

SAFEGUARDING REDD GREEN PERIPHERIES

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THESIS

Submitted in partial fulfillment of the requirements
for the degree of Master of Arts in Geography
in the Graduate College of the
University of Illinois at Urbana-Champaign, 2012

Urbana, Illinois

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Abstract

Climate change is one of the most pressing issues facing humanity, as well as one of the largest failures faced by the market. Despite projections of climate-related reductions in global GDP of up to 20% and studies indicating compromise of the world's water, food, and ecosystem services, international agreements confronting climate change remain difficult. This has led to a search for quick and easy solutions, resulting in a focus on the reduction of tropical deforestation and forest degradation, which contributes 6-17% of global CO₂ emissions.

Efforts to address tropical deforestation and forest degradation have culminated in the Reduced Emissions from Deforestation and forest Degradation (REDD) program. REDD operates on the idea that it is cheaper to pay forest-based communities in developing nations to stop cutting down trees and change their land-use patterns than it is to get powerful companies in developed nations to reduce their emissions. In order to integrate these forests into the global carbon market, commodification of forests is required, on a level previously unseen. While REDD may be in the interest of heavily polluting developed nations, is it in the interests of the communities who live in these forests? Are forest-based communities given as much consideration in REDD readiness proposals as measures required for market integration? This study finds an overemphasis on market integration and a disregard for democratic methods of participation within REDD proposals. Social protections are underemphasized, placing forests, forest-based communities, and the hopes for cheap climate solutions all at risk.

Table of Contents

Chapter 1: Introduction.....	1
Chapter 2: Theoretical Framing for the Analysis of REDD+.....	5
Chapter 3: Methods.....	15
Chapter 4: Findings.....	20
Chapter 5: Conclusions.....	34
Appendix: Social Consequences of PES in Practice.....	37
Bibliography	47

Chapter 1

Introduction

Despite projections of climate related reductions in global GDP of up to 20% under business as usual assumptions (Stern, 2006) and studies indicating compromise of the world's water, food, and ecosystem services (World Bank, 2012), international agreements confronting climate change remain difficult. This has led to a search for quick and easy solutions, resulting in a focus on the reduction of tropical deforestation and forest degradation, which contributes 6-17% of global CO₂ emissions (Baccini et al., 2012; Intergovernmental Panel on Climate Change [IPCC], 2007).

Efforts to address tropical deforestation and forest degradation have resulted in the Reduced Emissions from Deforestation and forest Degradation (REDD) program, a Payment for Environmental Services (PES) program which is the product of the United Nations Framework Convention on Climate Change (UNFCCC). The '+' in REDD+ refers to "conservation, sustainable management of forests and enhancement of forest carbon stocks" (United Nations Framework Convention on Climate Change, 2008, p. 10). REDD+ operates on the idea that it is cheaper to pay forest-based communities in developing nations to stop cutting down trees and change their land-use patterns than it is to get powerful companies in developed nations to reduce their emissions. While emission reductions using technological solutions, such as carbon scrubbers, run around \$1,000/tCO₂ (House et al., 2011), REDD+ is to provide carbon reduction at around \$55-\$75/tCO₂ (Sandker et al., 2010).

In order to know whom to pay for reductions and for systematic measure of the reductions contributed by resulting land-use changes, it is necessary to know who owns the

forests. The need to know who owns forests is resulting in a planned commodification of forests on a scale hitherto unseen. Many people live in these forests. Will integration of forests into a nascent carbon market benefit these forest-based communities or marginalized them? Will they gain and retain title or will they lose their de facto rights to live in and on the forests? Will they be paid for carbon storage or will the payments go to others?

A literature review of the implementations of previous forestry-based ‘payment for ecosystem services’ (PES) schemes indicates problems, including unmet opportunity costs, misleading contracts, unreasonable contract length, land grabbing, and elite capture. These issues could be tempered through representation of local people in project design and implementation, as well as inclusion of other potential safeguards against expropriation and unequal distribution of benefits.

In addition to aiming to set up a global carbon market that promotes the storage of carbon in standing forests, REDD+ programs also recognize the need to accompany such integration with social and environmental protections. Promotional REDD+ documents make reference to benefits such as participation; Free, Prior and Informed Consultation or Consent (FPIC); fair distribution of benefits. Are these benefits present in the proposals which will be to implement REDD+ and how are they balanced against those the requirements for market integration?

My study analyzed five United Nation’s REDD+ National Program Documents (NPDs) and five World Bank Forest Carbon Partnership Facility (FCPF) REDD Readiness Preparation Proposals (R-PPs), exploring the balance between market integration and social protections. The study will compare the clarity of requirements for market integration to social safeguards within these key REDD+ implementation documents. My hypothesis is that elements within the REDD+ proposals required for future integration into the global carbon market will be and

operationalized while those elements detailing social protections, or “safeguards”, for forest-based communities will be vague and incomplete.

To conduct this analysis, the study develops a series of metrics to analyze these REDD+ implementation documents. The first set of metrics is based upon the required commodification steps required to convert forests into marketable emission reductions for integration into the market. The second set of metrics is based upon the social protections required for forest-based communities to exercise some measure of control over their integration. These metrics are analyzed on the basis of clarity as well as whether they are budgeted, scheduled, or included in the Terms of Reference.

Within these proposals, this study found a focus on the tools required for market integration and an uneven adaptation of social safeguards. Five proposals were planning implementation of privatized tenure reforms while three recognized a need for tenure reform but did not plan to implement reforms. The Panamanian NPD and R-PP proposals took two different stances, with the R-PP reaffirming state ownership of land while the NPD pursued privatized tenure reform. Six proposals planned to implement reforms clarifying of carbon rights. Four of the proposals did not make reference to carbon reform, with three of those four countries operating under state control of land and at risk of elite capture of benefits. Four out of the six proposals which intended to conduct privatized land tenure reform planned to use participatory mapping techniques. Similarly, three of the six proposals planning to clarify carbon rights planned to use participatory methods.

