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Environmental and Ecological Citizenship in Civil Society

David Humphreys

The roll back of the state under neoliberalism has enabled two sets of actors to assume a more prominent role in environmental governance: the for-profit private sector, that is, businesses and corporations; and the not-for-profit sector, which can be called civil society, made up of grassroots groups, informal institutions, advocacy networks and non-governmental organisations (NGOs). Although the latter are nominally private actors, many civil society groups represent a broad public constituency and aim to promote social welfare by, for example, advocating human rights and securing the provision of public goods, including environmental public goods.

This article provides some snapshots of the role of civil society groups in promoting the maintenance of environmental public goods in one sector, the forest sector. This is done using the seminal distinction drawn by Andrew Dobson between environmental citizenship and ecological citizenship. It is argued that these categories, while conceptually distinct, often overlap considerably in practice. The article sketches out the distinction between these two types of citizenship and then goes on to provide some brief cases to illustrate how they may interact in citizen-promoted policies to protect, in this case, forest public goods.

It has to be remembered that citizenship alone, however, cannot ensure the maintenance of the biosphere when broader structures of governance routinely generate environmental degradation. Hence, the final section briefly examines the idea of the ecological state.

Environmental citizenship and ecological citizenship: overlapping spheres

Andrew Dobson argues that environmental citizenship should be defined with respect to the relationship between the state and the citizen. Environmental

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citizenship focuses on contractual rights and entitlements within the public sphere and entails the extension of rights-based discourse to cover environmental rights.¹ Environmental citizens freely give their consent to the state to define environmental rights in their interest. They are prepared to claim those environmental rights granted by the state, as outlined in national law and the constitution, and will recognise a correlative responsibility to respect the rights of others. Rights, therefore, may be said to be contractual, in that there is, in effect, a contract between the state and the environmental citizen, between ruler and ruled. The notion of environmental citizenship can be seen as the claiming of another category of human rights, namely environmental rights, and the recognition that others too should be able to enjoy these rights. There is thus a relationship of reciprocity between citizens, who recognise a duty to respect the environmental rights of others.

This is a territorial notion of citizenship; it is grounded within individual countries. It could be argued that this notion of environmental citizenship should be extended beyond the state to embrace public international environmental law. In a world of global environmental degradation, it makes no sense to think only of localised responses or “one-country environmentalism”. The exercise of citizenship by environmentally concerned individuals needs to be expanded to embrace the rights and obligations of individuals so as to take into account the causes and consequences of trans-boundary environmental problems in an ecologically interdependent world.

International environmental law, which is negotiated by states on behalf of their citizens, outlines the environmental rights and obligations of states in relation to other states. There is an iterative relationship between the rights and obligations encoded in national and international bodies of law, in that many environmental rights and obligations negotiated internationally may later find expression in national law, and principles that originate in national law may later be adopted in international legal agreements. The essence of this international notion of environmental citizenship seems to be consistent with Dobson’s notion in that it focuses explicitly on rights, obligations, the law and the public sphere. It does, however, differ from Dobson’s notion of environmental citizenship in two important respects: it does not focus exclusively on the contract between the state and the individual; and it expands the territory in question from the country to the planet through its focus on the rights and obligations of states and individuals as encoded in international environmental law.

Dobson rightly argues that environment-citizen relations should not stop at a rights-based notion of environmental citizenship.² One reason for this is that the codification of rights in public environmental law – both national and international – may not actually solve environmental problems. For example, the

¹Dobson, *Citizenship and the Environment*, 88–95.

²*Ibid.*, 94–5.

environmental rights granted to citizens may be undermined by other bodies of national law that promote road building or economic development that degrades nature. Local environmental rights may be undermined by international law on trade and investment that enables the degradation of nature by transnational corporations and financial institutions. A broader notion of citizenship is clearly called for. Citizenship, Dobson argues, is only in part about the claiming of environmental rights and the recognition that reciprocal obligations arise because others share these rights.

