Re-commoning Civic Infrastructure

A principles-led response to the polycrisis
Draft speaking notes - Michael Reynolds

WHAT MUST BE TRUE OF ANY LEGITIMATE ATTEMPT TO PROTECT AND REORIENT CIVIC INFRASTRUCTURE?

Thanks Marney.

I want to put one question at the centre of what I say tonight:

> **What must be true of any legitimate attempt to protect and reorient civic infrastructure?**

Not which legal vehicle should we adopt first. Not what the exact governance diagram should look like. Not whether a transition bond should run for fifteen, twenty or twenty-five years. Those questions matter, but they come later.

Before we reach for mechanisms, we need to establish the principles by which any mechanism should be judged. Because if we do not agree on what civic infrastructure is for, whose authority matters, what must be protected, and what obligations cannot be traded away, then even a well-designed reform can reproduce the logic it was meant to replace.

1. The polycrisis is a crisis of shared systems

The Reality of Everything events begin from the recognition that we are not facing one isolated crisis. We are living through a convergence of climate disruption, ecological decline, energy uncertainty, housing stress, food insecurity, infrastructure fragility, economic instability, democratic distrust and deep social exhaustion.

But the polycrisis is more than a long list of bad things happening at once. Its defining feature is interaction. A disruption in one system travels through others. An energy shock becomes a food, transport and household-cost shock. A flood becomes a housing, insurance, mobility, electricity and public-finance problem. A digital failure can interrupt payments, communications, logistics and emergency coordination. Debt pressure can narrow public choices precisely when investment in resilience is most needed.

The crises compound because the systems that make shared life possible are tightly connected, often highly dependent, and frequently governed for efficiency, growth and financial return rather than for resilience, care and continuity.

> **The polycrisis is not only a crisis happening around our infrastructure. It is a crisis in the way our life-support systems have been organised and governed.**

Food, water, housing, energy, transport, digital networks, ports, land, waste systems and public assets are not separate policy areas. They form the material basis of collective life. They determine whether a place can care for people, respond to shocks, reduce dependency, honour Te Tiriti, repair ecological damage and leave future generations with real choices.

That is why civic infrastructure matters so much in an unstable century. Infrastructure can absorb shocks, spread risk and preserve collective capacity. Or it can transmit disruption, deepen dependency and turn every crisis into an opportunity for extraction.

The aim is not to predict every future shock. We cannot. The aim is to ensure that the systems we depend on leave us with enough capability, knowledge, ecological health and democratic room to respond to futures we cannot fully know.

One consequence is that infrastructure decisions made now are not neutral preparations for the future. They help determine which futures remain possible. A long-term concession, a deferred maintenance programme, a dependency on imported technology, or a decision to build around permanent growth can lock a place into obligations that outlast the conditions under which they were made. Re-commoning therefore has to be concerned not only with present ownership, but with path dependency: whether today's decisions preserve collective room to adapt, or quietly close it down.

Crises also create moments in which enclosure can be presented as necessity. When public systems are under financial or operational pressure, sale, outsourcing, private finance and emergency partnership can appear to be the only realistic options. A principles-led approach matters most in those moments. It gives us a basis for distinguishing genuine adaptation from crisis-driven transfer of power, and for asking whether a proposed solution strengthens collective capability or merely shifts risk onto communities while transferring control elsewhere.

2. Re-commoning begins with principles, not a blueprint

This is where re-commoning enters the conversation.

By re-commoning, I do not mean nostalgia, informal volunteerism, or simply changing the name on an ownership document. I mean the legal, cultural, ecological, financial and democratic work of placing essential systems beyond extraction and governing them as shared capacity.

Public ownership remains necessary. Stopping privatisation matters. Keeping strategic assets in public hands matters. But public ownership alone does not guarantee public purpose.

An asset can be publicly owned while still being governed through dividend extraction, debt discipline, outsourcing, consultant-led strategy, commercial KPIs and short-term balance-sheet management. Workers can still be treated as inputs. Communities can still be treated as customers. Mana whenua can still be treated as stakeholders. Future generations can still be reduced to a line in a strategy document.

