

## Claiming the Commons

### Notes on Ways to Share and Care for Our Earth

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This paper lists several commons domains, both natural and social, and proposes ethics, practices, and policies for assuring that they are both fairly shared and responsibly cared for in perpetuity. Contents include:

- 1) Surface Land Site Value
- 2) Lands Used for Timber, Grazing, Oil and Mineral Extraction
- 3) Control Of and Emissions Into Air and Water
- 4) Electromagnetic Spectrum, Satellite Orbital Zones, and Outer Space
- 5) DNA, the Deep Commons of Inner Space, and Intellectual Property Rights
- 6) On Commons Governance, Earth Rights, and Who We Are As Human Beings

- 1) **Surface Land Site Value** – Land value is a price or monetary measurement accruing to surface land that increases as population grows and development proceeds.

#### Problems:

- (a) When surface land is treated as a market commodity for speculation and profiteering, land prices further increase, and faster than wages and the return to productive capital. Classical economists called this process “the law of rent” with the term “rent” meaning a socially created value (a commons). Land value or “rent” is thus an “unearned income” when privatized. Those engaged in the productive economy must then assume ever increasing debt in mortgage payments in order to gain access to the surface land commons for housing, business locations, sustainable small farm agriculture and other “real economy” activities.
- (b) Surface land ownership is highly concentrated worldwide as a result of enclosure, colonization, and rent-seeking behavior. Even more highly concentrated is the control of the most valuable surface land sites in urban areas. In addition to paying land rent and mortgage interest to private sector rent-seekers and profiteers, the ordinary citizen now pays taxes on wage incomes and/or small business profits.
- (c) As a consequence of the two above problems we now have an extreme concentration of wealth and private financial sector control of the global

economy to the detriment of ordinary people, the productive economy, and the environment.

### Solutions:

- a) Rent"- the unearned income accruing to surface land and other natural commons – is socially created and therefore should be “captured” or “returned” to society as a whole in order to finance common basic needs for education, sanitation, public transportation and other social goods.
- b) The policy known variously as “land value capture”, “land value taxation” or “site value rating” removes taxes from houses and other buildings as well as from wages and other earned incomes (thus increasing purchasing capacity on the “demand” side) and shifts the tax base to a simple “pay for use” charge on surface land according to the accurate assessed value of sites (thus maintaining land value stability and affordability on the “supply” side).
- c) Research of leading land economists indicates that surface land rent is sufficient to pay for needed public goods. Thus there is no need to tax wage labor and the private production of goods and services of the “real” economy. This public finance method provides the proper incentives or signals necessary to maintain genuine market freedom while assuring fair wealth distribution.
- d) Reclaiming the “surface land rent commons” while relieving taxes on the real economy provides the proper balance of public and private sectors. This policy is recommended by the founding documents of UN HABITAT and is a key to poverty eradication. It correctly harnesses market incentives for affordable housing for all, assures good use of valuable urban lands, and promotes rural land reform. This approach to “people/planet finance” is essential for building a new economics beyond both the “old right” and the “old left.”

## 2) Land used for Timber, Grazing, Oil and Mineral Extraction

### Problems:

- a) As with surface land, the access and control of these commons domains are also concentrated in the hands of a few individuals and conglomerates. Even when these activities occur on state owned lands which are considered to be in the public domain, those gaining access frequently pay substantially less than full rent into public funds.
- b) The terms of access to these resources often are not conditioned upon legally enforceable agreements or codes that fully protect and sustain these lands.
- c) The combination of the two above stated problems means that the public is not receiving a fair return for use of these resources (fair share rights) nor are these resources being

utilized in a sustainable manner (responsible use). Timber lands are too often monocultures; grazing lands are over-grazed; oil and minerals extractive most often do not internalize the full environmental and social costs of resource extraction.