All the proposals made reference to using IPCC or FAO standardized methods and language for measuring emission reductions. All the proposals also included detailed plans to determine reference emission levels and to implement monitoring, reporting, and verification

systems. This contrasts sharply with the two proposals which stipulated democratic representation in project design and implementation. A further four proposals included representation on REDD+ bodies responsible for project coordination. Nine proposals featured “decentralization.” Of these, three appeared to be decentralization to democratic local governments. One proposal decentralizes to locally elected indigenous government, but also to a provincial government operating under executive appointment. Further, while the right to FPIC was recognized in six proposals, four proposals took the form of free, prior and informed consultation instead of free, prior and informed consent. Free, prior and informed consent was only recognized in those proposals in which a legislative history had placed it in law prior to the introduction of REDD+. Indigenous rights were in only three proposals while recognition of gender equality was in only two.

In conclusion, my findings indicate that REDD+ favors market integration over social protections. REDD+, therefore, must elaborate how it will support democratic participation and social protections. It needs to define local representation and democratic process, specify the means by which democratic inclusion will be achieved, and outline the safeguards that will be in order for involvement in REDD+ to be voluntary and consistent with the best interests of forest-communities.

In Chapter 2, I discuss the free market theoretical origins of REDD+, the results of similar PES programs implemented on a free market model, and the theoretical framing of social safeguards designed to mitigate some of these abuses. In Chapter 3, I discuss the metrics used to conduct my study. I discuss the findings of my analysis in Chapter 4. I conclude, in Chapter 5, with a summary of my findings, their overall implications, and some recommendations.

Chapter 2

Theoretical Framing for the Analysis of REDD+

This chapter will seek to explain the theory and principles upon which PES programs operate and how these are reified in REDD+. It will then seek to explore how implementation of these PES programs has played out for forest-based communities. The chapter will conclude with a reanalysis of the problems experienced in PES implementations to date and the role safeguards could play in mitigating problems and protecting forest-based communities, contributing to future REDD+ successes.

2.1 Market Basis of REDD+

2.1.1 Market Failures, PES, and REDD+

REDD+ is an effort to address climate change, which results from the overproduction of carbon emissions. Because firms do not have to pay for carbon emissions, they can externalize them without raising the marginal variable cost of production, so firms have an incentive to maximize production and thereby maximize pollution (Turner, Pearce, & Bateman, 1993, p. 75). This overproduction of emissions reflects the largest market failure the world has ever seen (Stern, 2006; World Bank, 2010). Carbon credits, produced through emission reductions such as those advanced by programs like REDD+, in conjunction with an emission cap, seek to internalize the cost of pollution, correcting this market failure.

Emission reduction focused Payment for Environmental Services (PES) schemes operate under the Coasean theory that constructing pollution permits and allowing them to be traded across the market should correct the market failure presented by the externalization of pollution (Aslanbeigui & Medema, 1998). Wunder (2005, p. 3) defines PES as a voluntary transaction

where a well-defined environmental service is bought by a minimum of one environmental service buyer from a minimum of one environmental service provider if the environmental service provider meets the terms of the contract (what Wunder (2009) refers to as achieving conditionality). In the case of REDD+, or REDD+ like schemes, the environmental service being provided is an emission reduction.

According to paragraph 70 of the Cancun Agreement, REDD+ entails five different environmental services capable of qualifying for payments: (1) reducing emissions from deforestation, (2) reducing emissions from forest degradation, (3) conservation of forest carbon stocks, (4) sustainable management of forests, and (5) enhancement of forest carbon stocks (United Nations Framework Convention on Climate Change, 2011, p. 12). Payment for one of the above activities requires that specified conditions be met.

Proving that a reduction in emissions has occurred requires first that a reference emission level (REL) is established. A REL is established through determination of the national historical baseline, an analysis of the policies and practices which were responsible for that baseline, and an extrapolation of emission levels under a business as usual (BAU) scenario in which development proceeds as a counterfactual without REDD+ intervention. A crediting baseline is then established in which reductions in emissions will result in the creation of emission reduction certificates or carbon credits, which can be sold.

To establish the reduction in emissions (and the saleable credits produced), remote sensing, GIS analysis, and field-based carbon sampling must be conducted to complete monitoring, reporting, and verification (MRV) of land use changes. Carbon accounting of changes reported is then conducted to create carbon credits and to allow investors to have faith that reductions are being accomplished. In order to obtain reductions in a cost effective manner,

countries often spatially analyze a number of socioeconomic and environmental variables gathered during the construction of the REL to target areas for REDD+ projects where the greatest emission reductions can be obtained for the lowest costs. In order for economic incentives to be coupled to changes in land use tracked through the processes detailed above, property rights must be assigned to lands. These lands are usually state or community owned, often they lack title, and therefore the forest must undergo a process of commodification.

2.1.2 Commodification of Forests

In order to provide for the production of emission reductions as a marketable commodity, forests must undergo commodification. In 1944, Karl Polanyi defined commodities as “...objects produced for sale on the market” (Polanyi, 1944/2001, p. 75). This relates the object (the commodity) as the intermediary between production and consumption (Prudham, 2009). Nature is not produced for sale and is not readily a commodity. In this sense, following Polanyi (1944/2001), it is a ‘fictitious commodity’. As Castree (2003) points out, commodification is a verb which entails a sequence of actions which convert nature into a commodity. Castree describes this process as occurring through six stages proceeding from privatization, to alienability, to individuation, to abstraction, to valuation, and concluding in displacement, where the consumable commodity is fully separated from its production. These stages are required to produce emission reductions as a commodity. This allows them to be integrated for trade into global carbon markets.

