



Innovating spatial development planning  
by differentiating land ownership  
and governance



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## PLOUGHING UP THE LANDED COMMONS

INDIGO international symposium, January 20th 2016

KU Leuven, Leuven, Campus Arenberg, Auditorium Arenberg Castle

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### 1. The challenge

The research project named INDIGO started at the beginning of 2015. It is coordinated by prof. Frank Moulaert, prof. Pavlos Delladetsimas, prof. Bernard Hubeau, prof. Constanza Parra, Guy Vloeberg, and dr. Pieter Van den Broeck. Involved partners are the research group Planning and Development of the Department of Architecture - KU Leuven (Be), the research group Government and Law of the University of Antwerp (Be), the Department of Geography of Harokopio University (Gr) and the private consultancy OMGEVING cvba (Be).

The INDIGO project is an inter- and transdisciplinary project, which puts the discussion about shared land uses, land property and use rights within the interdisciplinary context of ownership regimes and the 'governance of the commons'.

Briefly, and ambitiously, the project aims to explore **how spatial development (planning) can be improved** to address contemporary and future challenges for socially and ecologically sustainable spatial organisation and development, by

1. **broadening, differentiating and enriching (concepts of) land use rights**, ownership regimes and their governance, thus overcoming the dichotomy of private versus public property;
2. **renewing relationships between planning and ownership**, imagining new ways of planning and governing land and resources and exploring the potential of the commons as a resource and a governance practice;
3. **offering solutions to the complexity of divergent land use claims**, mismatches between property regimes and changing and often conflictive individual and collective uses;
4. learning from and facilitating **innovative forms of sharing land use (rights)**;
5. improving (methods of) participation and **co-production by stakeholders of new (inclusive) ownership regimes** and governance modes.

Within this research framework, we invite experts with different perspectives and working in diverse disciplines to present, dialogue and co-construct visions on the commons in two one-day international seminars on the 9<sup>th</sup> of November 2015 and 20<sup>th</sup> of January in Leuven. The aim of this event is to explore (*to plough up*) the various dimensions of the INDIGO focus on (the governance of) the Commons. This abstract explains the second seminar.

## 2. The theoretical foundations of the (Landed) Commons

### *Landed Commons*

Building Commons as shared land use rights as well as modes of governance to coordinate them is a deep aspiration of most actors active in the spatial 'land use arenas'. We address these types of Commons related to land issues as 'Landed Commons'.

It can be argued that Landed Commons are "simpler" to address compared to other types of commons. Landed Commons are in general "sufficiently tangible and finite to indicate that they may be more than common pool resources to which everyone has access, and instead may exist as real and discrete properties". In addition landed commons are also (in most cases) territorially confined and hence assume a distinct spatial designation.

Yet this 'simplicity' is easily challenged by questions on the protection of resources, the implementation of collective spatial projects, issues of redistribution of land value, shared land uses, activation of private land owners, difficulties in mobilising land for collective uses, while conflicts over spatial development strategies feed an impellent need for thorough exploration of innovative approaches and methods.

### *Dimensions of the complexity of the Landed Commons*

The following dimensions define the complexity of the socio-institutional and spatial dynamics that characterise Landed Commons.

First, Landed Commons imply the existence of '**communities of practice**' for which the governance dynamics are at stake. Even if the desire for mutual understanding and a 'common for all' is shared, very different views may be in vigour on how these Commons should be built, which use rights should be 'granted' and how these should be coordinated.

Second, Landed Commons are associated with **specific governance systems**, consisting of a mix of laws and regulations, land market dynamics, habits and customs and modes of self-organization of land users. In some cases commons are recognized and supported constitutionally and by national legislation; other commons are grounded in regional legislation and regulation or emerge as the outcome of effective planning-land policies; still others from local traditions and inhabitants' initiatives, a.s.o.

Third, arenas of actors involved in Landed Commons belong to **interconnected spatial scales**. These scales are not spatial limits or containers, but represent particular socio-ecological and institutional-political dynamics. Scale jumping, segregative zoning, interzonal

re-allotment, ... are just some of the scalar practices that play a role in the arenas in which the landed commons are built or challenged.

### *Principles of Landed Commons*

In the process of writing the INDIGO proposal, based on literature, stakeholder discussions, participation in academic conferences, the Principles of the Landed Commons were provisionally defined as follows. These principles will be used as a reference framework to discuss the features of existent and desired landed commons and will be revised in the course of the research programme.