#### Solutions:

- a) Contracts and conditions for use of land for timber, grazing, oil and mineral extraction should be negotiated, written, and legally agreed upon via a process of open, transparent, and sufficient input by citizens in the locality or regions impacted by these activities. In some cases it can be expected that citizens would decide that “no use” for these purposes would be deemed “highest and best use” of these lands.
- b) When citizens, via processes of participative, deliberative democracy, agree that land should be utilized for the purposes of timber cutting, grazing, oil or mineral extraction, they should be fully informed by non-partisan experts as to the potential “rent” that could be captured for the public fund via land use fees or royalty payments. Alternatively the price for access could be arrived at by public auction.
- d) Broad based citizen input should also determine the conditions for use of the land for these purposes, meaning that in addition to fees or royalty payments, contracts will detail the requirements for environmental protection and full sustainability in perpetuity.
- e) Contracts determined by citizens for the use of their commons for timber, grazing, oil or mineral extraction need to contain clear methodologies and formulas for adequate financing for both monitoring and enforcing the contract agreements.
- f) Furthermore, citizens should, again via processes of participative, deliberative democracy, determine the expenditure of public funds received via land use fees or royalty payments for timber, grazing, oil and minerals extraction. For instance, citizens might decide that a certain portion of these funds would be directed to financing renewable energy technologies and/or that a portion would be distributed directly to each resident as a “citizen dividend” representing a “fair share” return for use of the commons.

### 3) Control Of and Emissions into Air, Water, or Soil

#### Problems:

- a) Currently the full cost of industrial production is not internalized by those using our air, water and soil commons but instead is externalized onto the citizenry as a whole. As a result the health and quality of life for humans and other life forms is at risk, as are the interconnected ecosystems of the entire planet.

- b) Current economic structures are based primarily on the drive for private profit by large scale industries and entities who wield power and control which is disproportionate and out of sync with the needs and benefits of the people as a whole.
- c) The strong push worldwide for further privatization of these commons and their capture and control by an elite few desiring profit over people and planet is cause for growing alarm among the world's citizenry.

#### Solutions:

- a) A first step is to bring full awareness to the world's citizens that current forms of industrial and economic production are in too many cases causing more harm than good to our families, friends and neighborhoods. This broadening of collective consciousness concerning the common heritage domains of air, water and soil and how they are currently being used and by whom is an essential for reclaiming the air, water and soil commons. Again, this is a call for participative, deliberative democracy with a focus on our fundamental physical well-being.
- b) As stated above regarding timber, grazing, oil and mining extraction, enforceable codes and covenants for the fair share and sustainable use of our air, water and soil commons need to be established from the local to the global levels. Fees for use, not abuse, of these commons need to be set forth. Pollution taxes need to be sufficient to incentivize steadily decreasing the damaging use of these commons and to instead shift to benign and regenerative forms of economic production.
- c) Since pollution taxes and fees are often passed on to the end user, meaning the citizen as consumer, it is essential that taxes on wage earners eliminated in order to increase overall purchasing capacity.
- d) In that overall improvements to the social order also increase the desirability and thus the land value of particular land sites and locations, not only for towns and cities but also for countries that have cleaner environments than others, it is essential when implementing pollution taxes and other commons use fees that the consequent increase in surface land values be socially captured and placed in common funds for the benefit of all (as described in #1 above). The "claiming the commons" paradigm thus will be holistic and integrated in its approach to the various commons domains.

#### 4) Electromagnetic Spectrum, Satellite Orbital Zones and Earth's Atmosphere

##### Problems:

- a) There are high real estate values in both spectrum and space. The access for information transmission to the commons of the electromagnetic spectrum, worth multi-billions of dollars, has literally in most countries been given away to a few large media conglomerates.

- b) Satellite orbital zones are regions of outer space where satellites are balanced in equipoise between the gravities of the earth and the moon. These are highly desirable nature-created locations, and are yet another form of commons for which the world's citizens are receiving no fees for use. Not only this but these regions are now littered with defunct satellite and other debris, space junk for which there is as yet no garbage collection services.
- c) With great alarm we note the new race for space for purposes likely to be antithetical to the peace and safety of our planet, people and other precious life forms of our earth. Powerful new systems (such as HAARP – high frequency active auroral research program) have harnessed the capacity of the ionosphere in order to create weather events and locate valuable mineral resources. These systems are now capable of inflicting massive destruction upon those who would challenge current constellations of power and privilege.

#### Solutions:

- a) A mass awakening is required. Artists, writers, intellectuals, military leaders, people in government and the media along with ordinary citizens need to work together beyond political and partisan lines to convert the use of the electromagnetic spectrum, outer space and the ionosphere from malevolent to benevolent purposes.
- b) We must secure only peaceful uses of outer space and make certain that funds and subsidies are not directed to those engaged in projects, technologies, or endeavors which seek to use these commons for destructive purposes. Those individuals, companies or governments that persist in the use of the spectrum or space for anti-social purposes must be boycotted, embargoed, shunned and shamed. If they do not stop and redirect their efforts to benevolent, life promoting purposes they must be subpoenaed by courts of law and put on trial for crimes against the earth and humanity.
- c) The world's citizens, connected via local-to-global parliamentary and deliberative democracy movements, must claim their commons of the spectrum, satellite orbital zones, the multiple layers of our atmosphere, and outer space. Similar to the previously stated commons solutions, use of these commons should be based upon transparent and enforceable agreements, codes, contracts and covenants which set forth conditions for both socially and environmentally responsible use of these commons, along with substantial and sufficient fees for their use, to be placed in a global common fund and utilized for the well-being of all people, other life forms, and the planet in its entirety.

