title, the manner in which urban commons are defined is not entirely clear. The regulation seems to be about creating new or alternative collaborative (and co-management) arrangements between city administrators, 'active' citizens, and private property owners for managing certain kinds of space within the urban area.

The definition from the Bologna Regulation defines urban commons as:

"...the goods, tangible, intangible and digital, that citizens and the Administration, also through participative and deliberative procedures, recognize to be functional to the individual and collective well-being, activating consequently towards them, ... to share the responsibility with the Administration of their care or regeneration in order to improve the collective enjoyment."



Polluting the urban commons, Edmonton, Canada

The Regulation (which in the UK we might consider more as an 'administrative agreement') goes on to lay out provisions for 'shared management' of both public and private spaces. It would seem the definition encompasses what we would also think of as private and public goods, as well as common pool resources. Some may argue that the provision of certain public goods (such as clean air and green spaces) is a right of every citizen, and that city governments should, as a matter of course, provide for them. The arguments then centre around the level of provision, management, and cost. But support for public goods provision is often one of the first casualties of local government spending cuts, precisely because the benefits are widely spread, often relating to 'well-being', 'intangible' and thus not easily measured – certainly not in terms of the monetary values on which decisions are made. So, this movement to explore alternative approaches to the governance of cities is an interesting one, using the notion of 'commons' as a means of altering the way citizens and administrators perceive, and manage, shared urban spaces. Urban commons (as opposed to public goods) would be those spaces or resources where it is difficult to exclude people, but one person's use has the capacity to reduce or diminish another person's use and/or enjoyment. Such spaces therefore need careful management to ensure widespread benefits and maintenance of quality of the resource in question. The idea certainly deserves more attention as it has the potential to alter the way we conceive of, design, and use urban spaces, and the rules we make about who does and does not have access.



Sharing urban space - Belgrade

The key question we should be asking is this: what makes a feature of urban life a commons resource; whether it is a physical resource such as an open space, a street where children play, a park, a service such as a library, or a less tangible asset such as public art? The answers are not simple – not all urban spaces are commons – and if managed as commons are potentially more likely to fail to deliver the desired benefits than if managed as public or private goods.

Cities are complex socio-economic systems and the idea of a 'city as a commons' offers scope for exploring new ways of city governance. Those living in an urban area all share the same space, and all benefit from (or suffer under) the same system of city management. It makes sense that those sharing these experiences should have some say in how their lives in the city are governed – and alternative forms of collaborative management and/or governance arrangements are one way forward.



Multiple use of common space - Belgrade

'What makes the city a commons?' At this point one could be forgiven for saying it is not entirely clear – but it is a fascinating area for exploration – and one that has the potential to increase the quality of life in urban areas, and the 'values' we derive from our urban spaces, through changing the way we perceive and govern the space around us.

John Powell (2015)

Designing the urban commons

In the summer of 2015 an open design competition was held by Theatrum Mundi on the theme of 'Designing the Urban commons'. Winning designs were displayed at the [London School of Economics \(LSE\)](#) and offered interesting perspectives on how a major city might start to conceptualise urban areas in terms of a shared resource and common spaces.

The urban design competition exhibited at the LSE in London included a fascinating mix of ideas around the theme of the 'Designing the urban commons'. The selected exhibits were considered to be "the most stimulating and challenging responses to Theatrum Mundi's 2015 ideas competition - Designing the Urban Commons". The brief for the competition was to submit ideas and designs that would 're-imagine spaces in London as places for collaboration, sharing and collective ownership'. The ten winners of the competition on display were a fascinating mix of familiar and bold, challenging ideas. Here, some of the more interesting designs are briefly described.

Re-inventing the Lodge

The project focuses on re-vitalising the use of a derelict park-keepers lodge in Tower Hamlets Cemetery Park, a total of 31 acres of semi-wild woodland in the Mile End area of London. The project envisions turning the lodge into a community cafe and events space. The aim is a partnership between an existing organisation called the shuffle Festival, which has already raised money through a series of events and a crowd-funding campaign, to create a business organisation that will generate income, employ and train local people. A key aim of the partnership is to give the project more influence locally that will protect it from appropriation, either by government or the private sector.

Saturday Commoning Fever

The project focuses on regulations that govern what people can and cannot do in the streets. The overall aim is development of a website that provides simple explanations of 'street rules' that will inform but also enable local residents to 'question and challenge' legislation when it does not allow them to undertake activities that they would like to in 'their' streets.

Rainbow of desires

Envisaged as a set of pavilions on a large housing estate which would provide space for workshop activities based on ideas emanating from the 'theatre of the oppressed' as a means of promoting social and political change, as well as communal spaces including a library, cinema and open kitchen. The aim of the project is to provide space for activities, which would be primarily focused on strengthening and empowering the local community.



Rainbow of desires

Commonstruction

This design is sub-titled as a 'manual for radical inclusivity' and relates to planned regeneration in part of Tottenham in London where local community groups are claiming the a 'policy of social cleansing is being used to facilitate a land grab by developers'. The aim of the manual is to provide a means by which local action can be coordinated through provision of community workshops, public social spaces and residential start-up spaces (using self-build and voluntary approaches). One suggestion is for a community land trust to enable collective ownership of space.



Commonstruction

Carbonsync

Explores the potential for a network of new spaces for 'urban commoning' by re-using the 'underused spatial remnants of London's industrial age' for tree planting to create urban forests which will also act as carbon sinks. The approach would be based on local community planting to engage local people and 'instil a sense of ownership'.



Carbonsync

Service Wash

The Service Wash re-imagines an expansion of the functions performed by local laundrettes, many of which have declined in use as more people get washing machines and driers in their homes. The idea is to create partnerships with homeless charities to provide a range of facilities for the homeless, not just clothes washing but also showers and haircuts, and small lockers to store personal items. It also suggested that by providing a potential address, would enable homeless people to access a range of social benefits. Seeing the laundrette as a facility collectively 'owned' by its users would be a goal.



Service wash

There were two interesting features of the exhibition which came across strongly. First, was the interdisciplinary nature of many of the projects in terms of the design teams, which demonstrated strong mixing of architects, planners, community activities, artists and others, which made for an eclectic mix of ideas in the projects on display. Second, was the focus of many proposals on different forms of collective action, including partnerships between different organisations, and bringing individuals in communities together to empower those who don't have a voice, or provide a means to resist or engage with more powerful actors. Given the focus of the competition perhaps this should not be too surprising.

