

The Commons Digest

formerly known as *The Common Property Resource Digest*

NO. 2 QUARTERLY PUBLICATION OF THE INTERNATIONAL ASSOCIATION FOR THE STUDY OF THE COMMONS December 2006

Welcome to another issue of *The Commons Digest*. This issue focuses on our Association's recent name change. *Charlotte Hess* and *Ruth Meinzen-Dick* open the *Commons Forum* with an essay on the name change, or, as they say, "What Happened to the 'P'?" In this lead essay they ask what the name change brings for the organization and for scholarship and action on the commons. Their essay is followed with agreement by the current IASC president, *Owen Lynch*, that the name change widens the Association's inclusiveness while retaining support for systems of common property. *Owen's* response is followed with an essay by *Tim Anderson*. *Tim* welcomes the change as one which widens the ambit to include shared institutions. *Charles Jumbe's* response warns of a loss of the Association's identity if care is not taken. *Dianne Rocheleau*.

rounds out the *Commons Forum* with her stated belief that the name-change will not reduce the role of property but will expand our understanding and options for living with the commons. We hope you enjoy this quarter's issue.

This issue also asks for nominations for executive councilor and president-elect. Please see the announcement section for more details. We also announce provide reminders for two conferences, one in North America and one in Europe. **Enjoy!**

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Commons Forum Commentary

The Name Change; or, What Happened to the "P"?

Charlotte Hess

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Ruth Meinzen-Dick

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This past spring, members voted to change the name and the mission statement of the association. Overnight "Common Property" morphed into "the Commons," as our association became "The International Association for the Study of the Commons." This was, however, not a quick or rash decision. Rather it was a thoroughly discussed issue by the Council and members over the past four years. See especially *CPR Digest* No. 67, Dec. 2003 <http://www.indiana.edu/~iascp/E-CPR/cpr67.pdf> and *CPR Digest* No. 70 <http://www.iascp.org/E-CPR/cpr70.pdf> for some earlier discussions on this topic.

Members also approved the proposed mission statement change. The old statement read: *The Association is devoted to understanding and improving institutions for the management of environmental resources that are (or could be) held or used collectively. The Association's goals are to encourage the development and exchange of knowledge and practical experience among diverse*

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Editor

Alyne E. Delaney



International Association for the Study of the Commons

formerly the International Association for the Study of
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disciplines, areas, and resource types; and to promote the development and use of appropriate institutional designs.

The new statement reads: *The Association is devoted to bringing together interdisciplinary researchers, practitioners, and policymakers for the purpose of fostering better understandings, improvements, and sustainable solutions for environmental, electronic, and any other type of shared resource that is a commons or a common-pool resource.*

With the name change, the acronym of our Organization could be pronounced as “I ASK”, which may not be a bad motto. We can begin with asking what this name change means for the organization, and for scholarship and action on the commons.

The name change is not an indication that property rights have become less important in the study of the commons. Nor does the revised mission statement signify that environmental resources are less crucial. Rather, the changes reflect the evolution of the field of study over the past twenty years. In the early days of the Association the former buzz phrase “common property resources” was almost an arbitrary term that usually meant some kind of shared resource system. In his seminal chapter in *Making the Commons Work*, Ron Oakerson (1992) wrote: “How are forests, fishing grounds, pastures, parks, groundwater supplies, and public highways all alike? Answer: each one is often—even typically—a ‘commons,’ a resource or facility shared by a community of producers or consumers. The list of common property resources and facilities is highly diverse and could be greatly expanded.” The Preface of the 1986 National Research Council volume tells us “the Council’s Conference on Common Property Resource Management was undertaken to assess systematically differing institutional arrangements for the effective conservation and utilization of jointly managed resources.”

The early focus on property rights was extremely important in clarifying the confused metaphor of Hardin’s (1968) “Tragedy of the Commons.” Numerous case studies illustrated the wide variety of rules that were used in diverse types of common-pool resources and that without distinguishing between open access situations and a variety of property rights, norms, and community mechanisms, one could not come to any conclusion.