## 5) DNA, the Deep Commons of Inner Space, and Intellectual Property Rights

#### Problems:

- a) Humans privileged with high technology, time, talent, and funding have penetrated deeply into the building blocks of life itself, deciphering much of the DNA helix as well

as the constructs of molecules, atoms, and subatomic particles. Knowledge about these realms and others throughout the ages has been used for both “good” purposes which further the evolution of life and “evil” (“live” spelled backwards) purposes which impede, block, obstruct, or deviate from the evolutionary path. In our current era these discoveries are too often used for power, profit and control over other humans and life forms.

- b) Claiming the right to these commons by “discovery” is not a sufficient rationale for vesting the power of this knowledge in the hands of a few over the many. Doing so would be similar to European claims to the land and natural resources of the Americas and Africa during the times of colonial conquest when the “new lands” were deemed to be “terra nullius” or empty lands devoid of “civilized inhabitants.” Discoveries made which unlock the secrets of DNA and the deep inner space commons, if not transparently made and claimed on behalf of all humanity, cannot be considered legitimate claims. Use of these discoveries to modify life forms, as is done with GMOs (genetically modified organisms) and the patenting of seeds and other life forms for private profit, is anti-social and will not be permitted under enlightened governance of, by, and for the people and the planet.
- c) The “genie is out of the bottle” regarding for-profit patenting of DNA for life form modification, the use of the deep commons of atomic structures for the creation of weapons of mass destruction, and privatized intellectual property rights over commons knowledge and resources.

#### Solutions:

- a) Most so-called “intellectual property” derives from and builds upon multitudes of human scientific and cultural explorations and endeavors generated throughout the ages. We need to bring forth ethics and policies that carefully decipher what belongs to individuals and groups due to their particular efforts and what in fact belongs to humanity as a common heritage to be utilized for the benefit of all.
- b) It is unrealistic to imagine that we can put this genie back in the bottle. Our challenge is to now honor and recognize the power of this genie so that he/she can truly serve the evolutionary path, the unfolding journey of life on planet earth. All explorations and discoveries that delve into the deep commons of inner space need to be exposed to the sunlight of transparent, open public knowledge. The right to undertake such explorations can only be granted on this basis.
- c) There can be no secret laboratories pursuing such knowledge for power, profit and control by the few over the many. We the people of the planet need to know who is doing what and where in these explorations into deep inner space. Our universities and public think tanks can then focus on the ethical considerations of these activities and how discoveries made can best serve the common good.

- d) Similar to our approach to the other common resource domains, codes, covenants, and contracts regarding inner space commons need to be developed in participatory and deliberative democracy civic processes. The right to use this knowledge should be based upon a full understanding and acceptance of the clear benefits of this knowledge (along with resultant new technologies) and a full and fair sharing of the benefits. Those individuals, groups or companies whose labor made possible these discoveries should then be fairly compensated for their singular contributions. Any and all patents issued should contain a sunset clause of no longer than an average human lifetime.

## 6) On Local-to-Global Commons Governance, Earth Rights, and Who We Are As Human Beings

The needs of the people and the needs of the planet are one and the same. How we hold the earth is how we hold each other. We belong to the earth and the earth belongs to us.

Most of our urgent social and environmental problems stem from a forgetting, or lack of fully affirming, these fundamental truths. We now need to not only recall and proclaim these truths, we need to make them the basis for building communities that care for and protect mother earth and her many life forms. We need to put forth new rules and establish institutions of governance whereby limited natural resources are stewarded in such a manner as to create a world of abundance, a world wherein each precious and unique human being, secure in his or her ability to provision basic material needs, can evolve and fully develop in mind and spirit.

The phrase “earth rights” points to an emerging new form of local-to-global governance that understands and affirms both the rights of the earth to her biological and ecological integrity and the human right to equitably share the earth as a common heritage. Clarity concerning these emerging new roles of governance, or “earth rights democracy,” can be found in growing numbers of consensual statements as follows. Here are three examples.