But it was striking to see that the focus of many of the projects was more on the collective action aspects than on the actual creation and utilisation of new spaces, or, on 're-imagining' of alternative uses for existing spaces. Whereas the visual aspects of the posters tended to illustrate spaces and alternative uses, the text was all about working together, and finding ways of engaging with communities and with those in authority, in order to attain the desired changes in use of urban space.

There were no grand designs that required major re-interpretation of how urban space should be utilised, or how urban spaces could be conceptualised as a 'commons resource'; the majority of ideas on display were based on small-scale local level changes that would improve people's lives and that could be accomplished at relatively low cost. The notion of 'urban commons' seem to have been interpreted in terms of engaging in different forms of collective action to achieve local improvements, or in some cases, protect valued neighbourhood resources. This is perhaps a useful lesson for those of us interested in exploring the notion of urban commons. It suggests that creating 'new commons' is more about how we interact and work with each other to create alternative institutional arrangements, than it is about re-designing the actual physical spaces that we inhabit.

John Powell (2015)

Urban commons - the view from beneath

An individual's socio-economic situation will greatly affect the way that they use, experience and access urban space.

High personal income and a good job can bring access to all the cultural and artistic pleasures a city has to offer. A place to live with the security of property ownership, perhaps a level of power to influence their surroundings, as well as a certain insularity from the concerns of their fellow 'urbanites' who share the public transport system, city services, and the common spaces with large numbers of people.

At the other end of the scale, the homeless, those with no money, no job, and no secure place to live, experience the city in a very different way. Shared urban spaces, rather than being perceived as over-crowded places to avoid, are considered from a viewpoint of security, comfort, and accessibility to food, water, and toilet facilities. A public park in central London, for example, used and enjoyed by hundreds of people every day, becomes a quiet and safe place to sleep at night after the gates have been locked, a place to store belongings during the day (out of sight in the bushes), and close to a regular charity food handout. The police, the street cleaners, and the park keepers know what goes on, but these additional uses of the park are tolerated because they also know that clearing people out of such an area merely shifts them to another location.

Being shown around London by a former homeless person provides a different vision of the city, and the way urban space is perceived. On a recent walk taken with [Unseen Tours](#), a social enterprise company working with the homeless and ex-homeless, we were taken around the Temple and Covent Garden area, and shown the safe places to sleep and where to get food and support. A key message that our guide, a formerly homeless person, wanted to get across is that no homeless person

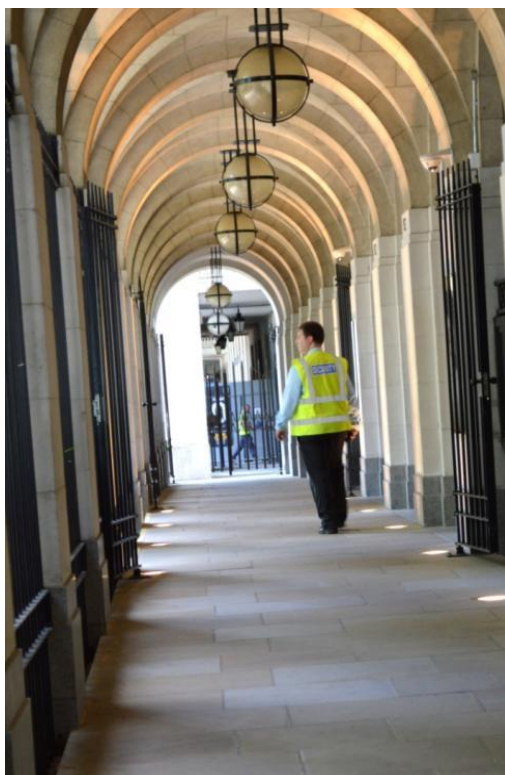
wants to be on the street, and although a significant proportion may have mental health problems, the majority have arrived there through addiction, or from breakdown of home-life or personal relationships. Recent statistics indicate a significant increase in the number of people sleeping rough in London since 2010. [An estimated 6,500 people slept rough in 2013/14](#), an activity that has been described as ‘frightening, demoralising, and isolating’. In addition, the data reveal that many homeless people have one or more support needs: around 40% have alcohol problems, 30% suffer from substance use, and only 25% have no alcohol, substance use or mental health support needs. [In addition, it is estimated that around 30% of rough sleepers have been in prison at some point, 10% in care, and 10% in the armed forces.](#)



Discussing sleeping arrangements under Waterloo Bridge

A relatively recent problem for the homeless in central London has been a policy of clearing people away from areas that tourists visit, such as Covent Garden, that used to provide warm, dry and comfortable places to sleep (for example in stairwells near sources of heat), and the breaking up of small shelters erected under bridges. Private property owners have exacerbated the problem and we were shown one example of a building where the new owners had installed bars and gates, CCTV cameras, and paid for private security patrols to close off an area of pavement (previously public space) because it was a dry area where a small number of homeless would sleep on a regular basis. The new owners

decided it was not in their interests to have homeless people on the pavement outside their building and essentially created barriers to prevent access. The owners might feel more secure that their investment has been protected, although it is not clear what benefits such expenditure might bring, but the homeless, now denied access, are certainly less secure, and the problem is merely moved onto someone else. As the authorities have found out, however, closing off one area to the homeless just moves them on to somewhere else.



Security - but for whom, and at what cost?

If we start to conceptualise urban areas differently, for example, thinking of the 'city as a commons' then the homeless can be seen to be as much a part of the 'common weal' as anyone else and, as such, have the same rights to share our urban spaces. [In the words of David Bollier:](#)

"The conceptualization of 'city as commons' represents a serious shift in thinking. Law and bureaucratic programs are not seen as the ultimate or only solution, and certainly not as solutions that are independent of the urban culture. Thinking about the city as commons requires a deeper sense of mutual engagement and obligation than 'service delivery', outsourcing and other market paradigms allow."

An 'urban commons' approach to city governance would therefore incorporate 'space' for the homeless (creating or making available new spaces if necessary) – along with support services to help them address their needs and help find solutions to their problems. History demonstrates that, particularly in urban areas, the homeless have always been with us, and it is most likely they always will be. Trying to eliminate the homeless, or hide them away out of sight, is a pointless exercise; they are actually a product of the way our society operates – we create the homeless – through unthinking operation of market forces, and a failure to support the vulnerable who need help. The numbers of homeless people, how we enable them to live alongside us in our shared urban spaces, and how we support them, are indicative of the state of our society.