As this international, highly interdisciplinary area of study grew, deeper meanings were discovered. Researchers found they needed new terms and a more carefully-

chiseled language. Precision requires the distinction between the *resource*, such as a common-pool resource, and the *regime*, such as a common property regime. The term *common property resource* (the former name of our Digest!) is actually a contradiction in terms.

In order to truly understand the nature of the resource, scholars drew from the language of economics to illustrate that a common-pool resource was one of four types of economic goods (the others being private, public, and toll goods). A common-pool resource is a resource in which one person's use subtracts from another's and where it is difficult to exclude others from using the resource.

Common property, on the other hand, is one type of property regime, often legally defined as jointly owned private property. Research about many different types of resources has found, however, that the property rights for jointly shared resources can be any one or several types of property regimes. There may be formal laws and informal rules in use. Property rights are often a bundle of rights. Groups, for instance, may have the right to access and harvest some of the resource units, but not others. They may have the right to sell the harvested products but not sell the resource system.

"Commons" is a general term that can apply to all types of shared resources. It can include various types of resources and regimes. It is obviously a popular term – scores of books by members have been published with the word "commons" in the title. And it makes sense. Titles such as *The Question of the Commons*, *Dividing the Commons*, *The Global Commons*, and *Governing the Commons* appeal to a much wider audience and certainly more accessible to a larger public.

In the early days, the majority of commons' studies were on natural resources. More and more recently, researchers are finding enormous benefits in identification and analysis of new types of commons, such as genetic resources, tourism, and knowledge. One of the findings in the study of new types of commons is that the introduction of new technologies can play a huge role in the robustness or vulnerability of a commons. New technologies can enable the capture of what were once free and open public goods. This has been the case with the development of most "global commons," such as the deep seas, the atmosphere, and outer space, for example. This ability to capture the previously uncapturable creates a fundamental change in the nature of the resource, with the resource being converted from a nonrivalrous,

nonexclusionary public good into a common-pool resource that needs to be managed, monitored, and protected in order to ensure sustainability and preservation.

New commons are those that have become commons either through new capture, through regime or other types of institutional change, or through a reconceptualization of the resource or the community. Recognizing new threats of enclosures can bring rather sudden awareness of a "commons" to previously unsuspecting user groups. At the same time, efforts to understand why people co-create and subsequently share common institutions, ideas, tools, and infrastructure can help us all to expand the commons. Understanding the commons-like qualities of scientific databases, landscapes, the arts, open-source software, the electromagnetic spectrum, the atmosphere, education, city sidewalks, playgrounds etc. can lead to deeper understandings of shared assets, capital, and materials. Commons thinking can help elucidate social dilemmas and suggest new ways of cooperation and trust-building. Researchers of new commons can draw upon the rich literature of traditional commons to find knowledge overlaps, draw from successful resource design principles, and possibly even apply lessons learned.

In surveying the recent commons literature there is a marked emphasis today on collective action, voluntary associations, and collaboration in general. Property rights and the nature of the good are still crucial in our analysis, but they can apply to intellectual property rights as well as to rights over tangible natural resources. The literature also goes beyond property rights to address questions of governance, the participatory process, trust and assurance. Many scholars are burrowing deeply into complexity and revisiting the concepts of polycentricity and nested systems. New research on resilience, globalization, international law, inequalities, and indigenous rights also contributes to a fuller comprehension of the commons.

The next biennial meeting in England will provide an opportunity to go back to the historical roots of the enclosure of the village commons, as well as to look at the contemporary tension between expansion and enclosure of the information commons and other types of shared resources. Whether groups are grappling with oil spills, biopiracy, anticommons, or the trend toward resource privatization, it is clear that recognitions of new

types of commons are springing up all around us. This Association can lead the way in mentoring new areas of interest and new research agendas. We have become more inclusive and encompassing. Ultimately, we have realized, we are all in this together.

-The authors would like to thank Elinor Ostrom and Stephan Dohrn for their helpful comments.

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Commons Forum *Response*

Why I Came to Agree with Dropping “Property” from the Association’s Name

Owen J. Lynch

President (2006-2008 term), IASC

Until recently I was resistant to dropping the word “property” from the Association’s name. My reluctance was two-fold. First, the Association has long struggled with a perception by many local community activists and field practitioners that it is overly academic and too often more interested in theory than the sustainability of common property systems designed and managed by local people. I believe it is important for the Association to maintain a creative balance and foster more productive synergy between theoretical and applied endeavors.