The International Declaration of Individual and Common Rights to Earth states:

The exercise of both common and individual rights in land is essential to a society based on justice. But the rights of individuals in natural resources are limited by the just rights of the community. Denying the existence of common rights in land creates a condition of society wherein the exercise of individual rights becomes impossible for the great mass of the people.<sup>1</sup>

Delegates to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington DC, drafted and adopted 17 principles of Environmental Justice. Since then, *The Principles* have served as a defining document for the growing grassroots movement for environmental justice. The Preamble says:

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<sup>1</sup> This is the ending paragraph of a statement originally composed and declared at a conference of the International Union for Land Value Taxation held in 1949. Note that the term “land” refers to all natural commons as “gifts of nature”. For the complete Declaration go to: <http://www.earthrights.net/docs/declaration.html>

**WE, THE PEOPLE OF COLOR**, gathered together at this multinational People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves; to ensure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples, do affirm and adopt these Principles of Environmental Justice.<sup>2</sup>

The UN HABITAT II Action Agenda, endorsed by all UN member state delegates at the Istanbul global conference on June 15, 1996, in Section B 55, states:

Access to land and legal security of tenure are strategic prerequisites for the provision of adequate shelter for all and for the development of sustainable human settlements affecting both urban and rural areas. It is also one way of breaking the vicious circle of poverty. Every Government must show a commitment to promoting the provision of an adequate supply of land in the context of sustainable land-use policies. While recognizing the existence of different national laws and/or systems of land tenure, Governments at the appropriate levels, including local authorities, should nevertheless strive to remove all possible obstacles that may hamper equitable access to land and ensure that equal rights of women and men related to land and property are protected under the law. The failure to adopt, at all levels, appropriate rural and urban land policies and land management practices remains a primary cause of inequity and poverty. It is also the cause of increased living costs, the occupation of hazard-prone land, environmental degradation and the increased vulnerability of urban and rural habitats, affecting all people, especially disadvantaged and vulnerable groups, people living in poverty and low-income people.<sup>3</sup>

Earth rights mandates for governance will establish clear and enforceable covenants and contracts for the fair sharing and careful stewardship of the commons. Citizens joining together – “commoning” – are already transcending partisan politics and arriving at common objectives. They are forming powerful movements capable of building a world that truly works for everyone as well as for Mother Earth. Elites and governing structures unwilling to follow the lead and decisions of the majority of the people, united in their earth rights vision and praxis, will eventually and inevitably, sooner or later, have to yield their power and privilege.

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<sup>2</sup> For the list of 17 points go to: <http://www.ejnet.org/ej/principles.html>. The Proceedings to the First National People of Color Environmental Leadership Summit are available from the United Church of Christ Commission for Racial Justice, 475 Riverside Dr. Suite 1950, New York, NY 10115. Another source of information is the [Environmental Justice Resource Center](#) (EJRC) at Clark Atlanta University.

<sup>3</sup> For the several points of the Section B 56 Action Agenda on Ensuring Access to Land to go: [http://www.earthrights.net/docs/un\\_hab2.html](http://www.earthrights.net/docs/un_hab2.html) or directly to and search the UN HABITAT website.

## **LOCAL-TO-GLOBAL COMMONS and COMMONING**

Non-governmental organizations like Global Education Associates and others working for a more peaceful and just world suggest we imagine the shape of the emerging world as a pyramid with three basic levels: a small tier at the top for global institutions, a greatly slimmed down second band of national governments, and a vast sturdy base of local governance.

Actions for claiming the commons can readily be integrated into such a three-tier system of local-to-global governance. Percentages of the fees collected from charges for the use of the various commons domains could be disbursed up or down these tiers based on criteria of equity, as some nations and regions of the earth are better endowed with natural resources than others. Freedom to live or work in any part of the globe would also further equality of entitlement to the planet.

Appropriate commons domains to fund cities, regions, states and global levels can be delineated as follows:

### **LOCAL:**

Surface land values, such as sites for homes, businesses and industrial activities, are well-suited to finance cities and towns. Combined with the removal of taxes on wages and sustainable production, fees for use of valuable surface land sites prevent land speculation and profiteering, thus keeping land affordable while at the same time enabling workers to keep what they have earned. Fees for surface land use would be helpful for rural areas also where they would promote non-coercive land reform. The capacity for citizens to directly access affordable rural land will further the transition to sustainable, organic farming and a revitalized rural 'eco-village' culture.

