

European Charter of the Commons

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European Charter of the Commons (version created at IUC on December 2nd and 3rd)

The Problem

1. There is an immediate and urgent need to defend the commonwealth of Europe from the all pervasive economic logic that is producing crisis and social suffering.
2. A true commonwealth of Europe is possible only by means of constitutional safeguards of the commons through a direct participatory process.
3. A severe imbalance of global power favoring the unaccountable corporate sector over public institutions has produced in Europe an unsustainable transfer of authority from the public to the private sector, which serves the profit of the few over the interests of the many.
4. State and corporate interests are today concurring in an incremental process of enclosure of the commons, limiting common spaces, turning the citizens into individualized consumers, in a constant and apparently irresistible process of commodification of nature, culture and heritage.
5. It is impossible to address the increasing European democratic deficit through an intergovernmental cession of State sovereignty, because the current power ratio, the collusion between the private and public sectors, between state and market actors, precludes national elected officials to represent the common interests of the people.
6. The people hereby through this Charter take direct responsibility in building our European commonwealth on local, national and supranational levels.

The Vision

7. The commons must be rediscovered and fully appreciated as collective goods or services to which access is necessary for a balanced fulfillment of the fundamental needs of the people.
8. All natural and social resources that the people, in their different contexts, create, recognize and claim as commons must be governed in the logic of access and not of exclusion, of quality of relationship rather than quantitative logic, which places the commons at the center of political organization.
9. It is necessary that the commons are understood not only as living resources, such as forests, biodiversity, water, glaciers, seabeds, shores, energy, knowledge and cultural goods, but also as organized public services, such as schools, healthcare facilities, and transportation.
10. The interest and ability of future generations to equal access the commons must always be taken into consideration in any kind of public or private decision affecting them.
11. All the commons, no matter if publicly or privately owned, shall be endowed with a model of governance that rejects the principle of profit and embraces that of care, reproduction and sustainability.
12. The Charter shall include a Europe- wide catalogue of the commons to be updated regularly because the commons, not being a mere commodity, are a highly dynamic social institution changing in time and space.
13. Such catalogue must be integral part of a Constitutional process, based on the irreversibility of ecological legal protection, eventually to be granted constitutional status as heritage of Europe in trust for future generations.

The Demand

14. Privatization and liberalization of public services to private competition, just like

- expropriation of private property, must occur only when there is a documented public interest, declared by law and subject to judicial supervision of both national and European Courts.
15. In the exceptional cases in which privatization may occur, there must be full compensation, recognized and guaranteed ex ante to restore the commons.
 16. Everybody can always access the courts of law to protect the commons by mean of injunctive relief.
 17. Only the direct, constitutional protection of the commons can guarantee a new, correct balance between the public and the private sector.
 18. An immediate moratorium on all privatization and liberalization of the commons must be introduced in order to allow the making of a legitimate Charter of the Commons.
 19. A Directive should be issued to all member states to provide for the protection of the commons according to the above.
 20. We hereby require the Commission to transform this popular citizen's initiative into a new form of legitimate and democratic European Constitutional Law. The Commission must take all the necessary steps in order for the European Parliament, to be elected in 2014, to be granted Constitutional Assembly Status in order to adopt a Constitution of the Commons.

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