2.1.3 Carbon market integration and REDD+ “Green Peripheries”

Commodification is necessary to integrate the carbon sequestration capabilities of forests into the nascent emission reduction market. The question is, who benefits from this integration?

In analyzing who benefits, we need to consider the consequences for both the buying and selling nations. Bumpus and Livermann (2011) and McAfee (2012) provide valuable insights

into this process. REDD+ will allow developed countries to continue their highly profitable patterns of production. REDD+ makes payments to landowners on an opportunity costs basis and spatially targets project areas on the basis of poverty and potential environmental gains, the payments made to landowners will only be that amount which is required to prevent alternative land-use decisions. In the future, this would be further disciplined by competition across the market. This would allow companies to keep their costs down by enabling them to minimize the marginal cost of abatement. Once emission reduction credits are constructed, they could be bought and resold in the market, allowing further profit to be realized by developed nations in the reselling of credits.

Forest-based communities' land-use choices are constrained for long periods and the payments they receive are (theoretically) marginally higher than those they previously made. Because they now cannot harvest the same mix of goods from the land they become dependent upon purchased products (commodities) that they had previously produced for themselves. This arrangement simultaneously 1) allows developed countries to profit off the increasing commodification of nature, while 2) also allowing developed countries and national entrepreneurs to profit from new commodity markets that emerge from the concomitant dependence of forest-based communities on commodities to meet the needs that they had previously satisfied through direct production.

The transformation of forest-based communities into producers of emission reductions and the subsequent limiting of these producers to the bare minimum payment to maintain REDD+-related land use behavior according to an opportunity cost analysis, serve as the conceptual basis for referring to these project areas as "green peripheries." These are areas

subject to the pressures and processes of peripheralization detailed by Wallerstein (1984).

Developed nations are the clear beneficiaries in this new process of green peripheralization.

Construction of “green peripheries” is part of the broader expansion of forms of green capitalism detailed by other authors (Fairhead, Leach, & Scoones, 2012; Goldman, 2005; McAfee, 2012; McCarthy & Prudham, 2004). The origins of classical economic liberalism in the enclosure movement provided the foundation for neoliberal acceptance of free market environmentalism and green capitalism (McCarthy & Prudham, 2004). Goldman (2005) provides a history and logic behind the emergence of the World Bank as a “green hegemon”, acting to push the World Bank’s neoliberal agenda forward behind the globally recognized need to respond to climate change and the legitimacy provided by green development. Fairhead, Leach, and Scoones (2012) detail how this has increasingly resulted in land grabs, which they reference as “green grabbing,” which are legitimated behind the green credentials of providing food security, biofuels, and carbon sequestration. How PES results in relations of unequal exchange are discussed by McAfee (2012). All this serves to illustrate that there is a strong theoretical argument to support how these projects, marketed on the basis of conservation and poverty alleviation, actually serve to subsume those involved in producing them in similar relations we have traditionally seen formed between developed and developing nations. A review of the literature on PES supports this conclusion.

2.2 Results of PES implementations thus far

A review of forestry-related PES literature establishes that peripheralization is occurring in the absence of any mitigating factors. The *prima facie* assumption that participation in a PES program is always better than non-participation, premised upon payments exceeding opportunity costs, itself a low bar, is not always accurate (Bartels, Schmink, Borges, Duarte, & dos Santos

Arcos, 2010; Corbera, 2010; German, Ruhweza, Mwesigwa, & Kalanzi, 2010). A number of problems were observed by researchers studying the practice of PES. Local people were engaged on unfavorable terms and without concern for their basic needs and human rights.

Few studies of REDD+ and PES have yet been done. Those surveyed turned up the following problems. First, the poor were sometimes targeted as the drivers of deforestation and forest degradation and subjected to restrictions on forest livelihoods and evictions (Beymer-Farris & Bassett, 2011; Daily News, 2011; Lang, 2012, May 9). Second, frontloaded contracts and misleading payment schedules to those with land title were found to be common (German et al., 2010; Jindal, 2010), and many of these contracts had unreasonable lengths (Jindal, 2010; Osborne, 2011). In engaging local populations, the payments were made up front so that the majority or all income would be received early on, making the contracts more attractive while obligating the land owners to long-term protections. In addition, studies also found elite capture (Leggett & Lovell, 2012) and reports have been made on criminal charges for corruption and embezzlement (Makoye, 2012, March 2). There was also evidence of PES programs being used as a new form of land grabbing (Fairhead et al., 2012), as well as their tendency to place an undue burden on the participants (Osborne, 2011) with many indirect costs falling on nonparticipants (German et al., 2010). All PES programs that have been studied have serious problems. These observations illustrate the impact that PES programs can have on the livelihoods of marginalized forest communities and challenge the *prima facie* assumption that participation is always the most rational choice.

Further examples of abuses are commonly provided on the blog www.redd-monitor.org. In one article, Chris Lang (Lang, 2012, November 23) detailed findings from a report entitled “No REDD Papers” written by the Carbon Trade Watch, the Global Justice Ecology Project, the

Indigenous Environmental Network, the Justseeds Artists' Cooperative and the Timberwatch Coalition. In Lang's report, the consequences of the ten most abusive REDD+ type cases are listed. These cases include the use of armed police to violently limit access to forest livelihoods; deceitfully obtained consent and abusive contracts used to capture indigenous land rights; potentially life threatening violation of indigenous voluntary isolation; use of REDD+ type projects as a marketing tool to green wash dirty industries; violation of national First, Prior and Informed Consent (FPIC) laws; violent evictions and land grabs. These cases support the contention that these market solutions to climate change, left unregulated, expose forest-based communities to exploitation and damages and require social protections or safeguards to allow this to be an acceptable and viable solution to addressing short-term climate-related needs.

