# "Territories of Commons" in Europe: pivotal for food production, nature stewardship, heritage maintenance and climate mitigation<sup>1</sup>

Extended document presented and discussed during the first meeting of the European Commons Assembly, 15-17 November 2016, Brussels (<a href="https://europeancommonsassembly.eu/">https://europeancommonsassembly.eu/</a>)<sup>2</sup>

#### 1.- BACKGROUND

The "Territories of Commons" provide innovative and customary solutions by the European people to solve the multiple crises Europe is facing these days (values, democracy, biodiversity, food, water, energy, rural depopulation). These territories produce essentials for human survival (water, food, air), they are important pieces of the European cultural heritage, people living and working there are the best stewards of Nature and biodiversity, food systems in those areas are better adapted than industrial food production to mitigation and adaptation to climate change effects, and the collective management practices applied to food systems and natural resources are fine-tuned to increase resilience, adaptability and production of valuable goods and services. In that sense, the traditional management of the commons, quite aligned with agro-ecological practices and direct and decentralized democratic practices, presents a feasible transition pathway and alternative narrative in the quest of sustainability and fairness to all Europeans and Nature.

The place-based commons, understood as collective-arrangements to manage resources useful for all members of the community, shall be legitimised, protected by policies and supported by higher EU funds as a legitimate, historically-rooted and sustainable way of managing natural and knowledge resources. They are valid pillar to combat climate change, biodiversity losses, democracy voids and generate healthy communities that create employment and meaningful livelihoods.

## 2.- WHAT DO EUROPEAN "TERRITORIES OF COMMONS" OFFER TO EUROPEAN CITIZENS?

- **2.1. Reservoirs of climate-adapted food commons** and key elements to achieve food sovereignty as they provide local food, maintaining local skills and resources, with agroecological systems that make society and agricultural systems more resilient. Those systems retain more carbon in the soil and produce less GHG emissions, being on the other side more resilient, socially and environmentally, to climate change and weather-related hazards.
- **2.2. Stewarding nature and protecting biodiversity**<sup>3</sup>. Natural resources are a basic foundation for these communities, so the degradation of the former implies the degradation of the latter.
- **2.3. Nurturing community, citizenship and collective values** with social contracts based on a different moral ground from capitalism and the neoliberal ideology: not profit-maximisation, individualism, consumer sovereignty and competition as human drivers.

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<sup>2&</sup>lt;sup>®</sup>This text has been prepared by Jose Luis Vivero Pol (<u>joseluisvivero@gmail.com</u>) with contributions by Sergio Couto, Concha Salguero, Ana Margarida Esteves and Joam Evans Pim.

The slideshow can be seen here: <a href="http://www.slideshare.net/joseluisviveropol/territories-of-commons-food-heritage-nature-climate-mitigation-democracy">http://www.slideshare.net/joseluisviveropol/territories-of-commons-food-heritage-nature-climate-mitigation-democracy</a>

The 7 minute presentation here (between 2:28 – 2:35): <a href="https://www.youtube.com/watch?v=XEWDstHb8Bg">https://www.youtube.com/watch?v=XEWDstHb8Bg</a> 3 European Environment Agency (EEA) shows that that "Europe's natural capital is not yet being protected, conserved and enhanced and the long-term outlook is often less positive than recent trends might suggest".

- **2.4. Intergenerational sustainability** due to systems based on collective ownership and stewardship of resource replenishment passed from generation to generation.
- **2.5. Reservoirs of biodiversity** and fundamental ecosystems services basic for life on earth (oxygen, pollination, carbon sequestration, water cycle, soil fertility). A large number of most valuable areas in Europe (such as Natura 2000 and High Nature Value Areas) are common lands.
- **2.6. Reservoirs of public goods** crucial for the viability of associated rural communities.
- **2.7. Reservoirs of governance systems**, with their own institutions and regulations, based on real community participation and empowerment. They have generated and maintain rural areas of great cultural diversity, as well as mosaics of inter-related farming systems and ecosystems.
- **2.8.** Reservoirs of cultural heritage and collective knowledge, accumulated, adapted to local conditions and tested on the ground for centuries. This makes of common systems a crucial ground tested cutting-edge tool for climate change adaptation and mitigation. Moreover, they represent a recognisable European heritage where all citizens can feel attuned to. They living European history.
- **2.9. Reservoirs of participatory and de-centralized democracy**. The "commons" are the expression of a collective search for new governance systems as a political alternative to the elective democratic systems that we have now in Europe (detached from citizens, co-opted by corporations, preaching for for-profit maximization and commodification and private exploitation of common resources).

