



Supporting the Commons: Opportunities in the EU policy landscape

Executive Summary & Recommendations

- Working Paper -

Commons Network, November 2016
Sophie Bloemen & David Hammerstein

With support from

 **HEINRICH
BÖLL
STIFTUNG**



Supporting the Commons: Opportunities in the EU policy landscape

Major fault lines are starting to appear in the dominant worldview based on individualism, private ownership and an atomistic, rational society. Although science has moved away from this mechanistic, industrial age worldview to a more holistic outlook based on networks, relationships and systems, this paradigm shift has barely been acknowledged in politics, economy and law.ⁱ The predominant discourses that permeate political discussions in the EU are economic growth, competitiveness and efficiency – considerations that tend to trump everything else. The lion's share of EU policy focuses on macro-economic indicators and the promotion of large commercial considerations. Citizens are often viewed in a uni-dimensional way – simply as entrepreneurs or consumers.

Commons perspective

The commons perspective stands in stark contrast to the policy priorities that currently dominate in Europe. 'Commons' refer to shared resources and frameworks for social relationships that are managed by a community. 'Commons' also stand for a worldview and ethical perspective favouring stewardship, reciprocity and social and ecological sustainability. This outlook defines well-being and social wealth not just with narrow economic criteria like gross domestic product or companies' success. Instead it looks to a richer, more qualitative set of criteria that are not easily measured – including moral legitimacy, social consensus and participation, equity, resilience, social cohesion and social justice.ⁱⁱ

The commons discourse considers people as actors who are deeply embedded in social relationships, communities and local ecosystems, instead of regarding society as a collection of atomised individuals who are principally living as consumers or entrepreneurs. Human motivation is more diverse than maximising material self-interest alone: we are social beings and human cooperation and reciprocity are at least as important in driving our actions.ⁱⁱⁱ This more holistic perspective also tends to overcome dominant subject-object dualisms, between for example man and nature, and to consider human activity as one part of the larger living bio-physical world. Recognising the multiple domains of people's lives, bottom-up, decentralised and participatory approaches to our major social and environmental dilemmas provide functional solutions to the current environmental and social crises facing our continent.

Cultural shift

Across Europe people are cooperating, co-creating and co-governing resources and goods on many different levels. Many local and larger networked initiatives are overcoming the dualism of commercial and non-commercial, public and private,

individual and collective, producer and consumer to develop successful hybrid forms that place the common good before pure individual economic self-interest. The commons use voluntary social collaboration and co-creation on open networks creating social-environmental value in academic research, energy production, nature protection, health drug development and digital innovation. Across Europe, initiatives are springing up that prioritise either social cohesion, ecological sufficiency, community resilience or the sharing of knowledge – representing social and cultural shifts in value models. For example cooperative housing initiatives that ensure reasonable and lasting low rents, a local renewable energy cooperative, or an open access medical journals that back up articles with complete trial data. The regeneration activities of commoners showcase, above all, cultural manifestations of new ways of life.

What role for the EU?

The EU needs the commons and the commons need the EU. The EU project is in deep crisis and needs a roadmap towards more participatory democracy and a just and ecologically sustainable society. The commons can be, and should be, an important part of that roadmap – providing an alternative narrative, a positive and constructive discourse that is at once transnational and trans-local. The commons approach points to specific ways to reform the EU and its policies.

On the other hand, the commons also need to be nurtured, protected and supported by EU policies. Neo-liberal policies creating inequality, promoting unlimited fossil fuel driven material growth and the commodification of all our resources, are destroying our natural and social commons. However, these policies have also driven people to embrace self-managed initiatives in resistance to the overreaching power of the markets and capital in every aspect of their lives and the incapacity of the state to counter the injustices brought about by the financial crisis. Both tough austerity measures as well as discontent with individual consumerism have led to the pursuit of these alternatives.

This cultural shift towards community, collaborative practices, local ecosystems, sustainability, citizen participation and radical democracy manifests itself in many ways. Many local authorities in Europe such as Madrid, Amsterdam, Barcelona and Bologna are engaging with these trends. The EU needs to respond and acknowledge this shift, as well as framing technological developments and guiding developments through responsible institutions. Specifically, this also means earmarking much larger portions of **EU funding programmes** with criteria and indicators that give preference to commons-based economic, environmental, cultural and research activities.