2.3 Social Safegaurds – A Response

2.3.1 Polanyi and Social Protections

Social protections act to mitigate the abuses which accompany laissez faire, free market capitalism. Polanyi (1944/2001) viewed social protections as emerging naturally in response to the deprivations of the market. Polanyi articulated this as “the double movement,” where the first act is played out by economic liberalization, giving rise to the spontaneous emergence of the second act, the demand for social protections against the vagaries of the market and economic predation. In Polanyi's analysis, the political behavior, which led to these social protections, were emergent. The political pursuit of social protections are the chiral reflection of capitalism's invisible hand; the spontaneous organizing of the people around their own self-interest. It is a natural response to human needs and vulnerability.

A social protection, which I'll refer to as a safeguard, is any mechanism that mediates the effects of the market by giving people a way of having their interests protected, or a way of

representing and defending their interests. The political production of a safeguard can be seen as a reflexive response to exposure to vulnerability, where vulnerability is “an aggregate measure of human welfare that integrates environmental, social, economic and political exposure to a range of potentially harmful perturbations” (Bohle, Downing, & Watts, 1994, p. 37).

2.3.2 Safeguards

With this definition of vulnerability and our understanding of the role of social protections, we can analyze the literature review and try to understand what would be required to mediate some of the damages of PES which have been observed. How can we protect against frontloaded and misleading contracts (German et al., 2010; Jindal, 2010), payments which failed to exceed opportunity costs (Bartels et al., 2010; Corbera, 2010; German et al., 2010), contract lengths (Jindal, 2010; Osborne, 2011), elite capture (Leggett & Lovell, 2012), corruption and embezzlement (Makoye, 2012, March 2). These are all issues which stem from a lack of ability of forest community members to participate in program design and a lack of checks and balances over project implementation. This is primarily an issue of insufficient democratic participation in the project design and implementation process as well as a lack of tools to ensure that participation is kept voluntary and flexible to changing circumstances. The second set of issues includes topics such as the targeting of the poor as deforestation drivers (Beymer-Farris & Bassett, 2011; Daily News, 2011; Lang, 2012, May 9), land grabs (Fairhead et al., 2012), and restricted access to livelihoods (Lang, 2012, November 23). These are issues that revolve around, and would be resolved by recognition of secure tenure rights established through participatory mapping practices and access to resources. Human rights would further serve to provide a further force of political legitimation and potential access to legal recourse to hold those abusing forest communities accountable for their actions.

These conclusions are in line with the analysis of safeguards provided by Chhatre et al. (2012), who similarly delineated two primary safeguards necessary for an effective REDD+ program: (1) tenure security and (2) participation in design and implementation of REDD+. Chhatre et al. (2012) point out that these two safeguards provide near immediate benefits as well as sustained benefits. Tenure security allows forest communities to secure access to land and productive resources, which allows them to improve their lands and realize greater livelihood returns. When this is a widespread phenomenon within a community, it improves the adaptive capacity of that community. All boats are raised by a rising tide.

One must be careful, however, in stipulating participation without also detailing democratic controls over participation. The World Bank has been a leading proponent of participation since at least 1994, seeing participation as a tool for involving local people and reducing the development footprint and its associated costs (Hildyard, Hegde, Wolvekamp, & Reddy, 2001). Participation, without explication as to how participation can be made empowering for the weaker party in the engagement, can introduce three different forms of tyranny: tyranny of decision-making and control, tyranny of the group, and tyranny of method (Cooke & Kothari, 2001). Participation can easily function as a managerial tool, dominating the participants if mechanisms detailing how participation is to be made empowering are not clearly stipulated.

Mechanisms must be in place to ensure empowerment of forest communities and to provide equal bargaining power and control over decisions regarding the REDD+ contract and regarding the process by which decisions are made. Participation might meaningfully be performed through representatives who are both responsive to local needs and accountable to those they represent (Manin, Przeworski, & Stokes, 1999). Integration of democratic

decentralization policies or pushing financial, administrative, and legal control over REDD+ functions down to a locally decentralized level might allow for more responsive implementation of REDD+, lowering the transaction costs of implementing REDD+, increasing transparency and building community commitment and involvement (Ribot, 2004). It is important that decentralization be meaningful in the powers transferred to the local level and that it be democratic. Often these powers are transferred to customary authorities and other private bodies, which serve to reinforce existing inequalities or create new ones. The choices governments make in transferring power to the local level, and how such transfers are structured has important effects on the legitimation and recognition of local identities and power relations (Ribot, 2002; Ribot, 2004; Ribot, 2007).

While Chhatre et al. (2012) speak directly to the requirements for safeguards and recognize the need for safeguards to be integrated vertically and horizontally, Peskett, Huberman, Bowen-Jones, Edwards, and Brown (2008) provide a three-tier series of indicators of such integration which spans a scale going from individuals, to communities, to the national level, and on to the international level. Their indicators looked at three topics: income and growth, equity, and voice and choice. I also draw from another safeguard study (Merger, Dutschke, & Verchot, 2011) which provides further recommendations of necessary safeguards to assist in poverty alleviation. These recommendations include governance mechanisms such as inclusion of laws and rights and conflict resolution mechanisms, among other recommendations.

In Chapter 4, I develop my methods based upon on the market integration elements relating to REDD+ and social protections required make REDD+ work for forest-based communities. These will be operationalized and applied used to analyze five NPDs and five R-PPs.

Chapter 3

Methods

3.1 Methods

This section analyzes five UN-REDD NPDs (Bolivia, Indonesia, Panama, Tanzania, and Papua New Guinea) and five FCPF R-PPs (Colombia, Democratic Republic of Congo, Mexico, Panama, and Suriname) for details relating to market integration and social safeguards. These published proposals are provided for the purpose of accountability and can be viewed as indicative of intent. If safeguards are not well articulated here, their application elsewhere is even more uncertain since these documents reflect the intent of their implementing agents and because the absence of safeguards discussions in these documents means that elsewhere they will be even more difficult to obtain and will be less available for public review.