## 3.- EXISTING EXPERIENCES OF "TERRITORIES OF COMMONS" IN EUROPE

Forests, fisheries, land, water and food have all been considered as commons and the consideration different civilisations have assigned to food-producing commons is rather diverse and certainly evolving. Food-producing commons are ubiquitous in Europe, largely based on their abundance in historical times and the fact that different past and present enclosing movements have not been able to make them disappear...yet. In Europe, despite centuries of encroachments, misappropriations and legal privatizations, more than 12 Million hectares of common lands have survived up to now in many EU countries<sup>4</sup>. This figure is estimative since it includes only 13 EU member states and only refers to Utilised Agriculture Area (area used for farming). Forested or coastal areas are not include, what will certainly raise the figure.

In highly privatized and increasingly neoliberal Western Europe, common lands still cover 9% of surface of France (Vivier, 2002), more than 10% in Switzerland and 25% of Galicia (in Spain). Anyone can forage wild mushrooms and berries in the Scandinavian countries under the consuetudinary Everyman's Rights<sup>5</sup> (La Mela, 2014), the Spanish irrigated huertas (vegetable gardens) are a well-known and healthy institution (Ostrom, 1990, pp 69-81) and there are thousands of surviving community-owned forests and pasturelands in Europe where livestock are raised in free-range, namely *Baldios* in Portugal (Rodrigues, 1987), *Crofts* in Scotland or *Montes Vecinales en Mano Comun* in Spain (Grupo Montes Vecinales IDEGA, 2013).

<sup>4&</sup>lt;sup>®</sup>http://ec.europa.eu/eurostat/statistics-explained/index.php/Common\_land\_statistics - background

In United Kingdom, common lands are a mix of use rights to private property and commonly-owned lands<sup>6</sup>. Local residents (called commoners) have often some rights over private land in their area<sup>7</sup>. Most commons are based on long-held traditions or customary rights, which pre-date statute law laid down by democratic Parliaments. The latest data indicate England has circa 400.000 ha (3%) registered as common land<sup>8</sup>, Wales 175.000 ha (8.4%) and Scotland 157.000 ha (2%), what amounts 732.000 ha representing at least 3.3% of United Kingdom<sup>9</sup>. Common lands in Spain, those owned by communities and not being part of state-owned territory, are 4.2% (2.1 million ha) according to the most accurate agrarian census. These lands, with more than 6600 farming households that depend entirely on them for earning their living, are grounded on legal principles that ensure the preservation of the communal condition of such property, as they cannot be sold (unalienable), split into smaller units (indivisible), donated or seized (non-impoundable) and cannot be converted into private property just because of their continued occupation (non-expiring legal consideration) (Lana-Berasain & Iriarte-Goni, 2015). The 1978 Constitution (Article 132/1) included an explicit reference to the commons, also defined in the Municipal Law of 1985. Ownership corresponds to the municipality or commonality of the neighbours and its use and enjoyment to the residents.