- A 'Landed Commons' is a **collectively agreed or mediated system of diverse land use rights** practiced individually, jointly, interactively or in a time-sharing mode, all applying to the same land (plot, greater area, ...) or a wider spatial composition of land and its uses (road system, nature park, multifunctional neighbourhood, ...), supporting a diversity of shared land uses.
- Landed Commons are usually built on group-or community-owned property and/or use rights defined from two perspectives: a) as resources or areas which by **their nature and use** may be regarded as more naturally communal than individually possessed, nor implying principal ownership; b) **acknowledged in the context of communal ownership** (at least in customary or common law).
- Landed Commons **cover a wide array of ownership regimes** between private and public, *defined by mixed legal arrangements* (e.g. the situation of a tenant, of a landlord, situations of usufruct, etc.) and *institutional configurations structuring communities of practice, their land uses and use rights, beyond the typology of public, open access, club and private goods. Addressing Commons supports a claim for institutional diversity.*
- The Landed Commons involve **more inclusive ownership regimes** which make the practice of shared individual land use rights or the benefiting from common pool resources easier and more efficient in use.
- Landed Commons are not only a matter of land ownership and shared land use rights and rights to use common pool resources but also require **new forms of land use governance**. Governance as a commons is usually a **hybrid governance relationship** combining hierarchical relations (state, corporate structure), market regulation, self organization through networks and associations, affective relations....
- The landed commons should be considered as a **social-ecological relationship** between land, its resources and a group of people who accept stewardship over the resources. The general values of the Commons governance principles are respect for natural and cultural resources, openness, no discrimination among users or resource uses, ...

- ... Yet commons are bound to rely on **different sets of governance arrangements** depending upon a number of functional *vis a vis* economic deliberations related to the nature of the resources in question, the manner in which the resources are utilized, the extent to which they generate value, their institutional and community setting.
- The **institutional-political system of spatial planning, property laws and regulations** must be mobilised and modified to make the smooth functioning of existent and desired landed commons possible.
- **Host Communities rather than markets or governments** should hold the stewardship of local and regional landed commons. These communities should by preference be communities in a position to establish the aforementioned social relationship. In this respect they should pursue a form of consensus between the interests and claims of the various communities of practice and individual users involved in the use of the resources. From this viewpoint, host communities should not only maintain a balance between all dimensions of development, but also become effective agents of sustainable development, mediating in possible social or environmental conflicts, while not overlooking minority voices.
- Landed commons should be governed not just through open access, but by **clear rules to prevent overexploitation**. A characteristic incorporated in the landed commons assets, is their “sharable nature”. Landed commons are sharable in the sense that the resources can be accessed and used by multiple users; at the same time however these resources vary in their capacity to accommodate different users, exhibit different consumption/valorization thresholds and embody variable reproductive potential. These rules should cater for alienation of rights as well as exit and entry rights.

#### *Théorie des Cités to (de-)construct governance dynamics*

It is evident that as Commons are collective in resources and governance, they are or should be co-constructed interactively by the different communities involved the Commons. Actors - protagonists - participating in building or challenging a Landed Commons represent different Communities of Practice (examples: city planning department, real estate lobby, ecological organization, ...).

They will defend the ‘institutional logic’ of their community of practice. Yet this logic can be opened to negotiation, to change, to co-construction of a new logic (of shared land use) with greater advantages to all (example: farmers giving access to rural tourists, urban re-allotment to create public space, community land trusts renewing housing policies). Protagonists do not only reason and justify in terms of the institutional logic of their community of practice, they also take part in negotiations, co-construction as individuals with their own worlds of reference, values (and value systems) and socio-psychology. Moreover they negotiate within a socio-institutional and political economic system that determines the potential outcome of negotiation and co-construction processes to a very

high extent and constrains the opportunities for creating new commons and new instruments allowing such creation.

INDIGO employs *Théorie des Cités* to analyse what drives protagonists from communities of practice in their interaction with protagonists from other communities. At the same time, it helps researchers in supporting on-going negotiation processes in the definition of Landed Commons, in line with action-research and transdisciplinary principles. Such support can adopt different forms: providing reference experiences from elsewhere, suggesting legal instruments and modes of governance, co-facilitation of negotiation and co-construction process.

The theory goes back to Boltanski and Thévenot (and Chiapelli) who conceived regulations as part of an institutional system in which they are produced through mediation, interaction between consensus/dissensus. The theory stresses the importance of how protagonists of communities justify their positions and affinities. Boltanski and Thévenot deconstruct justification by referring to different *reference worlds* or *cités* which they draw from philosophical literature and a wide-scale research of actor behaviour. These 'Cités, 'Polities' or 'Reference worlds' inspire particular forms of agreement, and refer to different social objects that allow to identify the nature of a situation and to judge collectively which mode of conflict resolution to mobilise, which controversies to address, which forms of agreement to develop are appropriate and which shared world (common) to construct.