A similar study of NPDs and R-PPs was conducted by WRI (Goers-Williams & Davis, 2012). Williams and Davis conducted an analysis of 2 R-PPs and 2 NPDs on the application of governance mechanisms such as transparency, accountability, participation, and capacity building. Their study found that such mechanisms were unevenly demonstrated across proposals. While my study will include similar elements to those considered in their study, these will be tied up within the specific market integration and social protection metrics I will be applying. I will analyze 5 R-PPs and 5 NPDs, seeking to compare market integration to social safeguards. Lack of safeguard inclusion may reflect a poorly constructed proposal or may represent a purposeful occlusion.

My hypothesis is that elements within the REDD+ proposals required for future integration into the global carbon market will be well defined and operationalized while those

elements detailing social protections, or “safeguards”, for forest-based communities will be vague and incomplete. To interrogate these, documents I develop ‘metrics’ for the market integration aspects of the documents as well as for the social protections aspects of the documents.

3.2 Market Metrics

In order to test my hypothesis, I first define what is required for REDD+ to be integrated into the market. To do this, I operationalize the first four stages of Castree (2003)’s steps of commodification (stages 5 and 6 do not apply to the REDD+ proposal, but rather to the carbon market in general). Castree’s first four stages of commodification are (1) privatization, (2) alienability, (3) individuation, (4) abstraction. Metric 1 is based upon successful privatization (assumed by REDD+) and is realized through demarcation of land ownership over previously public land and the establishment of secure private land rights with the legal right to exclude third parties. Metric 2 is achieved through alienability, which derives from the establishment of exchangeable carbon rights. Metric 3, Individuation, occurs through the separation of carbon using scientific terminology and methodology as established by organizations such the FAO and IPCC. Metric 4, Abstraction, both functionally and spatially occurs through the establishment of a reference emissions level and a monitoring, reporting and verification system, which separates carbon from its ecological context and records it in carbon registries through carbon accounting practices. The four guiding metrics are included below:

Market Metric 1: Are private land rights defined? If public land (government owned), is land title reform called for and does it define the necessary land rights or establish a review of current law and necessary reform?

Market Metric 2: Are carbon rights or land titles defined and are they capable of being sold and exchanged?

Market Metric 3: Is carbon defined using standardized terms by organizations such as the FAO or the IPCC?

Market Metric 4: Is a reference emissions level (REL) established? Are procedures well detailed for how measurements, reporting, and verification (MRV) will be conducted?

Together these four metrics tell us the degree to which market integration is clearly specified in the document in question.

3.3 Social Metrics

In line with Polanyi's theory of the double movement, social protections are viewed as responses towards vulnerabilities introduced by the market. The metrics below are mitigating factors that have been referenced in more detail in the safeguards section.

Social Metric 1 acts as a check on Market Metrics 1 and 2. Participatory consultations and mapping of tenure rights seeks to make processes of tenure reform consistent with customary ownership patterns and practices, following the recommendations of Streck (2009). This metric combines participation as a social safeguard while pursuing resolution of tenure reform and establishment of tenure security. This is a procedural realization of Chhatre et al. (2012)'s safeguard recommendations which could lead to the substantive realization of tenure security.

Social Metric 2 seeks participation as a safeguard, allowing integration of forest-based communities through REDD+ to facilitate the production of a positive political space allowing participants to become actively involved and empowered to design and implement the program to suit the needs of their communities (Chhatre et al., 2012; Peskett et al., 2008).

Social Metric 3 pursues the recommendations of Merger, Dutschke, and Verchot (2011) in looking at the inclusion of rights. Legal recognition of Free, Prior and Informed Consent or the rights of indigenous people may help to prevent expropriation of land (Beymer-Farris & Basset, 2011; Lang, 2012, November 23), abusive contracts disregarding the rights of forest-based communities (Lang, 2012, November 23), and so on.

Social metric questions include:

Social Metric 1: Is tenure reform pursued using participatory consultations and mapping?

Social Metric 2: Are democratic mechanisms for participation offered? Are representatives selected democratically by local people? Are representatives able to meaningfully influence policy? Are accountability mechanisms detailed to ensure that representatives act in the interests of their constituents?

Social Metric 3: Are human rights referenced and recognized?

3.4 Measures of Commitment

In trying to determine commitment to propositions put forward in the proposal documents, I look for the following to establish clarity and sincerity to the policies and procedures being proposed:

- Is the metric referenced in the Terms of Reference?
- Is the metric scheduled?
- Is the metric included in the budget?
- Are performance indicators (deliverables) referenced for the metric?
- Was the subject well detailed in the body of the proposal?

As stated before, REDD+ is still under construction. The earliest implemented Readiness Projects conclude in 2012, so it is too early to be able to study any substantive effect these

programs may have had. I have, therefore, focused my analysis on the Readiness Preparation Proposals (R-PPs) and the National Program Documents (NPDs). The purpose of these proposals is not to provide a finished and fully detailed document as to how REDD+ is to be implemented, but to indicate the direction intended and the anticipated outputs along the way. In analyzing these proposals, I assume that a lack of reference to a given metric or a lack of clarity in detail means that the metric is considered comparatively unimportant. Lack of reference or lack of clarity may also be a political act intended to maintain flexibility in implementation. However, in the absence of indications as to whether that flexibility will be used to exploit forest-based communities in future implementations or if it will be used to adapt implementation to meet the requirements of conditions on the ground, I will assume that lack of clarity reflects a lack of commitment.