Covent Garden

Our guide did not just show us where to sleep, where to get a handout or a free meal and support, but was also enthusiastic with a deep knowledge of the history of London. We were shown an ancient Roman bath house (mentioned by Charles Dickens in David Copperfield), some of the last remaining street lighting operating on sewer gas (which used to be common in every urban area), parish boundary markers, and the historical origins of local buildings were described in detail. We were taken from grimy back-street sleeping spots and doorway shelters into

the luxury of the Savoy Hotel to see Kaspar the cat and hear his story – quite a contrast in the space of just a few yards.



Exploring quieter parts of London

During the tour our guide demonstrated her deep understanding and love of the city, which had only been enhanced, and not diminished, through utilising these urban spaces in a very different way from most of us; although it was clear from her descriptions and stories that no-one deliberately chooses to be homeless. It was also made clear that she felt much safer on the streets than in the hostels provided for the homeless, which she had experienced as places of violence, abuse, and fear. In many ways it seems we have not moved much beyond the workhouses and debtors prisons of Dickens' time.

The mark of an enlightened city government is one that demonstrates the capacity for sharing our 'common' urban spaces with the homeless, but it must also provide resources for the support services needed, or at the very least supporting the charities that provide these services, in order to reduce the number of homeless on the streets. This is a problem that neither privatisation of public spaces nor increasing government regulation will solve; shutting the homeless out from any

one area simply shifts the problem around to another area. Eliminating the homeless from central areas only moves the problem out to the suburbs, or the fringes. In large urban areas, ignoring the problem is not an option, especially in a society with growing inequality, increasing immigration, rising property values, zero hours contracts, and less security of employment, all of which contribute to increased numbers of homeless people.

Thinking of the 'city as commons' creates the potential to explore alternative solutions to complex problems like the homeless, as it offers scope for generating new partnerships, and innovative ways to utilise existing spaces and services. It forces us to think more carefully about who gets to be included as part of the city, who is eligible to be considered an 'urban commoner', and more importantly, how we go about deciding the ways in which our shared space should be utilised.



The Savoy Hotel - with Kaspar the cat

John Powell (2015)

What value street art?

*Graffiti or art - common good or scourge
of the urban environment?*

One of the pleasures of urban living is the opportunity to be surprised by artwork that may appear, literally overnight, on the side of buildings, on railway carriages, under bridges, and particularly on large expanses of smooth bare concrete. The quality of the work can be highly variable but the best conveys some sense of what it is like to live in a particular place and social setting; street art is very much 'local art' contributing to, and expressing an opinion about the common urban space we share. One may not agree with the message conveyed, but there is no doubt that street art has the power to transform some of the more brutish urban infrastructure imposed on local neighbourhoods into something more human.



Eduardo Kobra on 25th Street at 10th Avenue in Chelsea in New York

Some of the artwork is truly magnificent in terms of its conception, scale, and the technical virtuosity of the artists, but in many situations it is not valued by those who own or 'control' the structures on which it appears,

being removed almost as soon as it appears. In other cases the value of street art in contributing to the city economy has been recognised, and it is not just tolerated but positively encouraged, in recognition of the crowds of tourists that will surely follow. One has only to think of the Bowery Wall in New York city; the Old Street/Brick Lane, and Leake Street tunnel areas of London ; or Bristol – the city that describes itself as the street art capital of the UK - where admiring crowds of onlookers are drawn to the extensive murals and you can take walking tours. But this outcome transforms the nature of the product and street art can become commoditised, fetishised, protected, no more than a showcase for artistic prowess, and diminished in its power to create that sense of place which is the essential underpinning for any form of sustainable community development.

'Who owns street art?' is an interesting question and says something about the way society shares its public spaces. There is a need to differentiate here between artwork that is officially sanctioned in the belief that it adds value to public space, and that which is not – we are focusing on the latter here. The owner of the finished work is not usually the artist, especially if the work is not formally 'commissioned', and appears on public buildings or private property. Who then owns it? Is it the local authority in the case of public buildings, is it the property owner of the structure on which the art appears, or does it belong to everyone who can see it when they use or share that space in some way? Is street art some form of 'public good' available to everyone, or a 'common pool resource' where one person's use may diminish that of another?

In some ways it is both. We can certainly conceptualise street art as a common pool resource, since it is clear that one artist's use of a space prevents another from using the same space. This is why we see the, sometimes rapid removal and over-painting of artwork, where opportunities are limited. Where there are a limited number of 'prime sites' for artistic expression, for example, and no rules controlling access to the resource, over-painting is frequent and continuous, demonstrating the operation of what is more like an 'open access regime' from the perspective of the artists. But from the perspective of the viewer, we can also view street art as a public good, available for many people to enjoy without any diminishment of its value.



Street art in the east end of London

The overall question that flows from these musings is:

‘what value can be placed on a work of art that appears in a public space, where ownership is uncertain or disputed, and where the product itself is impermanent, ephemeral, and constantly in danger of disappearing?’

A recent example is the Banksy* ‘Spy Booth’ mural that appeared last year on the side of a house in an [ordinary neighbourhood](#) in [Cheltenham](#); actually it is on the end of an artisan terrace that is shown as partly built on an 1834 map of the town – so the building itself has some historical value.

When the artwork appeared it revitalised, in a small way, the local urban community, and certainly transformed a drab road junction into something more interesting that had something to say about the people and the place in which they lived. [The mural depicted three ‘spooks’ or spies](#) wearing trenchcoats on either side of a phone box (which was real) and who were clearly there to record and transmit any calls made on the phone using the satellite dish fixed halfway up the wall (also an actual fixture). It said something about Cheltenham, home to [GCHQ](#) – the Government Communications Headquarters, or intelligence agency, and

the larger society in which we live – where increasingly the perception is one where every move is watched and everything we say is listened to – just in case someone says something negative about the state. In the months following the appearance of the Banksy, every time one passed through that road junction, there would be one, or several people standing looking at it, and local retailers were reporting a rise, albeit small, in trade. But it was not long before rumours began to circulate that the owner of the house on which the mural was painted was negotiating with a London gallery to sell the artwork.



'Spy Booth' mural - late 2014

Then one day workmen appeared, a wooden frame was constructed, and [plywood covered the mural](#); it was effectively privatised, captured by the owner of the property on which the mural had been painted to maximise his personal profit. Local people and businesses objected and the town council stepped in to place a restriction on any material alterations to the building, effectively stopping removal of the mural. Months went by and nothing happened, then the plywood covering the wall disappeared and it was once more on display, but within a few weeks had been 'vandalised' by someone else, expressing their own views of the work by spray painting all over it. Since then it has not altered, an interesting comment on society and local place, clearly treasured by at least some of the local community, but not by others who wanted to use the same

space to make their own views felt, which in itself says something about the kind of society in which we live.