Depending on the communities of practice involved and their politico-institutional settings, the reference worlds of the protagonists, the familiarity with participation, consultation and co-construction methods, particular methods of building commons can be elected.

This theory can be used both retrospectively and prospectively/co-constructively, supporting governance dynamics for the achievement of desired Landed Commons.

	Existent Common: retrospectively	Desired Common: prospectively, co-construction
<i>Théorie des Cités</i> <b>applied</b>	Analysis of how the Commons was built: concrete objects co-constructed and how they are justified (reference worlds as recognised in principles of LC)	Different communities of practice present their desired Common referring to grand principles - Justification, (self) criticism - Looking for consensus through building concrete objects
<i>Théorie des Cités</i> <b>outcome</b>	Clear understanding and description of different instruments and products (legal, communication, joint management, shared infrastructure...)	Land use plans, governance modes, regulations, co-construction methods, co-produced products

### 3. The structure of the seminar

Through this seminar the research groups involved in the INDIGO project intend to launch a **'call for intellectual support and confrontation'** to a larger group of experts. Its aim is to reinforce the theoretical and methodological foundations of the research project.

The practical ambition is to bring together and organise a dialogue between innovative perspectives on the Landed Commons and publish them in internationally cited publications.

The symposium is organised in 4 sessions, each of which has its own focus but with a strong relation with the other ones.

*coffee (9.00-9.30)*

#### 1. Opening remarks (9.30-10.00)

- **prof. Frank Moulaert**

“The governance of the Commons: reaching out to ecology and institutionalism ... by way of political economy”

*The 'mission' of this symposium. Theoretical starting-points*

#### 2. Socio-political and legal approaches to the Landed Commons (chair: prof. Constanza Parra) (10.00-12.30)

This session aims at exploring the theoretical apparatus that can be mobilised in order to thoroughly understand the socio-institutional and political dynamics that generate Landed Commons. The session addresses institutional, socio-political and legal approaches to the Landed Commons.

- **prof. em. Michael Edwards, UCL Bartlett School**

“Protecting the collective interest in a rentier society: English agonies”

*Planning and property markets, the relationships between planning, landed property markets and capitalism. The history of the debates on planning and landed property since the 1970s.*

- **dr. Martin Deleixhe, Centre for Global Governance Studies, KU Leuven**

“Conflicts in common(s)? Theories of radical democracy and the governance of the commons”

*Interaction between democratic theories and commons studies, leading to a critique of Hardt, Negri, Dardot and Laval.*

- **prof. Ugo Mattei, University of California, University of Turin**

“Designing the Commons: Equitable Access, Community and Democratic Deliberation”

*Current insights on the legal perspective of Commons, including view regarding common ownership and participation/deliberation.*

- **Discussant: dr. Matthias Lievens, KU Leuven, Platform for commonality studies**

*lunch (12.30-14.00)*

3. Long term perspectives and contemporary debates (chair: prof. Bernard Hubeau) (14.00-16.30)

This session addresses methodological issues regarding research on Landed Commons and how they are constructed, starting from current debates on the history and future of the commons, in urban as well as rural contexts.

- **prof. Christian Iaione, Sapienza University of Rome**  
 “The city as a collaborative commons”  
*On the Bologna Commons regulation and building of commons*
- **prof. Tine De Moor, Utrecht University**  
 “The ‘original’ commons. From today to history and back again”  
*Linking the historical debate about the long-term evolution of commons to the present-day debates on common-pool resources.*
- **prof. Mike Danson, Heriot Watt University**  
 “Current Scottish land reform and reclaiming the Commons: building Community Resilience”  
*On current Scottish land reform and reclaiming the Commons.*
- **Discussant: dr. Mary Dellenbaugh, Humboldt University, city of Berlin**

4. Closing remarks: analysing and building the Commons (30’) (16.30-17.00)

- **prof. Pavlos Delladetsimas, Harokopio University Athens**  
 “From the Théorie des Cités to the Landed Commons “  
*This session is meant as a dialogue on the analysis of (and) the building of Landed Commons and their governance.*



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agentschap voor Innovatie  
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HAROKOPIO UNIVERSITY ATHENS  
DEPARTMENT OF GEOGRAPHY



LANDSCAPE ARCHITECTURE URBANISM