Second, governments have traditionally ignored and often still usurp common property owned by indigenous peoples and other local communities. As a human rights lawyer committed to the promotion of environmental justice, I feel strongly that an association dedicated to promoting more and deeper understanding of the commons should help focus attention on and meaningfully address the plight of common property systems of natural resource management that are threatened and in many instances under full-scale assault.

These concerns and beliefs endure. At the same time, I like to think that my understanding of the word “commons” has deepened. From my perspective references to the commons implicitly and invariably refer to prop-

erty, albeit not necessarily only property related to natural resources. Hence, the name change need – and should – not result in any less concern for and support within the Association of traditional and ever evolving systems of common property used by indigenous and other local communities.

The final consideration that prompted me to change my opinion was the realization that some colleagues, reportedly in Europe especially, were shying away from affiliation with the Association because they felt the emphasis on property detracted from our shared focus on the commons in all its manifestations. I believe it is important for our Association to draw scholars and practitioners from as many regions and disciplines of our diverse planet as possible. As such, in the spirit of inclusion, openness and diversity I too welcome the Association’s new name. I likewise welcome all those who hopefully now feel more comfortable with the Association to join with us as members and affiliates.

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Commons Forum *Response*

Widening the Ambit through a Change to Commons

Tim Anderson

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As a latecomer to the IASC I have not had the benefit of the four years discussion over a name change, but perhaps I have some of the benefits of a fresh perspective. In political economy we constantly engage with the corrosive neoliberal notions of property and privatization, so a shift in emphasis to shared institutions, common property and the commons is very welcome. Now that the IASCP has decided to delete the ‘property’ from their name, comments have been invited.

For me the change is an expansive one, in that it maintains debates on common property but widens the ambit to include what I regard, broadly speaking, as shared institutions. Charlotte and Ruth, in their

essay, mention institutions, regimes and management systems, by way of opening the field of debate from ‘common property’ to ‘commons’. While debates over ‘property’ certainly demand contestation, we must recognize that there is to some extent a liberal ‘ownership’ of the concept. In the sphere of colonial relations, for example, indigenous ownership of land was recognized (or not) through certain forms of agricultural technology. Great arguments over indigenous land rights in my own country Australia are dominated by definitions and redefinitions of custodianship and traditional entitlements. Willing and ignorant disregard persists over land tenure systems which do not contemplate alienation and individuation. These debates affect our former colony and neighbor, Papua New Guinea, and Australian innovations in commodification were even felt in colonial Africa, during various land titling experiments. Importantly, new shared (or public) institutions, such as registered and indefeasible land title, have been created precisely to commodify older shared institutions, such as shared clan lands.

Perhaps this helps make the point about the breadth of shared institutions –

they are traditional and contemporary, and they can be used to enhance or destroy other shared institutions.–

While speaking of shared institutions, we must remember language, culture and those pillars of organized modern society, education and health systems. This may be somewhat broader than was contemplated by many IASC(P) members, whose concerns seem to have focused on traditional systems, agriculture, and environmental and natural resource management systems. Is this a problem? Could it make an already diverse and multi-disciplined society just too inchoate? Well certainly, in the developing world, we can see strong connections between environmental management and education, as well as environmental destruction and health. The projects of many large environmental NGOs, including Integrated Conservation and Development projects (ICADs), have failed because they have neither secured community ownership nor effective engagement with the education and health priorities of traditional communities. Here is room for discussion, and some wider understandings.

There is another sense in which it seems more satisfactory to discuss shared institutions than shared property, or even shared resources. ‘Property’ suggests ownership and even a particular form of ownership (liberal: individualized and commodifiable); ‘resources’ remains fairly

utilitarian. Perhaps deciding on ‘the commons’ was a way of escaping existential arguments over ‘common resources’?

Property will remain a important focus of those concerned, as Charlotte and Ruth say, at “new captures” in areas such as intellectual property, and the debates over biopiracy, essential medicines and biodiversity. Here again there may well be the need to extend common property debates to recognize other shared institutions, such as indigenous languages (and not just patent offices) as the legitimate repositories of human knowledge. The IASC can nurture such lateral thinking.