In the space of eighteen months the mural has gone from 'public good' (available to all) to private property (for individual gain – a form of 'windfall profit' since the artwork was essentially a free gift from the artist), and back to public good, though in a highly degraded form, leaving little but questions about how we manage street art and the benefits (and problems) it can bring. But was it ever a public good, or did the act of painting the mural on private property effectively hand the ownership to the property owner? News reports certainly suggest that the art work has roused strong feelings, and ruined the life of the property owner, while clearly having some potential monetary value.

“The mural has been a source of controversy ever since it appeared – with people trying to steal it, vandals painting over it and business and communities fighting over ownership.”

There was clearly an attempt to remove and sell the mural (including the bricks and external render on which it was painted), which was prevented, allegedly at the request of the owner. Rumours abounded of a potential sale to a London Gallery for an extremely large sum of money. As it is a Grade II listed building, however, any alteration or work to the building requires local authority consent, which was not granted, meaning the mural could not be removed legally. The current state of the property is poor, and deteriorating due to the events that have taken place. The house is now unoccupied, and there seems to be little care taken of the property*. In addition the artwork has been vandalised through spray painting, and unless some attempt is made to protect and restore the work, it is likely to continue to degrade.



'Spy Booth' mural - October 2015

If street art, such as the 'Cheltenham Banksy', is a public good (available for all to benefit, where one person's use or enjoyment does not diminish that of another), then the property rights framework that controls access to public goods will have a significant impact on the potential for capturing those benefits for the larger 'public'. If the artwork belongs to the owner of the property on which it appears, then the wider public have no 'right' to those benefits. In an 'open access' property rights context (i.e. where there is no clear ownership and no rules, or where rules are uncertain or unlikely to be enforced), then these forms of street art will only ever be temporary. Someone else will always come along and either remove the work, appropriate the same space for themselves by painting over the work, or capture it for sale in order to derive a 'windfall' profit. If such artwork is to be managed as a common pool resource, then somehow the space on which is painted needs some form of protection through regulations and enforcement – to stop other artists using it, or the property owner from erasing or removing it. With no clarity on ownership of the art there is no incentive for anyone to pay for maintenance or restoration, and the work will inevitably degrade over time.

The value of such art is therefore fleeting and difficult to capture, it is art to be enjoyed in the moment, like sand sculptures, but perhaps that is part of its attraction. The spaces on which the work appears are commons resources that are difficult to privatise for individual gain

although, as some cities are demonstrating, such art can be captured temporarily as a public good. The value of this temporary art is in its ability to transform the urban backdrop, giving character to the spaces we share in common, and providing a form of communication between different parts of a community that may not otherwise talk to each other. In that sense it needs to be temporary, in order to reflect the changing nature of a neighbourhood and current issues of concern; allowing for different sectors of a community to express their views that help create the 'sense of place', and the conversations that a city is having with itself. These are therefore 'ephemeral commons', valued most by those who share a common urban time and space for a short period, and are then replaced as the conception of their community alters. To try and capture that 'conversation', or to remove such art from its setting, diminishes the value not only of the art, but of the locality in which it appears. The monetary gain for those few individuals trading in such works might be high, but the loss in value in terms of cultural significance once it is removed from the locale, is even greater.

Tussles over cultural heritage are not limited to street art; these issues also relate to other forms of culture that are traded in the market. For example, there is an argument occurring between the state of Spain and the [current owner of a Picasso painting](#). The owner wanted to sell the work abroad but was denied an export licence, which did not stop him from transporting the painting in his private yacht and the work was seized at sea by the [Spanish government, which had declared the work a 'national treasure'](#).

There are similar discussions in the UK and in other countries relating to whether the cultural heritage of a country should be sold to the highest bidder, where it often disappears from public view, or purchased by the state and maintained as a 'public good', as part of the shared heritage of a society or community. The market value of such national cultural treasures can vary enormously depending on the extent to which property rights are constrained, just as the market value of the Banksy street art has altered, even though the high value attributed to the work is restricted to the local level in Cheltenham. If the full rights of private ownership for street art are allocated to individuals, then those individuals may stand to gain financially, to the detriment of the larger community who would suffer the loss of the 'cultural capital' created by

the art work. When to assign private property rights that allow individuals to benefit from individual ownership, and when to alter the property rights framework to enable provision of 'public goods, are questions with which society wrestles on a daily basis. The arguments can be convoluted and of long duration, as we have seen with the Elgin Marbles held by the British Museum; were they 'looted' from Athens, or taken into 'protective custody' for future generations? The answers, as well as the arguments, are not always clear, and often very subjective, depending on your individual perspective.

* A 'Banksy' refers to a piece of street art believed to have been painted by '[...a graffiti artist, political activist and film director whose real identity is unknown](#)'.

* In January 2016 the property appeared for sale at a price of £210,000.

John Powell (2015)

Marine fisheries

Locally important commons resources with global impacts and challenges for management.

The release of the [2014 FAO report](#) on the State of World Fisheries clearly demonstrates the value of fishing around the globe, and the increasing importance of fish as a source of food. The report notes a significant increase in fish consumption worldwide from under 10kg/capita in the 1960s to 19.2kg/capita in 2012, and that since the early-1990s aquaculture production has steadily increased as a proportion of total fish consumed, while the amount from capture has stabilised. This suggests that perhaps we may have reached the limits of fishing from natural ecosystem production in many parts of the world. Recent figures also show that 18 countries are responsible for 76% of global marine fish catches, and that an estimated 58 million people are engaged in the primary sector of capture fisheries and aquaculture (2012 figure). The FAO report estimates that overall, fisheries and aquaculture contribute to the livelihoods of 10 -12% of the world's population.

The report also indicates that the proportion of marine stocks that are fished within biologically sustainable levels is estimated to have declined from 90% down to 71.2% over the 30–40 year period leading up to 2011, stating that currently almost 30% of stocks are overfished worldwide, and 61% are 'fully fished'. Overfishing decreases both the potential sustainable yield and ecosystem resilience, making fishing more difficult, reducing the potential financial benefits, with the result that fishing becomes a more economically and socially precarious activity.

The FAO report estimates that rebuilding overfished stocks could increase production by 16.5 million tonnes per year with an annual rent of US\$32 billion. Putting fisheries onto a sustainable production basis would have multiple benefits including greater food security (fish is one of the most traded food commodities worldwide) for the world's poorest people, as well as improving marine ecosystem health.