In an ecologically fragile and interdependent world, there is no good reason why obligations should cease at the borders of countries, especially given the arbitrary way in which many national borders have been drawn throughout history. Nor is there any reason why obligations should necessarily be reciprocal in nature. Dobson has thus elaborated a second notion of citizenship, ecological citizenship. Whereas environmental citizenship confines itself to the contractual responsibilities and territory of the state, ecological citizenship deals with non-contractual responsibilities. Ecological citizenship is based on the concept of the ecological footprint.³ The ecological footprint refers to the environmental impact of humans on ecological systems. Different lifestyles and standards of living will have different ecological footprints, with citizens of wealthy industrialised countries tending to have a larger ecological footprint than those in poorer and less developed countries.⁴ Ethically, Dobson argues, citizens who occupy an unsustainable amount of ecological space or who impose upon the ecological space of others have an obligation to reduce their consumption of ecological space. Hence “the obligations of ecological citizenship are owed asymmetrically”.⁵ Those whose occupation of ecological space is in deficit or whose ecological space is being eroded by the high consumption of others, clearly have no such obligation.

Ecological citizens are not simply prepared to reduce their own ecological footprint, but will also take action to challenge the unsustainable production and consumption patterns of other actors, arguing that they too should reduce their footprint to promote a more equitable division of ecological space. In this sense, ecological citizenship is not only about observing certain rules of justice oneself, but also seeking to do justice for those who lack a voice in policy processes, such as the rural, landless poor in developing countries, indigenous peoples and other marginalised groups. Such actions may take the form of monitoring the activities of those individuals and groups that generate an ecological footprint, promoting new policy mechanisms to reduce the ecological

³*Ibid.*, 83–140.

⁴Wackernagel and Rees, *Our Ecological Footprint*; Chambers, Simmons and Wackernagel, *Sharing Nature's Interest*.

⁵Dobson, *Citizenship and the Environment*, 120.

footprints of business corporations, running awareness campaigns and staging publicity event, etc.

The distinction between environmental citizenship and ecological citizenship is central to the remainder of this article, which aims to show that although intellectually very different, these two types of citizenship should be conceived of as overlapping spheres. They are mutually reinforcing when legal rights and principles are invoked to legitimise the claims of individuals and communities to a fair share of ecological space and to critique the actions of those whose ecological footprints deny them that. Environmental citizenship, like ecological citizenship, is seen as an ethical idea that is global in reach through the status that environmental rights and obligations have attained in international environmental law.

One legal principle that is frequently invoked by environmental and human rights groups is the right to self-determination (not to be confused with the right to secession or independence), which includes the right to determine how local natural resources should be used. Self-determination is a key human right that is elaborated in the United Nations International Covenant on Civil and Political Rights and the United Nations International Covenant on Economic, Social and Cultural Rights (both of which were opened for signature in 1966 and entered into force in 1976). Article 1.1 of each instrument states: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".⁶

The concepts of environmental and ecological citizenship help to illuminate the political conflicts that arise over the use of forest space. With respect to environmental citizenship, forest user groups have over the last two decades made increasing reference to "the rights-based approach". Local community groups and indigenous peoples' organisations in the forests claim certain rights to use their forest resources in line with customary norms and traditional lifestyles. Civil society organisations, such as environmental and indigenous peoples' groups, have used their observer status at international forest negotiations, including at the United Nations Forum on Forests established in 2001, to call for states to recognise their rights.

In addition to the right of self-determination, forest groups also claim the right to free, prior and informed consent (FPIC), whereby local forest communities have the right to be consulted over any development project that affects their lands and resources, and that such projects will proceed only if the affected communities give consent that is *free* (that is, given without coercion), *prior* (that is, before implementation) and *informed* (that is, based on a full understanding of the consequences of the project).⁷ The right of FPIC is slowly crystallising in human rights

⁶United Nations, *The United Nations International Covenant on Economic, Social and Cultural Rights*.

⁷Colchester and McKay, *In Search of Middle Ground*, 9.

law, although it is currently more of a claimed moral right than a legal right and is not yet legally established in the same way that the principle of self-determination is.