To sum up, I would say that a focus on the commons, or shared institutions, is critical in an era of decaying privatization, which has been tried and has failed the needs of vast populations. The IASC, newly named, can continue to be not just an academic talking point, but an important counterbalance to the elevation of private property as a quasi-religious pre-condition for the common good.

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Commons Forum *Response*

A Short Commentary on “The Name Change; or What Happened to the P?” authored by Charlotte Hess and Ruth Meinzen-Dick

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Does the name change from “*The International Association for the Study of the Common Property*” to “*The International Association for the Study of the Commons*” mean anything? In the first place, the name of the Association is an expression of Association’s aspirations and its development agenda. The name is a source of identity, which also shapes members’ behaviour. *When is a name change necessary?* A name change may be necessary if there is a change in the ownership of an entity, or change in the products or services the entity produces. Some learning institutions

have changed their names from a *college* to a *university* as an indication of improvement in the quality of education being offered. . . .often in anticipation that a name change would influence enrolment of students.

Does a name change of has a bearing? A name change may have either positive or negative or no impact at all. A name change of an international airport may be costly as more resources have to be committed towards publicity, designing of new letterheads or official date stamps without necessarily changing the quality of services provided. In addition, a name change of an airport has negative externalities. For example, all the airlines and travel agents have to change the airport name coding in their systems to reflect the new name, a costly exercise. Not always does a name change stimulate demand for the services offered. A study comparing enrolment patterns at 140 colleges and universities five years before and five years after they changed their names, found that on average, the strategic name change did not affect enrolment, and only 7% of institutions surveyed experienced significant enrollment growth.

According to Charlotte Hess and Ruth Meinzen-Dick, a name change from “*The International Association for the Study of the Common Property*” to “*The International Association for the Study of the Commons*” reflect the evolution of the field as a result of research conducted over the past twenty years. It has been argued that the early focus on property rights was important to clarify Hardin’s (1968) metaphor of the “*Tragedy of the Commons*”. Well and good, but, a name change to “... *study of the commons*” brings with it many expectations and challenges as it entails widening research on understanding sustainable solutions for natural or environmental resources to cover a wide array of shared goods and services. The name change may strengthen the Association by extending research and information exchange among researchers working in a variety of resources over which other people—often from the neighbourhood—could exercise traditional rights, such as access and use rights which include *traditional commons* (i.e., natural and environmental resources) and “*non-traditional local commons*.”

While the argument that old name had limited scope as it focussed on the governance of natural or environmental commons, however, the Association’s integrity and

identify was maintained. The word ‘*commons*’ refers to resources for which people do not have to pay for to exercise their user and access rights within a confine of a set of institutions or rules to protect the resources from overuse by people who do not respect the resources’ fragility or limits. However, some of the *local commons* (e.g., tourism, knowledge or information, scientific databases, the arts, open-source software, the electromagnetic spectrum, the atmosphere, education, city sidewalks, playgrounds) or *global commons* (e.g., deep seas, the atmosphere, and outer space) may not neatly fit into the definition of the “*commons*.” As new types of commons are springing up, the Association has a mammoth task of accommodating and mentoring new research agenda these *non-traditional commons*.” If not properly managed, the expended scope can lead to loss of Association’s identify.

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Commons Forum Response

Putting Property in Context: From Common Property to the Properties of the Commons

Dianne Rouchelleau
Executive Council Member, IASC

For me, this *Commons Forum* represents an opening for my own work to be central rather than peripheral to the mission and the definition of the Association. Previously, I felt the social and ecological dimensions were peripheral, with legal, economic, and political dimensions at the center. This change of name and definition puts those fields all on equal footing and makes it easier to ask questions about the legitimacy, justice and ecological viability of current property regimes, procedures and management practices in the Commons. It puts us in the center of discussions about The Commons and Whose Common Future, as discussed in the *Ecologist* in 1992, and gets us beyond technical discussions of specific kinds of property relations as the only legitimate subject of study. We can now engage, as an intellectual

and practitioners' community, the moral and ecological dimensions of commons and commoners.