I have developed metrics for four market metrics and three social metrics and will now apply them to the five R-PPs and five NDPs for 10 different proposals covering nine different countries. The next chapter presents the results of my analysis.

Chapter 4

Findings

In this chapter, I discuss the findings of my analysis. They largely demonstrate that market metrics receive more consistent and thorough attention than social metrics. This demonstrates a potential shortcoming which requires address if forest-based communities are to participate in REDD+ in an equitable and sustainable manner. A discussion on these findings follows.

4.1 Tenure (Market Metric 1 & 2, Social Metric 1)

Tenure is both a market metric (market metrics 1 & 2) and a social safeguard (social metric 1). Land tenure reform was recognized as problematic in each of the proposals analyzed. Some countries seemed unwilling to address the issue (Colombia, Indonesia, and Papua New Guinea). Sunderlin et al. (2009) point out that a lack of clarity on the assigning of land rights, especially when it regards state land rights, may be indicative of attempts by the state or elites in proximity to state ministries to capture profits from carbon trading. In the case of Colombia and Papua New Guinea, lack of progress is likely due to the communal nature of the rights and possible inculcation with cultural practices and social relations. This is especially true in Colombia, where customary authorities are established through democratic elections and are held locally accountable and are, therefore, less likely to be able to achieve elite capture. In Indonesia, where land rights are under state ownership, this could represent attempts by the government to capture profits from carbon rights.

Regarding Market Metric 1 (tenure reform; see Table 4.1), no clear trend is established. Five countries are conducting privatizing or allocating tenure rights, or are scheduled to. These

countries should be able to make clear payments to land holders. Those who have not implemented private tenure reforms will find it difficult to associate payments with land use change.

Of the nine different countries displayed in the table, three countries were already in the process of tenure reform (Mexico, Bolivia, Tanzania), and two had it referenced within proposals (DRC, Suriname). DRC referenced tenure reform in the Terms of Reference and Suriname included a budget for reform.

Three of these countries (Colombia, Indonesia, Papua New Guinea) were either unclear about what they planned to do about their tenure situation or, in response to previous difficulties, had indicated no inclination to change land tenure (Papua New Guinea, Indonesia). Oddly enough, Indonesia planned on using participatory methods for determining land use, but not to clarify land rights. Panama provides a more intriguing case. Panama's R-PP made no mention of clarifying land rights and went out of its way to reaffirm the right of the state over all land and the carbon therein while their NPD not only sought to clarify land rights, but to make the process participatory. While their R-PP was submitted on May 16, 2009, their NPD had no date associated with it. Changes made to policy positions between the publications of the two documents are assumed but incapable of being confirmed.

The analysis of carbon rights, which is the centerpiece of Market Metric 2 (see Table 4.1), indicates a fairly widespread intent to establish clear carbon rights, with some exceptions that raise fears of elite capture of payments premised on exchangeable carbon rights. While six countries indicated an intent to establish carbon rights (Colombia, Mexico, Suriname, Bolivia, Panama (NPD), and Tanzania). Indonesia, the Democratic Republic of Congo, Papua New Guinea, and Panama (R-PP) signaled no intent to clarify carbon rights despite public land

ownership (state and communal, respectively). Suriname scheduled it but failed to budget or mention it in its Terms of Reference.

In Indonesia's case, this could result in state capture of carbon rights. Papua New Guinea's circumstances are contingent upon how customary authorities operate. While it may represent elite capture, this depends upon whether or not customary authority is established by and practiced through democratic practices.

Panama displays a contradiction between their R-PP and their NPD. In the R-PP they explicitly state that carbon rights are under the ownership of the state while the NPD acknowledges the necessity of legal review of carbon ownership, schedules it, and budgeting it, giving all appearances that landowners might obtain the right to benefit from emission reductions.

The DRC, another country with state ownership over land, also did not make reference to clarification of carbon rights. Suriname (state land ownership) scheduled clarification of carbon rights and placed it in the Terms of Reference but failed to budget any legal review.

With the observations listed, the question quickly arises, "can REDD+ function without clarification of private tenure rights?" Studies have shown that PES can operate under common property tenure regimes (Corbera, 2010) and upon state property (Bartels et al., 2010). However, Sunderlin et al. (2009) warn that moving forward with REDD+ under such circumstances places payments at risk and exposes forest communities to potential exploitation. The overall trend is that carbon rights are largely being defined, but where they are not there are legitimate concerns for state capture of REDD+ payments.

Regarding Social Metric 1, participatory consultations and mapping in the resolution of tenure reforms were largely included where reform was already taking place. This is in the best

interest of program implementers and landholders as it resolves potential conflicts which may endanger the project. Five of the ten proposals (Panama, Indonesia, Bolivia, Mexico, DRC) contained provisions to include forest-based communities in the delineation of property rights. Indonesia included participatory measures for zoning resource use, but had no intention of reforming land tenure which is governed under state ownership. Another troubling observation was the inclusion of the right to involuntary relocation of villagers within the same paragraph in which these voluntary methods were discussed in the DRC R-PP, creating a truly troubling juxtaposition. While it is encouraging to see that four out of the six proposals which planned on conducting tenure reform planned on including participatory mechanisms for conducting the reforms, two did not plan on including such mechanisms and four of the proposals did not plan on conducting tenure reform.