MEMBER STATE	COMMON LAND (ha) year 2010
Spain	4 205 593
Cyprus	805
France	750 000
Ireland	422 415
Italy	610 165
Austria	252 872
Portugal	171 351
United Kingdom	1 195 246
Hungary	627 225
Bulgaria	858 563
Romania	1 497 764
Greece	1 698 949
Slovenia	8 221
Norway	Unknown
Croatia	Not identified
Montenegro	Not identified
EU TOTAL (ha)	12 299 265

The extension of the commons in the EU is not known with any precision, but the European Commision estimates in more than 12 million hectares the Utilised Agriculture Area (UAA) (meaning the area used for farming) under common land (data do not include forestry or marine areas). Source: European Commission. Eurostat.

<sup>6&</sup>lt;sup>®</sup>A good and well-known example is the 500 practising commoners in the New Forest, Hampshire.

<sup>7&</sup>lt;sup>®</sup>The Countryside and Rights of Way Act 2000 gave the public the right to roam freely on registered common land in England

 $<sup>8^{\</sup>text{h}} \text{http://webarchive.nationalarchives.gov.uk/20130123162956/http://www.defra.gov.uk/wildlife-countryside/protected-areas/common-land/about.htm}$ 

 $<sup>9^8</sup>$ Author's estimate based on previous data. Northen Ireland has not been included in this estimate.

In Galicia, an autonomous region of Spain, common lands represents 22.7% of total surface and they are owned and managed by resident neighbours<sup>10</sup> inhabiting visigothic-based parishes<sup>11</sup>, a legal figure recognized in the 1968, 1989 and 2012 laws<sup>12</sup> (Grupo Montes Vecinales IDEGA, 2013). Finally, in the medieval village of Sacrofano (Roma province, Italy), a particular and ancient University still functions for the local residents: the Agricultural University of Sacrofano<sup>13</sup> (*Università Agraria di Sacrofano*) holds 330 ha of fields, pastures, forests and abandoned lands where the citizens residing in the municipality can exercise the so-called rights of civic use (customary rights to use the common lands).

Those are just a few documented examples of the socio-economic importance of the food-producing commons in Europe although its relevance and current existence is hardly noticed by general media and probably neglected by the public authorities and the mainstream scientific research. Historical and modern studies have shown that the traditional food-producing common-pool resources systems were, and still are, efficient in terms of resource management<sup>14</sup> as can be seen from their coherence and persistence despite the different enclosing waves (Ostrom, 1990; De Moor, 2013). Common lands were pivotal for small farming agriculture throughout Europe all along history, as they were source of organic manure, livestock feedstock and pastures, cereals (mostly wheat and rye in temporary fields), medicinal plants and wood. Peasants pooled their individual holdings into open fields that were jointly cultivated, and common pastures were used to graze their animals. Their utility to human societies enabled them to survive up to present day.

In Europe there still are many examples of customary food commons that are functional, providing food to many communities and stewarding natural resources and cultures. Some examples can be provided by the irrigation system in the Huertas of Valencia, the emphiteusis proprietary regimes in Italy, the management of oyster beds in the Arcachon bay, the pastoral traditions of Sami people in the Scandinavian countries, the hunting licences in Switzerland and so on, so forth.

"Territories of Commons" do not only include areas governed by customary institutions, as new innovative forms of collective governance, collective proprietary regimes and community democracy are being recreated regularly in Europe. Several examples are provided below:

<u>3.1. Global Eco-village Network Europe</u><sup>15</sup>. An ecovillage is a human-scale settlement consciously designed through participatory processes to secure long-term sustainability. All four dimensions (the economic, ecological, social and cultural) are seen as mutually reinforcing. ECOLISE (European Network of Community Led-Initiative on Climate-change and Sustainability)<sup>16</sup> is a coalition of organisations engaged in promoting and supporting local communities across Europe in their efforts to build pathways to a sustainable future. This re-localisation and re-appropriation of spheres of life that are important at community/local level includes many types of commons which are owned and

<sup>10&</sup>lt;sup>®</sup>Those who have "open house and a burning fireplace" what means they regularly inhabit that house, either owned or rented. Therefore, commonality, as a proprietary entitlement to use common resources, is not inherited but granted by living in the community.