Common Property has always been about legal, economic and political criteria for claims on a specific subset of shared resources under specific types of rules that govern property relations. Property, the noun, is modified by the adjective "common". To focus on property is to begin with a pre-existing set of claims, and to accept them as given. The study of such property focuses on the nature of the claims, the nature of the claimants and the rules that govern both. In the case of applied studies, common property researchers have often investigated how to enforce, reinforce or adjust the rules of exclusion (limiting access to the group), the rules of distribution within the group, or of membership in the group itself. In other cases they have documented the success or failure of the rules to serve the "community" or user group in question, or to maintain a sustained yield from the resource. The focus on property leads inevitably to studies of the nature of claims and claimants and their legitimacy, the rules that define membership, exclusion and distribution, and their enforcement. Membership may be based on automatic ascribed status (belonging to an ethnic group or residing in a particular place), on a voluntary affiliation, or on selective enrollment. The latter might be by subscription (enrollment by application, whether paid or not, or earned enrollment based on performance of work or other requirements). The study of the rules of management, under common property research, has emphasized the rules of membership and the distribution of benefits and of management work, rather than the actual material practices of resource management or the physical condition of the resource in question.

So what difference does it make to switch to the study of The Commons? When we start with the commons, we automatically include several dimensions of shared resources that fall outside of or beyond the realm of property relations. Among the most important of these are questions of values, justice and sustainability. While many of these can be treated under common property, they fit more readily and more broadly under the Commons.

The Commons implies a broadly shared resource or thing of value, or even the shared enjoyment of a prop-

erty of something. What is shared may be a thing (plants, animals, water, soil, land, physical features) or it may be a property of that thing, such as the beauty of the landscape, the unusual color of the water in a mountain lake, or the special healing properties of a hot spring. The value of a resource may include use value (utility, a social function), symbolic value (also a social function but not divisible) and intrinsic value (also indivisible, and which some would argue does not exist or is always still a socially derived definition). The value of a commons may be measured in terms of who cares, and how much, or in terms of its place in the cosmos, rather than its worth in the market or its utility for a specific user. Symbolic and intrinsic values fall under the domains of culture and belief and both imply treatment with respect or reverence rather than use per se. The existence of the thing in question and a respectful relation with it matters more than its utility, when considering intrinsic or symbolic values.

Who shares the Commons may be more a matter of custom, a sense of fairness or moral entitlements than of legal rights of use, access, and exclusion. The word Commons implies that everyone's claim is potentially legitimate. The question of justice goes beyond existing property relations. It can be more about who needs something or who **should** have rights, than about who **does** have them. There is also scope for dealing with distributive as well procedural justice in the governance of the commons. Distributive justice deals with who gets how much, of what kind of goods or services, or access, under what conditions. Procedural justice deals with questions of process, and focuses on the fairness of the procedures of governance per se and the equity of the terms and conditions of participation in decision-making. There is also scope to deal with the question of the legitimacy of authority and who **should**, as opposed to who **does**, have the right to adjudicate and govern the Commons.

Sustainability has to do with the ecological and scientific criteria for management of the Commons. We can speak of the sustainability of supply or quantity of a resource, the sustainability of the qualities of a resource (in both instrumental and intrinsic terms) and the sustainability of resource or ecosystem integrity. Sustainability can also be discussed in terms of viability, a kind of biological feasibility based on what conditions are required to keep

living things alive and well. This criterion mixes longevity and continuity with values about what should be conserved or preserved and judgments about how to measure it. As such it mixes values and science, both of which are submerged under studies of common property.

If we start with the Commons, and introduce moral and scientific criteria to set and implement limits on the use and management of resources, property is one of many possible tools that we can invoke. Property becomes one of many institutions that may come into play in our daily struggles to share and divide the Commons. On this basis we can speak not of reducing the role of property but of expanding our understanding and our options for living in the Commons.

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Charlotte Hess

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*Indiana,
Victoria Falls,
Oaxaca, Bali
... where you
there?*

*Where will you be
in the future?*



Think Ahead !



England 2008

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Calling all IASC members !