Table 4.1 – Tenure (Market Metric 1 & 2, Social Metric 1)

Country	Prior/Current Tenure Regime	Land Rights: Market Metric 1	Carbon Rights: Market Metric 2	Participation: Social Metric 1
Colombia (R-PP)	Community Ownership	Unclear	Budget/Scheduled	None
DRC (R-PP)	State	Tenure Reform mentioned in Implementation Framework Terms of Reference	No Reference	Participatory Mapping to begin in 2010; Note - Involuntary Relocation reserved in the SESA
Mexico (R-PP)	Community Owned	85% completed	Budgeted/Scheduled	Reference to community involvement in legal structuring (ToR 1b-2, Component 2a), but not explicitly scheduled/budgeted
Panama (R-PP)	State	State	Explicitly State Owned	No Mention; State Legal Protections Mentioned
Suriname (R-PP)	State	Reform Budgeted/not Scheduled	Scheduled/not budgeted/ToR reference	None
Bolivia (NPD)	Community Managed	50% titled, in progress	(Output 1.4) - scheduled/budgeted/Log Frame	Budgeted/scheduled (output 1.4) and in LogFrame
Indonesia (NPD)	State	Listed as problematic, no reform indicated	None	District Based Consensus on land and forest use (Output 3.1.5) - Budgeted/Scheduled/LogFrame
Panama (NPD)	State	(Output 1.1) Scheduled/budgeted	(Output 1.1) Scheduled/budgeted	(Output 1.1) – scheduled/budgeted
Tanzania (NPD)	State	Transitioning to private	(Output 1.1.3) - budgeted/scheduled	None
PNG (NPD)	Communal	Problematic, reform difficulties	None	Referenced in risk log, nowhere else.

4.2 Market Metrics

Market metrics 3 was satisfied in each of the proposals and market metric 4 was consistently the most detailed portion of the proposals. For market metric 3 (see Table 4.2, below), nine out of ten proposals plan on following IPCC methodologies, with the exception being Bolivia, which mentioned an intention to use either FAO or IPCC methodologies, but in one place referenced FAO methodologies in the absence of IPCC methodologies. Market metric

3 establishes a very clear trend of intent to apply standardized methodologies to delineate carbon in project areas.

Each country also had detailed plans for establishing reference emission levels and for the implementation of a monitoring, reporting, and verification system. They varied in what strategies they planned to apply, what technologies they planned on utilizing, organizations that they planned to collaborate with, and synergies they claimed to be able to build upon. However, even those countries with less experience with technologies and techniques required for a REDD+ type program recognized that lower tier reference emission levels, which are less accurate and less profitable, would be suitable for entry level participation and that increases in saleable emission reductions would serve as an incentive to improve capabilities in order to achieve tier 3 or 4 reference emission levels.

Table 4.2 - Market Metrics 2 & 3

Country	Standards Body Market Metric 3	Reference Emission Levels and Monitoring, Reporting, and Verification systems detailed? Market Metric 4
Colombia	IPCC	REL & MRV detailed, scheduled, and budgeted
DRC	IPCC	REL & MRV detailed, scheduled, and budgeted
Mexico	IPCC	REL & MRV detailed, scheduled, and budgeted
Panama	IPCC	REL & MRV detailed, scheduled, and budgeted
Suriname	IPCC	REL & MRV detailed, scheduled, and budgeted
Bolivia	FAO	REL & MRV detailed, scheduled, and budgeted
Indonesia	IPCC	REL & MRV detailed, scheduled, and budgeted
Panama	IPCC	REL & MRV detailed, scheduled, and budgeted
Tanzania	IPCC	REL & MRV detailed, scheduled, and budgeted
PNG	IPCC	REL & MRV detailed, scheduled, and budgeted

4.3 Democratic Participation (Social Metric 2)

How are the interests of forest-based communities actively represented? As Cooke and Kothari (2001) illustrate, participation is necessary but insufficient to achieve meaningful representation of the interests of participants. Participation can easily be used to engineer the

appearance of consent and legitimacy, making top-down programs look as if they are the desire of marginalized communities (Hildyard et al., 2001).

Participation within the proposals analyzed can be simplified into two different categories: consultations and representation. While multiple types of consultations occurred only consultations in which inputs are to be gathered from forest-based communities are considered, as other forms of consultations offer no means of influencing project design or implementation. While these consultations are only performed to maximize the accessibility of participation within REDD+ projects in the hopes of maximizing emission reductions and thereby profits, they do achieve some minimum of democratic participation.

Table 4.3 - Consultations

Country	Participatory activities (Social Metric 2)
Colombia	Extensive Consultations on Local Level
DRC	Participation is by means of consultations
Mexico	Consultations - budgeted/scheduled; 1 consultation per year
Panama	Established consultations - scheduled & budgeted (2c).
Suriname	Culturally respectful iterative engagement with representatives of customary authorities (pg. 21) - budgeted/scheduled; NGOs/CSOs (women's groups, youth organizers, etc) also engaged.
Bolivia	Consultation (Output 2.1) - budgeted/scheduled
Indonesia	Consultation with Indigenous CSO representatives (one meeting) listed in Annex 2; Part. Training (output 3.2) - scheduled/budgeted.
Panama	Development of a "participatory" mechanism (output 1.2) - budgeted/scheduled; Participatory mechanism for resource management (output 1.3) - scheduled/budgeted; Participatory workshop on cost (output 1.4) - budgeted/scheduled.
Tanzania	Consultations (Output 4.2) - scheduled/budgeted
PNG	Participatory Reciprocal Dialogue with national multistakeholder groups (Output 5.2; budgeted/scheduled) - unclear how structured

The second category of participation was through democratic representation. Democratic representation, according to a policy process theory, is contingent upon accountability to constituents and responsiveness (Manin, Przeworski, & Stokes, 1999). Accountability depends upon the institutions, incentives, and information in place to support it (Agrawal & Ribot, 2012). Responsiveness represents the relationship between signals and policies (Manin, Przeworski, & Stokes, 1999). In relation to REDD+, how the participation of representatives of forest-based

communities is structured (responsibilities, constraints, powers) on the REDD+ bodies on which they participate will constrain the effects of their responsiveness. These proposals largely fail to address the institutional mechanisms by which representatives are chosen.