<sup>11</sup> There are 2800 Montes Vecinales de Mano Comun (Collectively-Owned Community Forests) legally protected, representing a third of total forest area. They produce wood, food, pasturelands, income by selling wood or renting land for wind-power turbines. They are an example of direct assembly democracy that can be replicated on other settings applying the EU's principle of subsidiarity in decision-making. More info at: <a href="http://montenoso.net/wiki/index.php/MVMC/es">http://montenoso.net/wiki/index.php/MVMC/es</a>

<sup>12&</sup>lt;sup>®</sup>Law 13/1989 (10 October) de *Montes Vecinales en Man Común* (DOG nº 202, 20-10-1989) and Law 7/2012 (28 June) de montes de Galicia.

<sup>13&</sup>lt;sup>®</sup>The term "Università" derives from the ancient roman term "Universitas Rerum" (Plurality of goods) while the term "Agraria" refers to the rural area. <a href="http://www.agrariasacrofano.it/Storia.aspx">http://www.agrariasacrofano.it/Storia.aspx</a>

<sup>14&</sup>lt;sup>®</sup>The same can be said of community-managed forests worldwide (Porter-Bolland et al., 2012).

<sup>15</sup> http://gen-europe.org/home/home/index.htm

<sup>16</sup> http://gen-europe.org/partners/ecolise/index.htm

managed by the community such as community gardens, energy facilities, community supported agriculture, shared mobility schemes, direct democracy, open administration, etc. We are connected to the practical aspects of communing; we explore ways to live in common that are not based only on personal property and individual actions. The trend is to create collective properties and local community actions.

- <u>3.2. Transition Networks</u> is a placed-based movement (either villages, towns or cities) that envisions people working together to find ways to live with a lot less reliance on fossil fuels and on over-exploitation of other planetary resources, much reduced carbon emissions and improved wellbeing for all and stronger local economies. The Transition movement<sup>17</sup> is an ongoing social experiment, in which communities learn from each other, nurturing social innovations different from the capitalistic market ethos.
- <u>3.3. Community-Supported Agriculture</u>. A recent report by the European Community-Supported Agriculture Research Group determined that this citizen-led network of food innovation and social learning is growing steadily since it was first started in 1978 in Switzerland. Although official figures are still fuzzy or lacking in most countries, initial estimates posit that more than 1 million eaters are purchasing food in the more than 6300 initiatives distributed across Europe (European CSA Research Group, 2016). This civic partnerships between engaged customers and food producers, whereby production risks are shared between both stakeholders of the food chain, can be complemented with other types of alternative food networks and short food supply chains<sup>18</sup> (such as the food buying groups, solidarity purchasing groups or local food systems).
- <u>3.4. Other examples of Rural/Urban Commons</u> that embrace food sovereignty, agroecology and the development of material and social base for a community-based solidarity economy are:
  - Xarxa de Economia Solidária de Catalunya/ Fira FESC: <a href="http://www.firaesc.org/">http://www.firaesc.org/</a>
  - Genuino Clandestino (Italy) Rural Commons, Agroecology, Food Sovereignity, Participatory Certification System (Producers/Consumers): <a href="http://genuinoclandestino.it/">http://genuinoclandestino.it/</a>
  - Cooperativa Integral Catalana: <a href="http://cooperativa.cat/en/4390-2/">http://cooperativa.cat/en/4390-2/</a>

## 4.- THE GREATEST CHALLENGE: OVERCOMING OBVLIVION, PORTRAYING RELEVANCE

The relevance of common lands managed by communities, non-state local institutions and European indigenous is often overshadowed by EU and national authorities and official statistics, that are dominated by the pervasive hegemonic narrative that for-profit market driven food systems are more efficient, fair and relevant for the common interest. This oblivious attitude prevents the already-existing customary and contemporary food commons to be fully appreciated and its relevance for European citizens' culture, livelihood and environment is not subject of public policies and adequate financial support.