Catch being unloaded at Lochinver, Scotland

Management of marine fisheries is an example of an activity where poor institutional arrangements, non-binding agreements, lack of political will, and poor collaboration between local and regional fisheries management organisations, all lead to negative impacts on fish stocks and ecosystem health. Lack of action in many parts of the globe is resulting in catastrophic effects on fisheries, with consequent ecological, economic and social effects. A recent estimate by the World Bank, for example, suggests that mismanagement of fisheries may be resulting in costs of up to \$50 billion a year. [This includes the estimated \\$10 to \\$24 billion worth of fish that are caught illegally worldwide, depriving communities of income, food, and jobs.](#)

Finding ways for national governments to work together at the regional level is the key to managing common fisheries resources outside of the exclusive economic zones (EEZs). In some parts of the world steps are being taken to improve the [management of common fishery resources](#). The European Union, for example, has recently revised its Common Fisheries Policy (the new CFP came into force on 1st January 2014) after three years of negotiations to deal with overfishing and problems related to damage caused by discarding, itself a function of a management regime based on using the rather blunt policy instruments such as

quotas, controls on equipment, and limits on fishing effort. The new CFP has legally binding requirements to set fishing rates at sustainable levels and decentralised decision making to enable member states to agree on the detail of measures most appropriate for their shared fisheries. The reformed Common Fisheries Policy (CFP) also [includes a commitment to ban discarding of fish](#). This started on 1st January 2015 for pelagic fisheries (such as Herring and Mackerel), and will be extended to other fisheries over the next four years.



Fish stall at Brixton market, London

In other parts of the world the FAO report notes the importance of regional fisheries bodies in implementing the [Code of Conduct for Responsible Fisheries](#), which has established an ecosystem based framework approach for managing fisheries.

However, illegal, unreported and unregulated fishing remains a major threat in many parts of the world, as do the effects of by-catch and discards. West Africa, for example, where up to 25% of jobs are linked to fisheries, is faced with fishing pressure from European trawlers and fleets from China, the Philippines, Russia, South Korea and Taiwan. It has been estimated that [illegal fishing costs the region \\$1.3bn per year](#), reduces fish stocks, harms the marine environment, and destroys communities, who face reductions in catch, and opportunities to process and trade fish.



Lobster pots, western Scotland

Assistance in reducing these threats will come from the FAO 'Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing', established in 2009. But this has not yet come into force (as it has not been ratified by the required 25 countries), illustrating the difficulties of collective action in dealing with illegal and unregulated fishing. Even when it does come into force it will require significant national efforts by signatory countries in terms of developing institutional arrangements for governance and management.

Action in more developed countries is also coming from the other end of the supply chain, through 'responsible' consumption and illustrated in the growing importance of organisations such as the [Marine Stewardship Council](#) and [Sustainable Seafood Coalition](#) who are developing approaches for transforming the demand for seafood from sustainable sources through the use of branding, labelling, and raising consumer awareness of the impacts of unsustainable fishing practices.

Exploring these issues through a 'commons' approach, and analysing long-term successful fisheries regimes may offer insights to improve regional fisheries management, and help identify approaches that will lead to recovery of over-fished stocks.

John Powell (2015)

What future for Lowland commons?

A project in South Eastern England highlights potential management approaches more relevant to commons in the 21st century.

Many people will recognize the value and importance of lowland commons, however that does not make the task of securing a sustainable future for them any easier. The value of such places can be quantified in many ways; it might be their importance for health activities such as walking, riding or cycling, or more peaceful activities such as enjoying fresh air. The Chilterns Conservation Project (CCP) has struck a very popular theme by unravelling the cultural and historical importance of these places in [Our Common Heritage](#). The biodiversity value of such places is well known but none of these attributes alone will ensure that these dispersed areas remain 'local open spaces'. Moreover, if you added them all together you would not reach their true value.

Imagine, if you can, that the lowland commons had gone, replaced by a housing estate or enclosed farmland or even an industrial estate. What would you have lost? Whilst there is robust legislation that protects commons there is no doubt that in many lowland commons a new era has arrived. For many commons in south eastern England agriculture, through grazing, is not a reality – so how should these places be governed? If they are not managed then they face three threats:

- Enjoyment without responsibility – used but not appreciated.
- Preserved neglect – constrained in a way that prevents any management.
- Creeping enclosure – reduction in size through extended gardens and dumped waste.

All of these options would mean the loss of the common, perhaps through no management so as if to become impenetrable to access. Alternatively the common becomes the thieftom of a few organisations or individuals that prevents the area being open to all. In either scenario a new agenda is needed that secures commons as the centre of community life and a provider of meaning to the everyday.



A multi use space - Minchinhampton common, Gloucestershire

Such a change in thinking will ensure that commons and other local spaces remain open, used and treasured for generations to come. But in order for this to happen we need to change our attitudes to commons, the by-laws and local governance should be enabling rather than preventative. Such places should not be managed from afar by people who have little or no local connection, nor lack the funds for management because of constraints on the public purse because the vital knowledge, skills, creativeness and determination all exist much closer to local commons. The Chilterns CCP has shown this to be the case.

Lowland commons should be inclusive places, open to all, but especially the most disadvantaged, those with poor health and low levels of social interaction. Evidence, such as that provided by the [Measuring](#)

[Engagement with the Natural Environment](#), shows that they benefit most from access to high quality local open spaces. Where these interactions take place, the results can be transformative. In the past, common land has kept those most in need alive and provided a backbone to society.

So perhaps we should look to commons as a logical base for [Forest Schools](#); a place to camp and engage with nature in a really meaningful way. For those looking to start out in life, could commons provide the natural material for a hurdle making business, charcoal production, short courses on arts, a green gym or plant identification courses? These were some of the activities explored at the conference and the overwhelming view was that commons should stand for these activities and those governing such places need to think differently to enable such opportunities rather than prevent them.

In April 2015 at the final conference of the CCP, the future management of commons and other green open spaces was discussed. A variety of potential approaches for the management of such land were presented, all of which gave a greater consideration to the requirements and relevance to the 21st century.

Alister Will from [Natural Connections](#) views commons as an amazing educational resource. A chance for science and nature, as well as art, history, geography, maths and physics to come alive for students.

Vicky Myers, visiting Fellow at Reading University posed the following question:

"Why, when we say that we value being in the natural environment more than ever, do we have the lowest levels of physical and mental health in Europe?"

She suggested that this was due to people being less sure of what they are 'permitted' to do, and have a sense of 'fear' towards the natural environment as a potential dangerous place, where they may also do something 'wrong'. Through partnership working, it would be possible to overcome these barriers and enable all generations to feel at ease when accessing and enjoying the natural environment.