The rights-based approach advocated by local communities and indigenous peoples belongs firmly within the realm of environmental citizenship. However the ideas that underpin ecological citizenship are clearly relevant. Around the world, deforestation is almost invariably the result of ecological footprints pressing down on forests due to unsustainable patterns of production and consumption in the wealthier countries of the world. Asserting the rights-based approach is one of the tactics used by indigenous peoples and local communities to resist the ecological footprints caused by powerful businesses and groups from outside the forest, such as timber, paper and agriculture corporations. In other words, forest communities claim *rights as environmental citizens*; these rights are *reciprocal*, as the communities concerned recognise that others share an equal moral claim to these rights. In claiming their rights, forest communities assert that those imposing an ecological footprint on forest spaces should recognise that they have *obligations as ecological citizens*; these obligations are *non-reciprocal*, and apply only to those whose activities generate an ecological footprint. In this respect, environmental and ecological citizenship should be seen as overlapping spheres of ethics and civil responsibility.

In order to develop further the argument that environmental and ecological citizenship may be seen as mutually reinforcing although analytically distinct notions, some prominent policy interventions that have originated from forest conservation civil society groups over the last two decades will be examined. It is argued that the practice of environmental and ecological citizenship needs to be understood within the particular politico-economic era in which we now live, namely the neoliberal era. Neoliberalism is a philosophy that eschews governmental and intergovernmental regulation on environmental grounds, preferring instead voluntary initiatives, market-based solutions and an enhanced role for the private sector. Much of the political space that has been created by the roll back of the state under neoliberalism has been colonised by the business sector although, as will be seen, some has been occupied by environmental civil society groups promoting new and original forest conservation policies.

Debt-for-nature swaps

The high levels of indebtedness in many tropical countries have had an adverse effect on nature, leading to the export of timber to earn hard currency to service and repay external debts. The export of natural resources has been recommended by World Bank/IMF structural adjustment programmes for several tropical forest countries. The resulting ecological footprints caused by the clearance of forests for export have clear origins within developed countries in three important respects.

First, in the majority of cases the initial debt is held by the governments of, or investment banks based in, developed countries. Second, the policy prescriptions to export timber are made by international financial institutions that are dominated by developed countries and thus reflect the perceived political interests of these countries. Third, the timber is often exported to satisfy consumer demand in developed countries.

The idea of debt-for-nature swaps was proposed by Thomas Lovejoy, then of the World Wildlife Fund-US, in 1984. With a debt-for-nature swap, an NGO acts as an intermediary between the indebted government and the lender. In exchange for a commitment from the indebted government to conserve, say, a certain area of tropical forest, the NGO will assume responsibility for a portion of the indebted government's external debt. The first such swap took place in 1987 when Conservation International bought, and then waived its right to collect, \$650,000 of Bolivian debt in exchange for a commitment from the government of Bolivia to protect the Beru Biosphere Reserve.⁸

The idea of debt-for-nature swaps falls within the realm of ecological citizenship, as it is explicitly designed to reduce the ecological footprint of developed countries on tropical forests. The contractual nature of debt swaps may also include recognition of the claimed rights of local indigenous and forest communities whose forests are endangered by forest clearance. In this respect, there may be an overlap between environmental and ecological citizenships, although this need not necessarily be the case. A criticism of some debt-for-nature swaps is that they prioritise the conservation of nature over and above the rights of local people who are dependent on forest resources. It should also be noted that swaps do nothing to address the generation of external debt; large-scale debt relief would require concerted action from investment banks, international financial institutions and developed world governments.

Independent forest monitoring

The group Global Witness was established in 1993 to expose and tackle the exploitation of natural resources due to corruption and conflict. One of Global Witness's first campaigns was against the export from Cambodia to Thailand of illegally-logged timber to fund Khmer Rouge guerrillas operating in the west of the country. With western Cambodia too dangerous to work in during the mid-1990s, Global Witness investigated the trade from the Thai side of the border. In 1995, three weeks after Global Witness published evidence that 18 Thai companies were engaged in cross-border trade with the Khmer Rouge, the Thai authorities closed the border, thus depriving the Khmer Rouge of millions of dollars of income.⁹

⁸Elliott, *An Introduction to Sustainable Development*, 55.