Some relevant documents that assess the importance of the Food Commons in EU members can be found here:

- Spain: <a href="https://www.cbd.int/pa/doc/ts64-case-studies/spain-en.pdf">https://www.cbd.int/pa/doc/ts64-case-studies/spain-en.pdf</a>
- United Kingdom: <a href="https://www.cbd.int/pa/doc/ts64-case-studies/england-en.pdf">https://www.cbd.int/pa/doc/ts64-case-studies/england-en.pdf</a>
- Italy: https://www.cbd.int/pa/doc/ts64-case-studies/italy-en.pdf
- Croatia: <a href="https://www.cbd.int/pa/doc/ts64-case-studies/croatia-en.pdf">https://www.cbd.int/pa/doc/ts64-case-studies/croatia-en.pdf</a>

18 Short food supply chains are defined by Kneafsey et al., (2013) as: "Those initiatives where the food involved are identified by, and traceable to a farmer. The number of intermediaries between farmer and consumer should be 'minimal' or ideally nil."

<sup>17&</sup>lt;sup>®</sup>https://transitionnetwork.org/

### No food-producing common lands mentioned in CAP

The Common Agriculture Policy (CAP), what represents 40% of EU budget (52 billion Euro in 2014) is shaped by the capitalism ideology of commodification, profit-maximisation and individualism, being thus the main facilitator of the enclosure of the food commons and the restructuring of food systems, by discouraging small farming and difficulting access to land for them. The Common Agricultural Policy is closely related to managing the commons-based food producing systems and the final output (food for feeding people or other uses), but it fails to recognize the commons nature of food-producing elements such as land, seeds, water and knowledge and, least to say, food as a commons.

Although the CAP does not directly prevent common land farmers from receiving payments, it is single-farmer oriented and was not designed with common tenure in mind. Common Lands (and right to Food) is not even mentioned in CAP regulations. Common lands can only receive funds from the CAP Pillar 2 (with 20% of funds only), whereas the majority of CAP money (80%) is spent on direct payments and market measures benefiting industrial agriculture and agri-food corporations. In the EU, just three per cent of landowners have come to control half of European farmed land <sup>19</sup>. Those bigger farmers are the greatest beneficiaries of CAP subsidies, with 20% of farmers estimated to receive 74% of funding<sup>20</sup>.

The impacts of EU policies on agriculture, fisheries, natural resources (land, water), biodiversity (including seeds) and traditional knowledge (including cultural heritage) are generally detrimental to the common lands, the material and immaterial commons and the commoning practices of governance.

### 5.- HOW THE "TERRITORIES OF COMMONS" COULD BE SUPPORTED BY EU AUTHORITIES?

## **NORMATIVE MEASURES (territory-specific):**

A.- We suggest a non-binding communication by the European Parliament considering Nature and natural resources in Europe as commons, freely offered by the planet and available to every European citizen. Those natural commons shall be used for the commonwealth in such a sustainable manner that prevents their exhaustion for the next generations. At least, the natural commons that are vital for human survival (air, water and food) should be politically considered as commons, public goods and human rights, and not merely as commodities. This normative political construct will then trigger different political, legal and financial actions.

B.- EU political recognition to traditional "Territories of Commons" as a form of European heritage would be important, so would explicit recognition of their traditional forms of natural conservation and a sustainable type of low-input, low-impact farming system with important benefits to reduce climate change impacts, increase resilience in rural areas, promote agroecology and achieve food sovereignty.

C.- The "Territories of Commons", including common resources, common knowledge, common energy, communal tenure systems, commons heritage and community rights, shall be legally protect

<sup>19&</sup>lt;sup>®</sup>See Land concentration, land grabbing and people's struggles in Europe at <a href="http://www.tni.org/briefing/land-concentration-land-grabbing-and-peoples-struggles-europe-0">http://www.tni.org/briefing/land-concentration-land-grabbing-and-peoples-struggles-europe-0</a>

<sup>20&</sup>lt;sup>®</sup>EU Agricultural Economics Briefs No 8 | July 2013. How many people work in agriculture in the European Union? An answer based on Eurostat data sources

http://www.ecpa.eu/information-page/agriculture-today/common-agricultural-policy-cap

and politically supported by the EU authorities as a valid transition pathway (real, inspirational and aspirational) towards a different social, economic and political system that is sustainable within planetary boundaries and fair towards all the Europeans.