The **IASC Nominating Committee** is seeking nominees for the 2008 slate for the positions of President-Elect and Executive Councilor.

Nominations for these positions are solicited from the general membership. Candidates proposed must be members in good standing. The nominating committee will contact proposed candidates for their consent before being placed on the slate of nominees.

Please submit names and contact information for any nominations to iascp@indiana.edu or to any member of the nominating committee listed below by March 5, 2007.

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Call for Panels, Papers and Posters

IASC 2007 North American Regional Meeting

Transitions in Defining and Utilizing North American Commons

Sir Wilfred Grenfell College

Memorial University

Corner Brook, Newfoundland

July 31 - August 3, 2007

Conference Themes

- Societal vision, goals, and objectives regarding the Commons and human well being;
 - Expanding conceptions of the Commons, including the 'New Commons';
 - Reducing conflict, improving management, and increasing efficiency in traditional natural resource (e.g., fisheries, forestry, agriculture, wildlife, water) sectors;
 - Out-migration and eroding human/social capital in resource-dependent rural regions;
 - Global benefits versus local costs – sustaining local and regional stewardship capacity;
 - Global costs versus local benefits – mitigating the external costs of local resource use;
 - International institutions and the Commons (e.g., Kyoto Protocol, NAFO, NAFTA);
 - Globalization and market pressures on North American common pool resources;
 - Aboriginal perceptions, goals, and governance issues in North American Commons;
 - Theoretical and methodological advances in Commons research;
 - Commons research – making the transition from information to public policy; and
 - Resource management and challenges in Newfoundland and Labrador (e.g., fishery collapses, rural out-migration, sealing, tourism development, hydroelectric development).
-

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All abstracts and submitted papers will be made available online. All conference paper submissions will be peer reviewed and successful papers will be published in full in an edited conference volume.

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Submit an abstract to organize a 1.5 hour concurrent panel session (3 to 4 speakers and session chair), workshop (a practically-oriented session with 2 or 3 speakers, session facilitator, and sufficient time for audience questions), or directed discussion (a facilitator(s) stimulates audience participation on a particular topic). Abstracts should be a maximum of 350 words and include names and affiliations of the organizer and individual presenters.

Abstracts for panels, workshops and directed discussions are due **February 16, 2007**. Confirmation of acceptance will be sent by March 9. Panel session presenters will need to submit an abstract for their individual papers by March 23.

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Submit an abstract to give a 20-minute oral presentation. Abstracts should be a maximum of 250 words. Include the name, title and affiliation of each author. Abstracts will be peer reviewed and are due **March 23, 2007**. Confirmation of acceptance of the abstract will be sent by April 27, 2007. **Final papers are due June 22, 2007** (details will be sent to authors upon abstract acceptance).

Posters

Submit an abstract to present a poster. Abstracts should be a maximum of 250 words. Include the name, title and affiliation of each author. Posters can be used to present research results, case studies, or provide information about practitioner initiatives relating to the management of the Commons. Poster abstracts are due **June 22, 2007**.

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Conference Announcement

ESEE 2007: Integrating Natural and Social Sciences for Sustainability

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The European Society for Ecological Economics (ESEE) is pleased to invite you to join us in Leipzig, Germany for the 7th biennial international conference of the European Society for Ecological Economics: 5-8 June 2007. http://www.esee2007.ufz.de

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Registration for ESEE 2007 is now open! http://www.esee2007.ufz.de/participationregistration.html

PhD Student and Early Stage Researcher Workshop, 3-5 June 2007, Leipzig

Ahead of the seventh ESEE conference in Leipzig Germany, a special two and a half day workshop will be organized by and for PhD students and Early Stage Researchers. The objectives of this workshop are three fold: (1) strengthen the European Ecological Economics student network (2) expand students' perspectives on interdisciplinary science and the future of Ecological Economics, (3) provide a forum for students to share experiences and stimulate collaboration.

The programme includes lectures by Prof. Richard Norgaard, Dr. Sigrid Stagl and Dr. Martin Drechsler and a field trip in the vicinity of Leipzig. To apply for a place at workshop contact Esteve Corbera (estevecorbera @ telefonica.net). For more information contact Kate Farrell (katharine.farrell @ ufz.de)

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