⁹A. Benjamin, "Rough diamonds", *The Guardian* (G2 supplement), 31 January 2007, 9.

Global Witness later began working inside the country, monitoring the activities of Cambodian timber companies. Global Witness was able to take action in situations where it would have been dangerous for local people to expose environmental crimes (the group does not employ local people lest this endanger them). After having established a position of trust with the Cambodian government, Global Witness was appointed in 1999 as an independent forest monitor by the Cambodian forest authorities. This was the first time that any government had hired a foreign NGO to monitor national forest policy. Global Witness gathered data and information, comparing its own data with that of two Cambodian government departments: the Department of Inspection in the Cambodian Ministry of Environment, and the Forest Crimes Monitoring Unit in the Department of Forestry and Wildlife.

Global Witness published evidence in 1999 that national regulations had been ignored and that some public officials were involved in illegal logging; this led to a negative reaction from the Cambodian government.¹⁰ In 2003, the government accused Global Witness of stirring up civil unrest over illegal logging. A breakdown in the relationship between the NGO and the Cambodian government ensued; the contract between the two parties formally ended in 2004 and has not been renewed.¹¹

The activities of Global Witness illustrate the transnational nature that environmental citizenship may assume. By working with and for Cambodian government authorities, Global Witness staff, none of whom were Cambodian, were helping to uphold the national environmental laws of a country of which they were not citizens. In the process, they were protecting the rights of Cambodian communities afflicted by illegal logging and corruption. The work of Global Witness was also explicitly aimed at reducing the ecological footprint on Cambodian forests made by actors using more than their fair share of ecological space. This large ecological footprint originates both within Cambodia, due to the activities of corrupt businesses, politicians and officials, and outside the country, due to demand from consumers who are ignorant of, or unconcerned about, the sources of the cheap timber they buy.

The case of Global Witness in Cambodia illustrates that environmental activists may at once be both ecological citizens who seek to reduce the ecological footprints of other actors, and environmental citizens working to uphold the rights, consistent with the rights-based approach and national law, of local peoples whose livelihoods are undermined by the ecological footprints of those who consume a disproportionate share of ecological space.

¹⁰Global Witness, *The Untouchables: Forest crimes and the concessionaires*.

¹¹Humphreys, *Logjam: Deforestation and the Crisis of Global Governance*, 151.

Timber certification

Under current international trade rules, the mandatory labelling of timber to show the sustainability, legality or otherwise, of the sources from which it is harvested is not permitted. This became clear during a debate within the International Tropical Timber Organisation (ITTO) during the 1980s. Created in 1985, the ITTO was the first, and is so far the only, international commodity organisation with a conservation mandate. Nevertheless, while it is dedicated to promoting the international trade in tropical timber, it does not promote the international trade in tropical timber from verified sustainable sources.

In 1989, Friends of the Earth in London successfully lobbied the UK delegation to the ITTO to table a proposal for timber labelling. The proposed scheme would not have banned the international trade of unsustainably-managed timber; it would merely have provided for it to be labelled. By proposing the scheme, Friends of the Earth was operating within the realm of environmental citizenship; the proposal was made in the public sphere and was seeking to provide citizens with a new legal right, namely the right to know whether any tropical timber they wished to buy was harvested from a sustainable source, thus enabling citizens to make informed choices in the market place. But the rationale behind the proposal also falls into the realm of ecological citizenship; the proposed right was intended to alleviate the ecological footprints in tropical forests caused by the harvesting of unsustainably-managed timber, principally for export to countries in North America and Europe, and Japan. The proposal was rejected after it was opposed by the tropical timber producers caucus, in particular Malaysia, Indonesia and Brazil, who saw it as a veiled attempt to hinder the international trade of tropical timber.