> **Public ownership prevents private sale.**
> **Civic stewardship redirects purpose.**
> **Commons governance prevents re-enclosure.**

The deeper question is therefore not only who owns the infrastructure. It is who governs it, for what purpose, under what obligations, and with what protections against future enclosure.

So rather than beginning with a finished institutional answer, I want to propose a set of principles - a constitutional floor beneath any legitimate reform.

Principle 1: Infrastructure must be treated as shared life-support capacity

Ports, energy networks, public land, digital systems, water, transport, housing and resource recovery are not merely assets. They are systems through which people gain access to warmth, food, movement, communication, work, care, culture and safety.

Financial viability matters because systems must be maintained. But financial performance cannot be the highest purpose of essential infrastructure.

The primary test must be: does this system strengthen the long-term capacity of this place to support life?

Does it improve access and affordability? Does it reduce dangerous dependencies? Does it support dignified work and durable skills? Does it protect ecological systems? Does it increase the ability of communities and mana whenua to shape their future? Does it leave future generations with more capability and more meaningful choices?

Principle 2: Te Tiriti and tino rangatiratanga must be foundational

In Aotearoa, re-commoning cannot mean that settler institutions simply declare colonised systems to be a commons belonging equally to everyone.

Mana whenua are not one interest group among many. Authority grounded in whakapapa, tino rangatiratanga and kaitiakitanga is not equivalent to public consultation or stakeholder engagement.

> **Re-commoning asks how infrastructure can return to shared stewardship. Decolonisation asks whose authority must be restored for that stewardship to be legitimate.**

A commons model that ignores colonisation could become a better-managed settler commons. A legitimate model must be capable of recognising mana whenua authority, repairing relationships with whenua and wai, and changing how power is exercised - not merely inviting participation in arrangements whose foundations remain untouched.

I am not proposing to define mana whenua authority from the outside. The question is whether our civic institutions are capable of recognising that authority properly, rather than reducing it to discretionary consultation.

Principle 3: Public ownership must be protected from every form of enclosure

Enclosure does not only occur through outright sale. Collective control can also be hollowed out through long leases, concessions, outsourcing, securitisation, exclusive commercial partnerships, intellectual-property control, debt conditions or pricing structures that exclude parts of the community.

An asset can remain publicly owned in name while its purpose, revenue, knowledge, workforce or decision-making power is gradually transferred elsewhere.

Any legitimate reform must therefore protect not only the title to the asset, but the substance of collective control.

> **No legal, financial or operational arrangement should be allowed to recreate private control behind the appearance of public ownership.**

Principle 4: Different forms of knowledge and authority must have real standing

The systems we depend on are too important to be governed only by elected representatives, professional directors or financial specialists.

Mana whenua bring whakapapa-based authority and kaitiaki responsibility. Workers hold operational knowledge, memory, safety practice and continuity. Communities and users hold lived knowledge of access, affordability and exclusion. Public institutions carry democratic mandates and statutory duties. Technical specialists bring essential engineering, legal and systems expertise.

These forms of standing are not identical, and they should not be flattened into the idea that everyone is simply another stakeholder.

The principle is that those who hold legitimate authority, maintain the system, depend upon it, and bear the consequences of its decisions must have meaningful rights beyond occasional consultation.

Principle 5: Stewardship obligations must come before extraction

Revenue from essential infrastructure should first maintain the system's ability to serve life.

That means maintenance, safety, renewal, workforce capability, universal access, affordability, ecological repair and resilience must take priority over dividends, asset-value growth or maximising financial returns.

This does not mean pretending infrastructure is costless. It means being clear about the order of obligation.

> **The first claim on an essential system should come from the needs required to sustain it - not from those seeking to extract the greatest return from it.**

Principle 6: Resilience must mean reducing dependency and preserving options

The language of resilience is often used loosely. A system is not resilient simply because it can return quickly to the same pattern after disruption.