If there is one investment that the EU should be making at this crucial time in our collective history, it is an investment in democracy. The EU's democratic deficit has been plaguing the project for a long time; now it even threatens to contribute to the EU's unravelling. The lack of transparent accountability of national policy-makers in relationship to the EU project is a major flaw; we need structural changes to increase this

accountability. As well as improving the current channels of **participatory democracy**, such as the European Citizens' Initiative (ECI), the European Parliament's Petitions Committee and the consultation processes, the EU should proactively engage in the creation of instruments for participatory democracy for which technological development has created immense opportunities.

In order to support **urban commons practices**, and the engagement of citizens in the creation and governance of their direct environments, there needs to be conscious, tailored support for small initiatives and collaborative platforms that contribute to local ecosystems and a circular economy. A circular economy is restorative and regenerative by design, and entails zero waste generation through greater re-use, repair, recycling, sharing and closed –circuit industries. Today's 'take, make and dispose' model is reaching its physical limits.

A rich and growing **knowledge commons** should be part of the EU roadmap, putting an end to the shrinking of the commons through further privatisation and monopolisation of internet infrastructures, (publicly funded) science and culture. We need public interest-copyright reform, true open science and internet infrastructures governed in the commons interest to favour a decentralised collaborative economy. The EU needs to prioritise and address the management of data in the collective interest.

Diverse movements of commoners are alive and kicking, but they need strong financial support, regulatory facilitation and political visibility. And they need it now. The EU can seize this pivotal moment and choose to become a leader in shaking off a chronic industrial age worldview by embracing the up and coming revolution of peer-to-peer collaboration, economic decentralisation and cultural sharing.

Recommendations

We are calling on EU institutions to take a more holistic approach. We call on policy-makers to combine economic objectives with a broad integrated appreciation of collaborative, participatory principles as well as social, cultural and environmental objectives that draw on citizens' priorities.

Practicing Democracy

The European project sorely needs bottom-up innovation in order to address the limits of representative democracy and its current legitimacy problems. EU democracy needs an urgent dose of re-invigoration and innovative models of participatory political processes are one way to address this.

- The EU should devote time and resources to creative institutions of participatory democracy, learning from all innovative practices already taking place in many European cities.

- The European Citizens' Initiative needs changes in order to become a useful, accessible tool for citizen participation with real possibilities for stimulating and influencing European legislative debates.
- The European Parliament's Petitions Committee needs greater resources, more parliamentary power and more accountable responsiveness from the European Commission in order to effectively channel and debate hundreds of citizens' petitions swiftly, effectively and in a transparent way.
- New digital technologies can facilitate and simplify the democratic participation of European citizens in the formulation, amendment and consideration of new EU legislation.

Commons in the city

Most Europeans live in cities and many of these cities are suffering from acute housing challenges, as well as environmental, multicultural integration and urban decay problems. How can we treat the city as a place that belongs to all its residents and that is governed and functions in accordance with their needs? In terms of policy opportunities for the urban commons at a EU level, there are several steps that should be taken as priority:

- Policies to enhance local control and public-civic partnerships.
- The Urban Agenda for the EU could be strengthened on a profound level by emphasising culture and civil society. Civil society should be allowed to play an active role in the partnerships in the Urban Agenda for the EU with culture as a cross-cutting issue in all partnerships.
- Commons as a Legal Category: The EU could acknowledge the commons as a way of organising and governing resources separate from public or private; it should even give guidance on law-making that takes the commons into account at the national or local level.
- The agenda for the collaborative economy should be translated into regulations that favour platforms with:
 - respect for local ecosystems;
 - community based and democratic online platforms.
- The action plan on the circular economy could be an opportunity if it is adapted to a localised/regional scale as opposed to its present globalised scope.
- Funding programmes should favour community based practices and civil-public partnerships.