The World Wide Fund for Nature, which had supported the Friends of the Earth proposal, subsequently worked with other environmental civil society groups, including the Rainforest Alliance, and several environmentally concerned businesses to create the Forest Stewardship Council (FSC) in 1993. The FSC operates an independent scheme for certification of forest products harvested from well-managed sources. The FSC is governed by a novel institutional structure with three chambers – social, environmental and economic – each of which has one-third of voting rights. To be FSC certified, timber must be managed according to ten principles for forest stewardship, three of which relate to citizenship: first, tenure and use rights should be “clearly defined, documented and legally established” (principle 2); second, the “legal and customary rights of indigenous peoples to own, use and manage their lands, territories and resources shall be recognised and respected” (principle 3); finally, the FSC principles provide that forest management operations “shall maintain or enhance the long-term social and economic well-being of forest workers and local communities” (principle 4).¹²

¹²Forest Stewardship Council, *FSC Principles and Criteria for Forest Stewardship*.

The FSC is very much a product of neoliberalism. As a voluntary private sector initiative that works through the market, it is acceptable to neoliberal elites. But by focusing on the rights of workers, communities and indigenous peoples, the FSC principles uphold the rights-based approach advocated by environmental and human rights groups, a focus that is consistent with environmental citizenship. Significantly, by including customary rights in addition to legal rights, FSC principle 3 goes further in upholding indigenous peoples' rights than some bodies of national law. However the legal status of these rights falls into the realm of private law, namely the legal agreements between forest managers and those actors involved in the FSC legal chain of custody that governs the passage of certified timber from forest to retail outlet. Like those who advocated the use of the ITTO for timber labelling, those environmental campaigners who created the FSC were ecological citizens aiming to reduce the ecological footprint of timber consumers on the space of forest communities.

The case of the FSC illustrates that there is conceptual overlap between the ecological citizen and the environmental consumer. There are, however, some important conceptual differences. Individuals make decisions according to different – sometimes conflicting and sometimes inter-related – factors. As consumers, individuals are rational utility maximisers who make decisions based on their personal preferences. As citizens, individuals have a concern for the collective good of the community to which they belong.¹³ Because ecological citizens have certain principled beliefs, they are prepared, as consumers, to pay a premium for FSC-labelled timber.

However there are clear limits to relying on consumer behaviour to achieve environmental justice. As consumers, ecological citizens can only pay a premium for certified timber to the extent that they can afford it. If the cost of certified timber is too high, individuals have two choices: to forgo buying timber or to allow the self-interested rationality of the consumer to trump the principled beliefs of the ecological citizen. Under contemporary governance structures, these are the sort of conflicts of interest that all environmentally concerned citizens face. Understanding the distinction between the ecological citizen and the environmental consumer helps explain why some people with a strongly defined sense of responsibility to nature sometimes engage knowingly, albeit reluctantly, in actions that they know will have negative consequences for the ecological space of other citizens. It highlights the need to provide broader structures of governance that routinely generate sustainable outcomes so that such difficult choices are no longer necessary.

¹³Berglund and Matti, "Citizen and Consumer", 550–71.

Towards the ecological state

If nature is to be conserved, it is clear that the onus cannot lie solely with the citizen/consumer. Acts of citizenship – environmental or ecological – will only have a limited impact when the state and broader structures of global governance routinely generate the inequitable usage of ecological space by the wealthy and powerful. Following on from Dobson’s distinction between environmental and ecological citizenship, the distinction can now be made between the environmental state and the ecological state. The environmental state can be seen as one that concentrates on setting down in law a new generation of environmental rights and obligations, both for states in international law and for citizens in national law. Proceeding from this definition, almost every country in the world can lay some claim to environmental statehood; the last 30 years have seen the negotiation of scores of multi-lateral environmental agreements, with states increasingly making provisions for environmental protection not only in national law but within their constitutions. As Tim Hayward notes, “No recently promulgated constitution has omitted reference to environmental principles, and many older constitutions are being amended to include them.”¹⁴