### **REGIONAL:**

State, regional, or national bodies may be best constituted to collect user fees for forestry, mineral, oil and water resources. Precise configurations for the allocation of resource use fees between state, regional and federal levels would vary according to the situation of particular nations. In any case, Commons Funds would be established upon deliberation of those living in any particular state, region or nation.

### **GLOBAL:**

Urgently needed is the establishment of a Global Resource Agency or Global Commons Trust to collect user fees for transnational commons. This would include parking charges for satellites placed in geostationary orbits, royalties on minerals mined or fish caught in international waters, and use of the use of the atmosphere, outer space and the electromagnetic spectrum.

Other significant global revenue sources are taxes or fees based on the polluter-pay principle, such as international flights or aviation fuel, international shipping, or dumping at sea. A tax on currency speculation has also been proposed. To be considered is whether international arms trading should be heavily taxed or completely abolished.

The Global Resource Agency or Global Commons Trust could also be responsible for monitoring the global commons (e.g., the ozone shield, forest reserves, fish, biodiversity), determining rules for access, issuing permits and collecting resource revenues. Such a body could also assume substantial authority for levying fines and penalties for the abuse of common heritage resources.

Revenues raised from access fees for the use of global commons could fund sustainable development programs, environmental restoration, peacekeeping activities, or low interest loans for poverty eradication. Funds are also needed on the global level to finance justice institutions such as the World Court and the International Criminal Court and to facilitate policy convergence in areas such as trade, currency exchange, and human rights.

The Global Resource Agency or Global Commons Trust could be mandated to distribute resource use revenues equitably throughout the world as calculated by formulas based on population, development criteria and currency purchasing capacity.

An integrated, holistic system of nested commons domains, with clearly defined covenants and mandates to protect and fairly share our local-to-global natural resources, will give each and every person the capacity to build a life worth living. There will be no more children dying from lack of food or clean water, no more destitute, homeless people, and no more wars over land and natural resources. With basic needs securely met for all, humankind will be able to advance to creative dimensions of expression and enlightenment. Our nature as universal, even cosmic beings will unfold.

## Who We Are As Human Beings

While we may not agree as to whether or not human beings have “souls” or how souls may have been created if we do have them, we know for certain that the human body is composed of earth elements. The human body contains carbon, hydrogen, nitrogen, calcium phosphorus, potassium, sulfur, sodium, chlorine, magnesium, iron, zinc, silicon, rubidium, strontium, bromine, lead, copper, aluminum, cadmium, cerium, barium, iodine, tin, titanium, boron, nickel, selenium, chromium, manganese, arsenic, lithium, cesium, mercury, germanium, molybdenum, cobalt, antimony, silver,

niobium, zirconium, lanthanum, gallium, tellurium, yttrium, bismuth, thallium, indium, gold, scandium, tantalum, vanadium, thorium, uranium, samarium, beryllium, and tungsten.<sup>4</sup>

Oxygen is the most abundant element in the earth's crust and in the body. The body's 43 kilograms of oxygen is found mostly as a component of water, which makes up 70% of total body weight. How interesting that about 70% of the earth's surface is water.<sup>5</sup>

The human body has an electrical system and the earth has an electromagnetic field. We are now utilizing these capacities to link our individual nervous systems with the global information grid of the internet. It appears that whatever else we may or may not be, we are clearly walking, talking, thinking, feeling, sensing and intuiting bits of Mother Earth herself. We are the earth awakening to the power of self-reflective consciousness.

We human beings – the individual units of earth awareness itself - are fast awakening to our deep identity with Mother Earth. And we are awakening each other. The senses stirred by our earth awareness connect us to inner promptings which in turn are leading us to act together to protect and fairly share our planet home. Faced with the dire potential for destruction and annihilation due to those still in deep slumber, Mother Earth is calling upon us to save, protect and share her richness. Ultimately, caring for and sharing the commons is the greatest gift we can now give to each other, to the Earth, and to life itself.

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<sup>4</sup> Elemental Composition of the Body, [http://web2.airmail.net/uthman/elements\\_of\\_body.html](http://web2.airmail.net/uthman/elements_of_body.html).

<sup>5</sup> What Percentage of the Earth's Surface is Covered by Water?

[http://wiki.answers.com/Q/What\\_percentage\\_of\\_Earth's\\_surface\\_is\\_covered\\_by\\_water](http://wiki.answers.com/Q/What_percentage_of_Earth's_surface_is_covered_by_water)