Digital commons, knowledge and peer-to-peer collaboration

How can the EU respond to epochal shifts in technology, commerce and social practice and devise policies appropriate to the current age? How can knowledge be managed in a way that favours socially and ecologically sustainable stewardship?

Knowledge commons need flexible institutional and legal frameworks that allow self-organisation while also limiting unfair centralisation and appropriation of knowledge. Internet infrastructures need to favor democracy, openness and transparency going forward. Copyright regimes should be flexible – protecting the public domain and providing for exceptions and limitations to allow for the broad sharing and access in the realms of culture and science.

Internet and infrastructure

Maintaining an open democratic internet within the principles of net neutrality, interoperability, open standards, decentralisation and private data protection is key.

- Internet infrastructures should be managed in the public interest and, when possible, governed and/or owned by the public or community.
- We need investment in data infrastructures that allow individuals and communities to manage personal information in decentralised ways with the affirmative consent of users.

Digital Single Market (DSM)

- The follow up to the EU Agenda for the Collaborative Economy should acknowledge the problems with centralised platforms through regulation. This would include ensuring:
 - a socially sustainable collaborative economy where workers' rights are protected;
 - the support of community based alternatives;
 - the enhancement of data sovereignty.
- Spectrum legislation determining radio spectrum bandwidth for broadband digital service should have a significant amount of bandwidth that is legally earmarked for local, community based small-scale businesses or non-profit initiatives.
- To ensure the open internet, net neutrality should be upheld in a truly non-discriminatory way.

Further pro-commons initiatives that should be supported and expanded under DSM would include:

- the support and enablement of community Wifi;
- EU public-civic partnerships through crowdfunding;
- investments in open source software (FOSS Pilot).

Open Science and public goods

The EU has made huge progress over the last five years in embracing Open Science and Citizen science initiatives. Open science describes the on-going transition in the way research is performed, researchers collaborate and knowledge is shared. Citizen science is an open, participatory and inclusive approach for knowledge generation. However, there are still important steps to take in terms of intellectual property and data management. Particularly:

- The EU Cloud initiative should ensure the use of data in the collective interest.
- The EU should explore and implement socially responsible and non-exclusive licensing conditions on its research funding programmes (e.g. Horizon 2020).
- Equally the EU should implement conditions on limited intellectual property rights for its innovation inducement Horizon Prizes, meant to create incentives for innovation through the granting of a monetary prize.
- In order to move towards an adequate incentive framework for a sustainable innovation system and to encourage knowledge sharing, the EU should explore the idea of open patents.

Culture goods, co-creation and copyright

In order to favour access to knowledge and culture and a dynamic knowledge economy, the upcoming copyright reform needs to favour the public domain, use and re-use and knowledge commons.

- The EU should recognise that, once a work is in the public domain (i.e. copyright and related rights in a work have expired), the works should stay in the public domain.
- In the copyright reform, the EU would need to expand exceptions and limitations to include:
 - text and data mining;
 - improved access to cultural materials for people with disabilities;
 - non-commercial sharing;

- user-generated content; e-book lending and conservation by librarians;
 - freedom of panorama; and
 - the elimination of copyright for databases.
- Also in copyright reform: Ancillary copyright and neighbouring rights will add additional layers of rights hampering the free flow of knowledge and should not be further pursued.
- The EU's stance in EU trade agreements and at World Intellectual Property Organization (WIPO) should focus more on the public interest instead of the expansion of rights and more enforcement of rights.

ⁱ Capra & Mattei, *The Ecology of Law*, 2016.

ⁱⁱ Elinor Ostrom and Charlotte Hess, *Understanding Knowledge as a Commons*, 2007, MIT Press.

ⁱⁱⁱ Bollier, *Think Like a Commoner*, 2014, p. 112.

NB: *This executive summary and recommendations are based on our full paper 'Supporting the Commons: Opportunities in the EU policy landscape', which will be published shortly. For the full paper and this summary we would like to acknowledge the inputs from Carolyn Whitten, David Bollier, Melanie du Long Rosnay, Dimitar Dimitrov, Ina Studenroth, Bruno Carballa, Marjolein Cremer, Tsveta Andreeva and Wouter van den Bos.*