An ecological state, by contrast, would be dedicated to upholding a new social contract between the citizen and the state, an ecological social contract by which the state and its citizens are dedicated to governance that respects ecological limits. The ecological social contract would be intergenerational in nature, and would recognise that the state has a responsibility to provide its citizens *and their descendants* with the right to a fair share of ecological space, consistent with ecological sustainability. In exchange, citizens would recognise that other citizens should enjoy the same right. Such an ecological social contract would not be limited to the state; the relations of reciprocity would extend to all citizens of all other states. The ecological state would thus recognise that, in an ecologically dependent world, the rights and duties of neither states nor citizens can end at state borders, hence neither its own citizens, nor those of other states, should occupy more than, or be prepared to accept less than, their fair share of the world’s ecological space, consistent with long-term ecological sustainability. The ecological state would be concerned with the consequences of its actions outside its borders and would govern over the long term to eradicate any ecological footprints that it may impose on other countries.

With respect to forests, the ecological state would act to ensure that its consumption of forest products did not lead to the degradation of forest spaces in its own country or in any other. While many states may lay claim to environmental statehood, none can lay claim to ecological statehood; that is, no state has expressly accepted that it should respect the ecological space of other states,

¹⁴Hayward, “Environmental Rights in the European Union”, 141.

and none has sought to govern within ecological limits. There is some recognition in international environmental law that the states that have consumed more than their fair share of ecological space have a responsibility to assist those that have not through the principle of common but differentiated responsibilities. However, the practical meaning and operationalisation of this principle is far from clear.

The precise form that the ecological state might take is a debated subject amongst political theorists.¹⁵ However, at a minimum the ecological state can be expected to introduce legislation mandating its businesses and development agencies to respect the environments of all countries, and to fine transgressors and enforce behavioural change through the courts. The ecological state would insist on independent environmental auditing and green national accounting. It would withdraw the public charters of those corporations that systematically engage in environmental despoliation, either in the host country or other countries.

In complete contrast, the current neoliberal state promotes the rights of investors over and above those of communities and nature. Lagging behind the aspirations of its citizens for a clean and sustainable biosphere, it has assigned greater priority to negotiating under the auspices of the World Trade Organisation a body of international trade and investment law that has a greater normative force than multilateral environmental law.

As a result, the most significant shift in the campaigning tactics of environmental citizens over the last 20 years has arguably been a sharper focus on international trade and financial institutions, where the locus of environmental degradation is increasingly located. Christian Aid is just one of the civil society groups to have run a lengthy campaign for the reform of international trade rules that lead to the impoverishment of many communities and local environmental spaces in Africa, Asia and Latin America. Global Witness also campaigns for a reform of international trade rules to prevent politicians from asset stripping public natural resources and selling them for private enrichment. In 2006, Global Witness launched a new campaign focusing on international financial institutions, in particular the lending of transnational banks to forest corporations that engage in forest clear-felling and illegal logging.

Conclusions

The distinction between environmental and ecological citizenship is analytically significant and helps to illuminate the different dimensions of civil society activism. In practice, the two types of citizenship overlap and are often

¹⁵Barry and Eckersley, *The State and Global Ecological Crisis*.

mutually reinforcing. Both involve a sense of responsibility to the environments of other countries. The ideology of neoliberalism, which produces the systematic degradation of nature and communities for private profit, has provided both the political space and the moral imperative for new citizen-conceived policy mechanisms that aim to promote the long-term maintenance of environmental public goods and the reduction of ecological footprints generated by the powerful and the wealthy. The examples considered in this article (debt-for-nature swaps, independent forest monitoring and forest certification) illustrate both environmental and ecological citizenship in action and the political conflicts that arise over the use of forest space.

The political struggle for the future of the biosphere has its origins in civil society. Neoliberalism's emphasis on the withdrawal of the state from many areas of public life enables civil society groups, but such groups alone cannot safeguard nature. This requires the redemocratisation and restructuring of the modern state and global governance to serve the requirements of life, rather than of capital investment. It also involves a new concept of environmental crime. The history of environmental campaigning is, in large part, the struggle to reform national and international environmental governance structures in order to promote the fair use of ecological space, in part by criminalising those whose actions create ecological footprints that others then have to suffer. Civil society groups will continue to play a key role in this political project.

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