Victoria Edwards also from Reading University proposed that there was great potential to fund the management of commons by linking with the

variety of local products that they might be able to produce, such as sustainable charcoal. She proposed that people will pay if they are able to see that their money is reinvested into site management which would also be more indicative of its true worth.



Author presenting at Chilterns CCP conference

[These and the other approaches](#) mentioned in the conference should inspire those living in the [Chilterns](#) and other areas of lowland commons to think and act positively about the local spaces. Such areas in England may be small and spread widely throughout southern England, but that also means they are closer to their local communities and collectively are more important. For them to remain important however, people need to value them rather than just use them, and also act to enhance them. Projects such as the CCP and organisations like the [Open Spaces Society](#) continue to explore and support such changes – with perhaps one of the most important aspects being to share individual stories and experiences as this can inspire the actions of others.

Chris Short (2015)

Peatlands

Long duration commons resource, landscape element, fuel, and essential ingredient for malt whisky.

Anyone who has ever enjoyed the simple pleasures of imbibing a dram or two of Scotland's greatest export must, at some point or another, have considered the potential problems associated with producing heavily smoked whiskies based on peat – a limited commons resource taking thousands of years to create – with the steadily increasing demand for the product – occurring over period of decades. A quick calculation will suggest, to even the most ardent fan of good quality malt, that increasing consumption of a finite resource (at least in terms of human time-scales) cannot last forever. This leads to some thoughts about the potential manufacturing impacts of a high quality product that is based on the utilization of a commons resource.



Peat drying - South Uist

One of the iconic images in the rural highlands and islands of Scotland are large piles of peat that are cut and left to dry, and then used as fuel for heating, and in certain parts of the country, such as Islay, in the creation of the numerous distinctive malt whiskies. For those that appreciate the products of the Islay distilleries, life would be much poorer without recourse to a 'wee dram' of those heavily smoked and 'peaty' whiskies.

Peat is formed when plant material decomposes in a wet environment in the absence of Oxygen. Formation occurs at a very slow rate – around 1mm/year. Much of the peat in existence has formed since the retreat of glaciers at the end of the last ice age, around 12,000 years ago, taking roughly 1,000 yrs to produce a metre in depth of peat. But of course, humans can use it up a lot more quickly than it takes to form, creating a time lag problem familiar to those studying renewable energy where resource production (the supply) can easily be outstripped by demand and utilisation.



Peat stacks - Isle of Lewis

Many areas of peat are on private land but some of the peat bogs in Scotland are held in common, with the right to cut turf or peat for fuel known as '[Turbarry](#)'. This right is exercised widely on the Inner and Outer Hebrides, where the visitor can frequently see piles of peat drying out – and often people cutting them in the traditional manner using a tairsgeir.

You also become aware of the distinctive smell of peat being burnt for warmth – which even in summer is a regular event. Traditionally of course it was the sole source of fuel for heating and cooking in some of these areas, and of great significance as an energy resource due to the lack of trees or fossil fuels. More lately, there has been something of a revival in the energy utilization of peat due to the increasing cost of fuel and prevalence of fuel poverty.

Common land is much less widespread in Scotland compared to England and Wales, due to the extent of private landownership (an excellent description can be found in '[Commonland in Scotland – A Brief Overview](#)' by Wightman, Callander and Boyd; further publications by Wightman are available on his [website](#) – covering similar topics related to land use in Scotland). However, common land in Scotland does share many similarities to that of England and Wales in that the majority is in the form of grazing pastures (Crofting Common Grazings) covering 7% of the Highlands and Islands. Many of the Crofting Common Grazings are on peat land and as Wightman, et al. (2004) have noted, this provides scope for engaging with carbon credits markets due to the amount of carbon locked up in peat reserves.

Peat plays a key role in production of some malt whiskies. Some will tell you that it is the water draining off the peat that gives Scottish whisky its distinctive flavour, but on Islay much more important is the burning of peat to dry and halt the germination of the barley. [It is this process that imparts the strong smoky flavours](#) into the whisky. The smoke from the peat used to dry the barley contains phenols and the amount of phenols absorbed by the barley varies depending on the type of peat, the amount of smoke produced, and the length of time the barley is exposed. The flavours absorbed during the smoking process continue to influence the flavour all the way through the distillation process. The phenols can be measured (in terms of PPM – Phenol parts per million) and in some whiskies this is so low as to be barely detected while in the 'smokier' malts it can be much higher. The [Bruicladdich distillery on Islay](#), for example, produces the world's most heavily peated Whisky – in the form of Octomore at levels of 160-258 ppm, in comparison Ardbeg 10 year-old ranges from 55-65ppm.



Octomore – The world's most heavily peated Whisky

On Islay, some of the whisky distilleries no longer smoke their own barley – with the Port Ellen maltings doing this for them, using locally cut peat. A number still do, however, one of which is [Laphroaig](#), and they have their own peat beds on the island – where peat is still cut in the traditional manner. Scotland owes much of its identity to its unique landscape, of which peatlands are an important part, covering over 20% of its area. Peat beds require careful management and in late 2015 the Scottish government announced additional funding to further support the Scottish Natural Heritage (SNH) Peatland ACTION Project, which is implementing the [National Peatland Plan](#).

The aim is to ensure that the resource is available for future generations. A commons resource that takes thousands of years to produce, provides a cheap and local fuel resource, contributes to landscape value, potentially operates as a carbon storage container, is an essential ingredient in the local economy. Yet it can be used up through residential heating, local energy generation, and whisky production, in hundreds or even tens of years, needs very careful management. This is an area where private appropriation of the resource may appear to provide some respite from the pressure of market forces that drive up the prices for a resource with (short-term) limited supply. Demand for whisky continues to rise, however, ([production more than doubled over the period 1981-2012](#)) and privatisation often means the resource goes to the highest bidder, with short-term profit maximisation in mind, and little consideration of the multiple roles and values of peat bogs in the socio-ecological system.



Peat burning - Laphroaig

Private sector management of the resource does not necessarily imply unsustainable management. As noted above, some of the distilleries that own and manage their local peat beds, do so in a responsible manner, and in recognition of the unique value of this resource are implementing technological changes to maximise the efficiency of its use (for example through grinding the peat and spreading it on a wood fire, or through recirculating the smoke to maximise its effects). However, given the long-duration time required for peat formation, these technological techniques can only ever be stop-gap measures. Therefore peatbeds need to be managed in such a way to prevent their continued decline, and any further damaged as highlighted in the National Peatland Plan.

