

AN OLD COMMONS-BASED SOLUTION TO A 21ST CENTURY CRISIS

Life here in the desert southwest is richly complex and oftentimes a great challenge. A hint of frontier culture remains even as rampant growth and homogenization take hold at breakneck speed. People love the landscapes and the history, but can still sit and watch both disappear in the name of “progress.” At times it seems as if a strange double consciousness exists here, nowhere more prominently than in our relationship to water.

It’s interesting to live in a place where you regularly see coyotes, roadrunners, hawks, antelopes, and javelina (just to name a few local species) with packs of the latter still roaming through our downtowns. People have horses in their front yards, gunracks on their cars, and cacti in their burritos. In a few hours time you can go from a densely-packed urban center to the Grand Canyon, watching the landscape change from desert hills to mountain forests and back again. Despite ubiquitous strip malls, golf courses, and backyard swimming pools, the southwest is still magical in many ways.

The trouble is, as many already well know, there's not much water left here. California is dry too, and Florida will be soon. Australia is basically permanently drought-stricken.

Whereas the wars of the recent past were fought over oil, the ones of the near future almost certainly will devolve upon water. Like they say in these parts, "Whiskey's for drinkin', but water's for fightin'." If contemporary wars are any gauge, it isn't going to be pretty when the pump don't work — regardless of who took the handles.

Consider that the earth's surface is about two-thirds water, and we humans are made up of roughly the same percentage. Water is the lifeblood of the planet, and of ourselves as well. While abundant in a general sense, much of the planet's water is in the oceans, and desalination takes large energy inputs (often reliant upon oil, no less) in order to yield any net benefit. Global climate change is melting arctic ice and playing havoc with the water cycle, creating rising tides and disastrous floods, which presents us with the irony of having too much water of the wrong kind.

As this essential resource dwindles, two related phenomena take hold. First, military strategists overtly cite “resource control” as a principle aim of national security, blithely observing that conflicts to attain it will dominate the coming decades. Secondly, at the same time, multinational corporations are pumping water as fast as possible, turning a previously common resource into one that is privatized and engendering a global commodity trade that gives new meaning to “liquidity.” In both cases, the aim is to wrest water supplies away from localities and set up a distribution system that simultaneously turns a profit and forces people to become dependent on others for a basic need.

It’s bad enough to watch public goods such as energy, education, health care, and the airwaves become privatized. But when it reaches the level of water, we’re talking about something that no one can do without under any circumstance. This raises the stakes considerably and threatens to tighten the sense of blackmail that often pervades the machinations of the military-industrial complex., President Eisenhower warned us about this as he prepared to leave office, but it doesn’t seem as if we’ve done a whole lot to prevent his prophecy from materializing.

In fact, we've gone in the opposite direction, letting our sense of self-reliance atrophy as powerful forces take what once belonged to all of us and sell a watered-down version (pun intended) back to us.

This holds true for people living in shantytowns in places like Mumbai and Capetown as much as it does for the American middle class. Companies marketing bottled water brands capture the diminishing resource at the expense of communities around the globe and here at home, often without paying for it, and we wind up purchasing from them that which ought to be free and which no one should ever own.

Our common law legal system actually once knew this, going back to Blackstone's 1766 treatise on the laws of England that later helped form the basis of our legal system:

“There are some few things which, notwithstanding the general introduction and continuance of property, must still unavoidably remain in common, being such wherein nothing but an usufructuary property is capable of being had. . . . Water is a moveable, wandering thing, and must of necessity continue common by the law of nature; so that I can only have a temporary, transient, usufructuary property therein.”

In plain English, Blackstone observed that water could only be used but never owned as property. American frontier law turned this on its head through the doctrine of “prior appropriation” (sometimes colloquially understood as “first in time, first in right”) but conveniently ignored the rights of native peoples who were unquestionably here first. In the end, like the frontier itself, water was given property status of a sort, and we’re still living with the disastrous implications today.

In the face of these concerns, there’s a great need for the articulation of alternative models of resource allocation that don’t necessitate militarism and subjugation. With scarce supplies of essentials running down, and with the global economy plainly unable to deliver on its false promise of universal prosperity, we come to realize that the bedrock Western belief in the “tragedy of the commons” has become a self-fulfilling prophecy, and that it is precisely the privatization of the shared wealth of humanity that has led to degradation and inequality. Education and conservation are crucial in turning this downward spiral around, and yet at times the tendency to focus on much-needed macroscopic solutions often misses important lessons from local initiatives.

In this regard stand numerous examples around the world of people and communities who still manage scarce resources collectively and sustainably.

Right here in the desert southwest, in fact, one of the last great “common pool resource” systems in North America provides irrigation water and open grazing land to farmers and pastoralists.

Derived from the imported culture of Spanish settlers (via the Arabic Moors who brought the concept to Iberia previously) and combined with the best practices of the native peoples of the region, the acequia system is a powerful example of how we might envision people working together not only with each other but with the land itself. In this model, water is viewed as sacred and not subject to private ownership. Instead, local communities manage the resource together through a collective self-governance system whereby everyone using the water gets what they need and also contributes their labor to maintain the entire operation. A non-authoritarian “mayordomo” administers the resource equitably, resolves conflicts, and guards the overall integrity of the structure before passing the baton to someone else and rotating the role of facilitator.

This is a low-tech solution to a complex modern problem. Water is moved through ditches and channels, and everyone takes only as much as they need. It works because, over time, people engaged in such an enterprise come to see themselves as interconnected with their neighbors in a meaningful way, so that their own prosperity is bound up with that of their fellow community members.

Mutual interdependence replaces corporate dependence, and in a feat of old-school sustainability, people in the southwest have been cultivating this way of life for a few hundred years.

If relatively poor people confronted with extreme scarcity in arid regions can create a stable, collective, and nonhierarchical common pool system, then certainly we can find ways to do so as well with all of the tools at our disposal. It's more than just a matter of wishful thinking or utopian longing; our very survival may well be at stake. Progress might have its virtues, but sometimes the solutions we seek are already at hand and in fact have been in practice for a long time. Indeed, the answers aren't just blowin' in the wind — they might be flowin' in the water as well.

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