A genuinely resilient system reduces critical dependencies, preserves redundancy, maintains local skills, protects knowledge, creates multiple pathways for provision, and avoids placing the whole community at the mercy of a single supplier, technology, fuel source, creditor or distant market.

In a polycrisis, efficiency without redundancy can become brittleness. Scale without local capability can become dependency. Connectivity without democratic control can allow shocks to travel faster than our ability to respond.

The question is not only whether infrastructure can survive the next shock, but whether it increases our collective capacity to meet needs through many possible futures.

Principle 7: Ecological limits and future generations must create binding duties

Future generations cannot sit in the room, vote, appoint representatives or tell us precisely what they will need.

We should not pretend to know their preferences. But we can prevent present-day power from leaving them degraded ecosystems, brittle infrastructure, unpayable obligations, privatised assets and fewer choices.

> **Future generations are not represented by claiming to speak for them. They are represented by binding present-day power to duties of care, restraint, repair, resilience and inheritance.**

The same applies to ecological systems. Land, water, harbour, climate stability and non-human life cannot be treated as externalities to the performance of infrastructure. They are part of the living systems within which infrastructure exists.

A legitimate governance model must therefore be capable of saying no - even to profitable activity - when it undermines the long-term life-support capacity of the bioregion.

Principle 8: Finance, expertise and technology must serve the commons purpose

Complex infrastructure needs technical expertise, professional management, capital and long-term planning. Re-commoning does not mean rejecting any of these.

It means refusing to allow them to become unaccountable sources of rule.

Finance should enable transition, not acquire control. Expertise should inform democratic judgment, not displace it. Technology should strengthen capability and access, not create new forms of dependency or enclosure.

This is where the idea of compensation without control becomes important. A previous owner or funder may hold a limited right to repayment. But that claim should never carry rights to force asset sales, dictate pricing, weaken worker conditions, demand outsourcing, override ecological duties or convert debt into ownership.

The exact mechanism can be debated. The principle should not be.

Principle 9: The distribution of risk, cost and benefit must be just

Every infrastructure decision distributes something. It distributes access, security, cost, risk, inconvenience, environmental harm, employment, opportunity and political power. Those effects are rarely shared evenly.

A reform cannot be legitimate if its benefits are broadly described as public while its burdens are concentrated on low-income households, workers, particular neighbourhoods, mana whenua, rural communities or future generations. Nor is it enough to improve average outcomes while leaving the people most dependent on a system with the least influence over it.

A commons approach therefore needs a strong principle of distributive and procedural justice. Essential services should be universally accessible. Pricing should not exclude people from the systems required for a dignified life. Transition costs should not be pushed downward onto households or workers who have the least capacity to absorb them. Communities carrying ecological or infrastructural burdens should have meaningful power in decisions, not simply compensation after the fact.

This also means recognising historical distribution. The current pattern of assets, access and environmental harm did not arise on a level playing field. In Aotearoa, legitimacy requires attention to colonisation, dispossession and the unequal allocation of both public benefit and ecological damage.

> **The test is not simply whether the system produces public value in the aggregate. It is who receives that value, who carries the risk, whose knowledge shapes the decision, and whose capacity is strengthened or diminished by the outcome.**

3. Possible mechanisms are expressions of the principles - not substitutes for them

Once these principles are established, we can begin asking what kinds of institutions might express them.

We are not starting from nothing. There are already legal, financial, democratic and ecological tools that could be adapted and combined. The question is not whether one perfect model already exists. The question is whether we can assemble institutions capable of holding these principles together.

Legal protection might involve an asset-locked trust, statutory entity, public-benefit company, co-operative structure or bespoke constitutional arrangement. The form could vary, but it would need a binding public purpose, protection against sale and enclosure, and obligations that cannot be quietly removed by a future board or commercial agreement.

Governance might include Treaty-grounded co-governance, worker representation, community and user standing, technical stewardship and some form of wider civic or bioregional assembly. This does not mean every operational decision is made collectively. It means professional management operates within a constitution whose purpose, limits and lines of accountability are democratically and Treaty-groundedly established.

