



# THEME COMMONS

**SUB-THEME:**

**Common Goods**

**TITLE OF WORKSHOP**

**Collective domains: another way of owning**



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# LANGUAGE OF THE COMMONS: RECLAIMING COMMONS RIGHTS AND PUBLIC OWNERSHIP

Daniel Mishori

## Paper Abstract

In the summer of 2009 a fierce controversy erupted in Israel regarding the tax regime and royalties over revenues from the newly discovered huge gas reserves in the Mediterranean. The Civil Action Forum claimed that the Israel public (or citizens) owns these resources, and therefore that 80% of the gas revenues should go to the public. The claim that the public 'owns' natural resources or public space recurs in the past decade in Israeli environmental rhetoric. Environmental campaigns in Israel increasingly focus on issues involving local resources, quality of life and environmental justice. Such campaigns, especially those with extensive public participation, often employ rhetoric of environmental rights and public ownership of public space or resources, or the complementary language of reclaiming. Such rhetoric and terminology reveal an emerging "commons sense", critical for conceptualizing and defending the public "rights" over environmental and public resources. The language of reclaiming and public ownership also recurred in the protest movement which overwhelmed Israel in the The paper argues that the rhetoric of public 'ownership' and 'reclaiming' could better be accounted for by referring to the commons discourse than to the discourses of environmental (human) rights or (distributive) environmental justice. The question whether such 'commons rights' could be reconstructed as environmental rights necessitates the acknowledgment of non-exclusive collective property rights over public goods.

**KEY WORDS:** The commons, enclosure, reclaiming, environmental rights, environmental justice, non-exclusive property



## THE CITY OF COMMONS

**Delia Del Gaudio**

### **Paper Abstract**

We want to present one of the workshop born in the last October during the meeting “The City of Commons” in Portici (Naples). Thanks to the meeting, some permanent activities have started to analyse specific topics thoroughly and to undertake some projects of real changing about Common Goods.

During the workshop on Common Goods our organisation is going to present the results of mapping Portici's urban area in order to encourage another way of owning collective domains. That was possible after making an access application to local proceedings thanks to them we received from the local administration the list of Common Goods at Portici's City disposal. After that we realized the Common Goods mapping, thanks to the participation of citizens who filled a questionnaire signaling those they felt as inalienable goods. Now there is the PUC (Urban Planning and Policy Design ) study in existence through the activation of forms of democratic participation by involving citizens directly and the comparative analysis of other cities' practical experiences.



# TACKLED ISSUES:

Presentation of the institute of collective property as a tool for common goods protection and for the creation of a legislative framework that could preserve them.

The protective instruments have been the prohibition: to alienate; to expropriate; to adverse possession (usucapione); change affectation.

The themes of the commons and of the common goods have been discussed with two examples of public space (advertising), methane fields, beaches, forests. The legislation that protects commons is overall inadequate, sometimes they fall between what concerns the private and the state. Environmental law in Italy is not sufficient either.

The language issues have been recognized too: resources shared by a group of people, gifts that we receive or create together a form of property that is not exclusive.

The project “the town of common goods” presented an example of active creation with laboratories on: local territory; democracy; degrowth; work.



# GIVEN ANSWERS:

What are commons?

- 1) It is a general term that refers to a resource shared by a group of people.
- 2) General term that refers to all the gifts we inherit or create together.
- 3) Kind of non exclusive collective property right.



# UNANSWERED QUESTIONS, MESSAGES & COMMENTS:

How to give space to relational goods?

Focus on terminology commons/collective owning!

Can only goods used by human beings be protected by collective ownership?

Ecology of poors.

Is it possible to create a collective property nowadays?

Roman law/medieval law (juridical base).