A situation where the time periods for ecological processes involved in formation of peat and the economic forces driving utilisation are not synchronised, creates some of the most intractable problems for commons resource management. Everyone, even those who don't appreciate good whisky, can benefit from the landscape and biodiversity functions of peat bogs, the water storage services, and the contributions to ameliorating global climate change through locking up of carbon. It is these aspects that give the Scottish peat bogs a global value, in addition to the local values of peat bogs managed as common land and providing a source of energy.

Over-production and stripping of peat bogs are essentially irreversible actions, at least in the time-frame in which human societies operate, that will have large scale implications (e.g. on climate change). In this sense peat can be considered as a global commons, alongside other shared resources such as genetic diversity, plant communities, and soils, where overuse can result in irreversible change, but where long term sustainability is totally dependent on local level management.

Understanding the shared nature and value of such resources is the first step to finding long-lasting solutions. The second is more difficult but may require changes in governance arrangements and development of new institutions and forms of ownership where global, regional, national, local community, economic, and ecological values are represented and deliberated to ensure the resource can be managed to enable the long duration natural cycling that is required to balance demand and supply. For whisky drinkers, the trade-off may be even harder – ‘would we give up the pleasures afforded by the heavily smoked whiskies of Islay to preserve the peat bogs for future generations?’

John Powell & Nick Lewis (2015)

Climbing the wall

The big walls of Yosemite as a commons resource.

In early 2015, there were numerous [news reports](#) of a significant climbing event unfolding in Yosemite valley, California – the first ‘free’ ascent of ‘The Dawn Wall’ route on [El Capitan](#).

The free ascent of the Dawn Wall on El Capitan in Yosemite Valley in early 2015 is a magnificent achievement. The 3,000 foot route was climbed over 19 days from late December and into January by Tommy Caldwell and Kevin Jorgeson, and represents the extension of an ethical approach to rock climbing that has enabled climbers the world over to access large rock walls without (for the most part) the imposition of intrusive forms of regulation by state bodies. Whilst following progress of the climbers on the Dawn Wall I was struck by the nature of big walls as a shared resource, but a resource that is managed through a code of ethics, rather than through formal governance institutions like many other forms of commons such as marine fisheries, shared grazing pasture, or irrigation water.

What makes this climb significant is not just the sustained effort and technical abilities of the two climbers, but the fact they climbed the route ‘free’, that is by using ropes for safety (to hold a fall), but without the need to pull themselves up on artificial aids inserted into the rock*. Like many of the big wall climbs in Yosemite, when the route up the Dawn Wall was first climbed (in 1970, taking 27 days), a large number of pitons, rurs, and rivets were bashed into cracks, flakes and even expansions bolts were used, being drilled into blank sections of rock in order to make progress. The problem with this approach, apart from it being quite slow, is that the act of hammering pitons, or even aluminium nuts, into the rock causes damage, making visible scars, and in some cases making it even harder for the next climbers who might come along. The result, at its worst, is a previously pristine area of rock that becomes littered with the remnants of human passage (such as old ironmongery and

aluminium chocks that once hammered in could not be retrieved), and the whole route scarred by hammer blows which break off the edges of cracks and flakes of rock.



El Capitan, Yosemite Valley

There are several characteristics that make a big wall like the 3,500 ft El Capitan a 'commons' resource. First of all it is not in private ownership. In this case it is part of a national park and owned by the state for all to enjoy, mostly by looking at it from the road and surrounding scenic viewpoints. In this way it is more like a 'public good' where one person's enjoyment does not detract from that of any other person (unless it gets so crowded that the pleasure of being there is decreased). For many people it is enough to simply stand on the valley floor and just gaze up at the sheer size of the rock walls rising vertically into the sky. Initially of course, it was just this 'awe-inspiring' nature of the landscape that led Abraham Lincoln to sign the [Yosemite Grant of 1864](#), the first piece of protective legislation for scenic landscapes in the USA, and later led [John Muir](#) to live in the valley and lobby for national park status, which was granted in 1890. [Hetch Hetchy valley](#), a slightly smaller version of Yosemite to the north was not so lucky, being dammed and flooded to provide a water supply for San Francisco.

More importantly, for those others for whom the attraction has always been to scale the walls there are shared 'rights' of access and use. This is important, as too many people trying to climb the wall at the same time can cause overcrowding and conflict: the 'resource' is limited as there are only certain places one can go, or routes that can be ascended, and only at certain times of the year (too hot in midsummer, too cold in winter). There is always the potential for overcrowding and in this the wall is more like a common pool resource, where one person's use can prevent another from using the same area of rock, or detract from the enjoyment of the experience.

On a big wall climb the ideal situation is to have the whole expanse of rock to yourself and your partner on the rope. Just the two of you threading your way slowly up cracks and around overhangs, alone in an 'ocean of rock' but totally dependent on each other, brings a sense of both joy and humility in the face of elemental nature. But there are also practical reasons for not wanting anyone else on the same route while you are climbing. You certainly don't want someone in front, who may slow you down or drop things on your head, and you don't want anyone behind, watching your every move and pushing you to go faster. This means that in any one year only a limited number of people can undertake one of these climbs, and derive the benefits from 'accessing the resource'. The resource is also easily damaged by overuse of equipment (such as hammering pitons into the rock as described above), by leaving bits of equipment in place, by chalk which identifies where the route goes, and by other forms of human waste that can leave unsightly stains on the rock. This is a shared resource and, like other commons, it can be degraded or even ruined by 'overuse'.



Climbing the overhanging headwall – Salathé Wall, El Capitan

In many parts of the world commons resources have survived (for hundreds of years in some cases) through development of institutions that manage access and use of the resource through enforcement of rules and regulations. On the other hand, commons that are not regulated and where there are no limits or controls on use, are usually referred to as 'open access' resources, and it is these that tend to get degraded through overuse. Big walls are an interesting form of common pool resource, as they remain 'open access' yet for the most part have managed to avoid deterioration. In most cases there are no formal rules or institutions regulating access to big walls (the permit system in the Himalayas is an exception). To a certain extent access is self-limiting to those with the capacity, equipment, time, and funding to undertake an ascent, but there has also been a huge expansion in the number of climbers since the late 1960s, resulting in the potential for overcrowding and damage in many mountain areas. The way these big wall commons have been managed is through self-regulation and peer pressure that forces adherence to a set of (largely unwritten) ethical guidelines. 'Leave no trace' has always been a guiding light for climbers, but far more important has been the notion of climbing in 'good style'. To climb in good style means to minimise the amount of artificial aid required, to

free-climb wherever possible, to climb quickly with minimal use of protection, and not to damage the resource in any way, leaving it in a pristine state for those that would come next*. Whenever these ethical guidelines are crossed, other climbers (and the climbing media) will seek to shame and embarrass the perpetrators, and for most climbers there is nothing worse than being told you have done a climb in poor style, with the consequent loss of respect from others in the climbing community.