## **NORMATIVE MEASURES (commons-specific):**

A.- A **New Social Contract** between European citizens, national authorities and EU institutions based on common resources and commoning governance (rules + institutions) for the commonwealth of the Europeans.

- **New moral grounds** (where individualism, profit maximisation, absolute proprietary regimes, consumerism of goods and competition are not the dominant values)
- **New narratives** to reach broader constituencies based on inspirational humanism and aspirational goals for the common good, where civil, political, social, economic and cultural rights are not just empty words but binding principles for humans and corporations. From the "Productivist Narrative" to the "Sufficiency Narrative", from "competing individualism" to "collaborative communities".
- New economic model not based on commodification, absolute proprietary rights, free (but subsidised) markets, profit-maximisation for shareholders, financialisation of means of production, closed IP rights and extractivism of finite natural resources.
- New policies shaped by the new moral grounds and narratives, where satisfaction of human needs, achievement of sustainable livelihoods, guaranteeing of human rights and transition towards aspirational goals are the hegemonic policy drivers.
- New rights for humans and non-humans (Nature and Corporations) where the common good is achieved through common sense and collectively-agreed governance mechanisms.
- B.- Creating an "European Office of the Commons" to gather information, elaborate reports, liaise with different EU institutions and member states, prepare briefings for future EU policy reforms (i.e. CAP reform, EU Fishery Policy, EU Habitat Directive)

## **POLITICAL MEASURES:**

A.- The next CAP reform should clearly support the provision of public goods and the recognition of collective tenure systems as one of their providers; this should be funded through outcome-based measures and designed 'bottom-up' with active participation of the commoners governing those existing customary and contemporary commons. It could include a **Special Chapter on Food-producing "Territory of Commons"** with specific policies, regulations and sufficient funding envelope<sup>21</sup>.

B.- There is an urgent need to identify and map customary "Territories of Commons". There is an initiative to map ICCAs<sup>22</sup> that could be funded and supported by the EU) and contemporary commons (there are new ideas to crowdfeed those mapping exercises using citizen science, open platforms and collaborative networking, with TransforMap<sup>23</sup>.

C.- None of five Regulations that conform the legal/political corpus of the reformed CAP (December 2013) have included any reference to the "commons" or "common resources". So, in the next CAP reform, at least some specific references to the right to food provisions (adopted by all the EU

<sup>21&</sup>lt;sup>®</sup>Moreover, marine "Territories of Commons" and the Fish Commons should also have a special policy set in the next reform of the EU Common Fisheries Policy.

<sup>22&</sup>lt;sup>®</sup> Such as the Indigenous and Community Conserved Areas Registry, advised by The ICCA Consortium and supported by UNEP-WCMC, http://www.iccaregistry.org/en/home

<sup>23&</sup>lt;sup>®</sup>http://transformap.co/.

members individually when they ratified the International Covenant of Economic, Social and Cultural Rights) could be included as well as a recognition of the importance of the food-producing commons in Europe, as particular institutional arrangements where collective management of natural resources in historical institutions provides utilities in form of food products, landscape stewardship and cultural heritage. None of this regulations mention the commons or the right to food:

- Rural Development: Regulation 1305/2013<sup>24</sup>
- Horizontal issues such as funding and controls: Regulation 1306/2013<sup>25</sup>
- Direct payments for farmers: Regulation 1307/2013<sup>26</sup>
- Market measures: Regulation 1308/2013<sup>27</sup>
- To ensure a smooth transition, Regulation 1310/2013<sup>28</sup>
- D.- Gathering data and information about the present state of "Territories of Commons" in Europe (collective tenure of land and natural resources). Additionally, comparative research is also needed to understand contemporary "Territories of Commons", from customary commons initiatives to newly formed collective actions (ecovillages, transition towns, and community supported agriculture) that currently share many dynamics and challenges<sup>29</sup>.
- E.- EU funding through LEADER Rural Development should encourage "Territories of Commons" and collective management of commons, targeting not only customary commons but new contemporary commons as well, formed around the ancestral social and economic practices around the commons. Commons need to be considered as an integral part of the solution to rural population desertification in much of Europe.
- F.- Land-grabbing in Europe should be banned. No more enclosures of natural commons (land, water, beaches, seeds).
- G.- There is an EU initiative called Community-led Local Development (CLLD), which recognises the role of community-led action in supporting development in rural and fishery areas. However, the size and scope of this initiative needs to be greatly increased, on a scale to match the potential contribution of community-led action; should be of easier use, reach, understanding and definitely more available also for small scale local actions.

## **LEGAL MEASURES:**

A.- Recognise as important elements in the sustainable transition and strengthen at European level the different national/regional legal frameworks that protect the land and resources owned and

<sup>24®</sup> REGULATION (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 <a href="http://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1305&from=en">http://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1305&from=en</a>

<sup>25®</sup>REGULATION (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1306&from=en">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1306&from=en</a> 26®REGULATION (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1307&from=en">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1307&from=en</a>

<sup>27&</sup>lt;sup>®</sup>REGULATION (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1308&from=en">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1308&from=en</a>

<sup>28®</sup>REGULATION (EU) No 1310/2013 laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1310&from=en">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1310&from=en</a>

<sup>29&</sup>lt;sup>®</sup>The ECA and associated universities and research centres could elaborate solid economic arguments to support communal systems and their role in the face of the current economic crisis and environmental challenges.

governed collectively ("Territories of Commons") such as Cofradias de Pescadores in Spain; Crofts in Scotland (UK), Alpine Pasturelands in France; wildberries, fishing and Everyman's Rights in Sweden, Finland and Denmark; Baldios in Portugal; Emphyteusis Propietary regimes in Italy; Montes Vecinales de Mano Comun en Galicia (Spain). The ICCA initiative (Indigenous People's and Community Conserved Areas) is full of relevant examples of community empowerment to manage commons combining the preservation of traditional life-styles and nature itself.

- B.- Common Lands (land not owned by states or private hands but communities, parishes, groups and other types of collective institutions) should be explicitly recognized as a distinct form of property in Europe, with local and regional variations throughout the continent. Explicit recognition of this reality would encourage its protection and restoration.
- C.- To secure legal rights over collectively-owned commons so as to ban perpetually the use of common resources as collateral for loans, the allotment of separated parts of those lands, the transfer of communal property to state property (that can later on be privatised). In that sense, the Spanish Constitutional Court has recently recognized the "imprescriptibility" of the commons, so illegitimate enclosures cannot change the proprietary regime of the commons. Similar actions could be replicated all over Europe. The Commons shall be legally protected all over Europe.
- D.- To draft a normative that enable citizens to purchase state-owned or private —owned lands to render them collectively-owned. There is a need to engineer legal, political and financial channels to re-commoning vital resources to transfer proprietary regimes and governance control from private/state hands to collective entities.

## **FINANCIAL MEASURES:**

- A.- To earmark more funds to support "Territories of Commons" as an important part of rural development, food security, food sovereignty, nature conservation, biodiversity protection and climate change mitigation and adaptation. With special emphasis on supporting councils, districts, and municipalities for a commitment to the community and the ecological, social and economic sustainability
- B.- Food-related subsidies at EU level shall be re-considered in order to support those innovative civic actions for food that are mushrooming all over Europe: "Territories of Commons", community-supported agriculture, food buying groups, open agricultural knowledge, urban food commons, peer-to-peer food production. This area of the European food system shall be recognized by politicians and local/national and EU authorities and be granted legitimacy and financial/legal support.

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