Transition could also take different forms. Assets might remain publicly owned but be governed under a stronger commons charter. They might be transferred gradually into a protected entity. A Commons Asset Swap Bond or another form of patient public-interest finance could compensate a previous owner without giving the financier ownership or control. Community wealth funds, public procurement and local reinvestment could help redirect surplus toward long-term capability.

Accountability mechanisms could include ecological and intergenerational duties, dependency audits, public-interest reporting, transparent surplus priorities and regenerative assessment through a framework such as WEREI.

None of these options is automatically legitimate simply because it uses the language of the commons. A trust can concentrate power. A bond can recreate financial enclosure. A participation process can remain tokenistic. An ecological framework can become a branding exercise.

> **The institutional vehicle matters. But it should be judged by the principles it embodies, not mistaken for the source of those principles.**

The point is not to prescribe one model tonight. It is to make clear that practical pathways exist - and that we have criteria by which to distinguish genuine re-commoning from reform that merely changes the language.

4. A principles-led re-commoning test

For me, any serious attempt to protect and reorient civic infrastructure should be able to answer yes to the following:

1. Is the infrastructure explicitly governed as shared life-support capacity rather than primarily as a commercial investment?
2. Is Te Tiriti o Waitangi foundational, with tino rangatiratanga recognised as authority rather than stakeholder participation?
3. Is collective control protected from sale, concession, outsourcing, securitisation, debt-driven enclosure and other indirect forms of privatisation?
4. Do workers, communities and users have meaningful standing beyond consultation, while different forms of authority remain properly distinguished?
5. Do maintenance, safety, workforce capability, affordability, access, ecological repair and resilience take priority over extraction?
6. Does the system reduce dangerous dependencies, preserve local capability and maintain options under uncertain future conditions?
7. Are ecological limits and responsibilities to future generations expressed as binding duties rather than aspirational language?
8. Are finance, technical expertise and technology subordinate to the commons purpose rather than able to govern it?
9. Are costs, risks, benefits and decision-making power distributed justly, with universal access and protection for those carrying the greatest burdens?
10. Are decisions transparent, contestable and open to review when they threaten the purpose or weaken collective stewardship?
11. Is the system becoming more life-supporting over time - not merely more efficiently extractive?

If these conditions are not met, we may still have public ownership, improved governance or socially responsible asset management. Those may be worthwhile. But we do not yet have full re-commoning.

5. Closing: establishing the constitutional floor

For me, the central argument is that re-commoning civic infrastructure is not simply about better asset management.

It is about rebuilding the material foundations of collective sovereignty: the durable capacity of communities, mana whenua, workers and public institutions to govern the systems they depend on, within ecological limits and in the interests of those who come after us.

In an unstable century, sovereignty becomes very thin if we hold formal political rights but lack practical control over food, water, energy, housing, transport, communications, land and the strategic infrastructure that shapes our choices.

That is why the principles come first. Before designing a trust, a bond or a new board, we need a shared understanding of what infrastructure is for, whose authority counts, what must never be enclosed, and what obligations present-day decision-makers cannot trade away.

> **What must be true of any legitimate attempt to protect and reorient civic infrastructure?**

My answer is that it must be Treaty-grounded, protected from enclosure, democratically accountable, informed by worker and community knowledge, committed to universal access, just in how it distributes cost, risk and benefit, bound by ecological and intergenerational duties, capable of reducing dependency, and financially viable without being governed by extraction.

The mechanisms will need serious legal, financial, operational and Treaty-based testing. They should remain open to challenge and redesign.

But if we can establish agreement around the principles, then we have somewhere honest to begin.

> **The challenge is not merely to keep civic infrastructure public.**
> **It is to make it genuinely capable of sustaining shared life through an uncertain future.**

Question for discussion

What principles should be non-negotiable in any attempt to protect and reorient the strategic infrastructure of Ōtautahi and Waitaha?