From a belay on the headwall – Salathé Wall, El Capitan

Improvements in equipment have also played a role, enabling the technical ability of climbers to improve and resulting in ‘free climbing’ of routes that once required significant amounts of artificial aid. It is interesting to note that it was improvements in equipment (such as hard steel pitons) that initially opened up the big walls to being climbed, and it is more recent technological changes that have prevented deterioration of the more popular climbs. Inventions such as camming devices that can easily be inserted into and removed from cracks and micro-nuts that provide protection in the smallest cracks, have allowed climbers to protect themselves without using damaging techniques such as pitons and bolts; lighter and stronger ropes and karabiners, and soft rubber

boots have enabled the free climbing of ever more difficult routes. But above all, it is the self-regulating nature of ethical guidelines that have managed the resource, with their emphasis on free climbing and abhorrence of fixed aid, ensuring that the rock is not degraded and will be available for generations to come. Now that the Dawn Wall has been climbed free it changes the level of 'ethical regulation' by creating even greater pressure for free climbing the big walls in the current 'good style'.

* It should be noted, however, that the pair did insert additional bolts into the rock for protection in the event of a fall.

* Even in the late 1970s when the use of pitons and bolts was widespread, we felt the need to maximise the level of free climbing, and minimise the level of artificial aid (including the use of chalk).

John Powell (2015)

The Internet is not a commons?

Many commentators consider the Internet to be a 'commons', but is it more of a 'club'?

I've been engaged in that periodic negotiation with the sheer complexity of the internet – choosing a smartphone plan. Fortunately, I could make it marginally easier as I didn't want to change the actual phone, just work out which of the galaxy of possible plans I wanted.

It is at this point that the rhetoric of the internet boosters is stripped away, and you look at just how much it costs. Of course you don't need to own a prestige handset, you don't need superfast broadband or a fruit endorsed laptop. A Linux powered tablet will get you on line for less than a £100 and you can sit in the pub for the price of a coffee and hook up to their internet. (Recently I did the latter bit as my home broadband was down and it was a pretty good office experience). But even so is a cost, not like say water, food, land, forests, and yes I hear these things cost as well.

But here we get to the more slippery aspects of a 'club' versus a 'commons' ([Mark Raymond offers a detailed argument](#)). As a starter let us say that the internet is a club, one where entry is pretty cheap, getting thrown out difficult and only some very loose rules but it is not a commons. As I've noted I need a physical access to the internet via equipment both mine and that of the network of the internet. I don't know how those devices work, I can't adjust them much further than the pictures on the screens or cover them with a different layer of plastic. I certainly don't understand how the underlying technologies work, let alone talk in a knowledgeable way about them or take part in their management. Rather I rely on people to do those things on my behalf.

Once within the vast and loose 'club internet', I then take part in series of other clubs – Facebook, Twitter, WordPress etc., all with their own rules and regulations, which are generally much tighter than those of the internet. Most of these are free, or rather they are free as long as I'm

happy to be bombarded with advertising. This is some way from a commons.

And yet I'm reminded by reading about urban commons that it isn't quite that simple. Very few ideal types actually exist in reality. For example, the very acme of free market capitalism, the banks that operate on Wall Street and the City of London, are happy to accept state aid, even nationalisation when the hazards are too high. Capitalism rests on quite a few things that when you peer closely look like socialism. In the state driven versions of the Communism in the twentieth century the party bosses looked more like the plutocrats of the West than workers.

Actually existing anything is usually compromised, hybridized and muddied in order to get it to work. So if we look at many existing commons they illustrate aspects of a club. In Europe some areas of commons have actually been in the control of the same families for hundreds of years and family membership is a pretty exclusive club. What interests me more than the precise definition is the direction of travel. Is the internet becoming a commoditised playground or is it going to allow for a re-juvenination of our civic lives and democracies? Is it going to allow those without access to education that chance, and those behind the great firewalls to start to work out another system of government? Will it become a space which augments our humanity or simply a 24/7 365 shopping mall?

Matt Reed (2016)

Final thoughts

One may be forgiven for asking why we are so interested in this notion of 'commons'. It stems from work that has been carried out over the last five or six decades that has explored our understanding of the best approach to managing resources that are not easily privatised or allocated through market pricing.

Wider recognition of this research came in 2009 when [Elinor Ostrom received the Nobel Prize for Economics](#) for her work on common pool resources. Common pool resources are defined as those resources where it is difficult to exclude people from access, yet each person's use diminishes the availability of the resource for any other person. Thus, if access is not carefully controlled, the resource will be degraded or disappear completely through overuse. One recent example would be the loss of the [Cod fishery from the Grand Banks](#) off Newfoundland, a shared marine resource in international waters, where access and level of fishing were not adequately controlled. Until recently many economists and policy makers have believed that for this kind of shared resources there are only two options to ensure effective governance, either privatization or state control.

Ostrom's work, however, has shown that there is potentially another way – management by those entitled to access and use that resource, without the need for state involvement. In fact, her work has shown that not only can community-based management of commons resources be effective, but that it can be more effective and more efficient than either privatisation or state control. Through years of research in many parts of the world Ostrom demonstrated that shared assets (resources) could be governed in a sustainable manner over long time periods, in some cases over hundreds of years, by the local communities that are dependent on those resources. Managing assets as common pool resources, is not a 'soft' or easy option. It requires the assignment of use rights, backed up by rules governing access and level of utilisation, and these rules need to

be enforced through monitoring, with sanctions imposed on those who break the rules. Ostrom's work has demonstrated not only the potential effectiveness of a commons approach to governance of certain types of shared assets, but that there are many forms of 'commons' around us that might benefit from a different approach to management and governance. Examples include some of the issues that have been referred to in the musings included in this collection, for example, global climate stability, marine fisheries, big wall climbing, and even street art.

Today, researchers are applying Ostrom's ideas to an even wider range of issues. Whole cities are being conceptualised as 'shared assets' or commons, along with landscapes, genetic resources, music, and intellectual property, to name just a few areas that are currently being explored through the conceptual lens of 'commons'. We are just at the beginning stages of this process and taking the first faltering steps towards developing new approaches to governance of a wide array of resources which we share, and on which we all depend. Our hope is that this approach might lead to new insights and institutional arrangements that will create sustainable and more equitable resource management.



John Powell, February 2016.

[Countryside and Community Research Institute.](#)