What was clear in all but two of the proposals was that there was little to no emphasis placed upon the democratic nature of involvement. The exception was Colombia & Panama's R-PP. Colombia makes references to democratic representation, outlines funding of elections for advisory groups, and details the positioning of representatives of forest-based communities on the REDD+ IWG board which is responsible for coordinating REDD+. Colombia further provides recognition of local government ownership rights, as well as recognition of the separate cultural identities of indigenous, peasant, and Afro-Colombian populations, instead of aggregating populations. Panama's R-PP has scheduled and has provided a budget for the decentralization of REDD+ administration to the provincial and Comarca (indigenous) commissions. The indigenous populations are governed by elected chiefs and are represented on the REDD+ Steering Committee. While provincial governors are appointed by the president, mayors are democratically elected and are represented on the SIA Working Committee which has a seat on the REDD+ Steering Committee. It is worth noting that Tanzania has elected district councils, but these do not have influence over the central government controlled Forestry and Beekeeping Division, but rather over decentralized local government. They, therefore, are incapable of influencing REDD+ implementation despite references to decentralization.

The inclusion of indigenous representatives in bodies deciding the design and implementation of REDD+ or otherwise monitoring and adjusting REDD+ is more empowering than consultations as representatives have greater leverage in shaping these processes and their role within them. Bargaining power is critical in ascertaining the honesty of empowerment

(Hildyard et al., 2001) and is dependent upon such things as having a vote on issues (not just a voice), proportionality of representation, and checks and balances.

In six of the proposals studied (Table 4.4, below), forest communities were represented in a body having control over REDD+ implementation. How representatives were selected and whether they were selected democratically was not detailed in three out of the six proposals (see Table 4.4). Because of the panoply of interests represented in the stakeholder arrangement (CSOs, business interests, and government ministries) there are concerns, due to lack of specificity, about proportionality and the ability of indigenous populations to effect meaningful representation (see Table 4.4). In most cases, decision-making processes and proportionality are unclear, leaving the overall picture regarding representation unclear as well.

Table 4.4 – Representation

Country	Body	Elected	Vote	Proportionality	Powers	Decisions made by
Colombia	REDD+ IWG	X	X	3 seats out of 9	Coordination	Vote
DRC	National REDD Committee	NA	?	2 seats out of 14	Admin & Oversight	?
Mexico	REDD-TF	?	?	?	REDD+ Design	?
Panama	REDD Steering Committee	X	?	1 seat SIA (including municipal gov.) & 1 indigenous of 6+	Oversight & Implementation	?
Suriname	NRWG	?	?	1 seat out of 5	Coordinating & Implementation.	Unclear
Bolivia	NA	NA	NA	NA	NA	NA
Indonesia	NA	NA	NA	NA	NA	NA
Panama	COONAPIP	?	?	Indigenous representatives only	Coordination & implementation	Unclear how it fits in with broader REDD+ organization
Tanzania	District Council	X	?	NA	Oversee government departments	?
PNG	PEB	?	?	Unclear	Overview & monitoring	Consensus
Note. NA represents Not Applicable (there was no supporting institution); X represents an affirmative; ? represents data which was unclear or absent.						

Decentralization efforts were listed in nine out of the ten proposals studied (see Table 4.5). Different proposals decentralized different powers to different structures. There was no standardized requirement that decentralization bestow administrative, economic, and policing powers down to democratically elected local government. The cases of Colombia and Panama (referenced above) are exceptions, but even in the case of Panama, decentralization is down to the provincial level, which is administered by a governor appointed by the president. What is clear in all cases is that democratic representation and involvement of forest communities in decision-making processes is not a central consideration in securing their participation. This fails to provide sufficient space to allow forest communities to exercise their prerogative and to guarantee that their involvement is voluntary and in their own interest.

Table 4.5 – Decentralization

Country	Decentralization
Colombia	Reference is made to ENREDD+ recognizing local government and intent to decentralize ownership rights, responsibilities and benefits. Annex 1b lists a map of stakeholders (including indigenous groups, peasant groups, and local governments) their mission, objectives, and roles regarding REDD+. Responsibilities overlap and it is unclear if the listed objectives are accepted by the state and by the program or simply the result of consultations.
DRC	Deconcentration of administrative powers to provincial level. Certain decision making abilities are to be decentralized to provincial level. Provincial ministers are appointed. At provincial level 1 of 3 representatives on GTCR will be from local populations. Decentralized provincial governments are “autonomous” but appear to administer top down policies, but are allowed to administer economic, human, financial, and technical resources as desired in pursuit of national policies. Decentralization of economic management of REDD - budgeted and scheduled.
Mexico	Indigenous communities governed under Community Assemblies (consensus); Table 2a lists funding of local governance and community involvement but does not stipulate what these mean.
Panama	Law on Municipal Decentralization (State); Decentralization of REDD+ to Provincial and Comarca commissions - budgeted/scheduled (2); Indigenous governed by elected chiefs. Province governors appointed by president. Municipal mayors elected & consulted.
Suriname	Decentralization of financial and administrative responsibilities of REDD through the Decentralized Local Government Strengthening Program (DLGP) - Component 4, financed by Inter-American Development Bank.
Bolivia	Already decentralized, including forestry management. Requires payment distribution development. Unsure if decentralization to democratic local government or customary authorities. REDD+ standardization for decentralized implementation (Output 3.1) - scheduled/budgeted/LogFrame
Indonesia	Decentralization focus of Outcome 3 - budgeted/scheduled/LogFrame. Decentralization descriptions are primarily focused on implementation of REDD+. No reference concerning decentralization to local democratic government.
Panama	No mention
Tanzania	District government managed by executive appointment. Elected local councilors manage wards and scrutinize departmental performance. REDD+ to operate under central government framework of the Forestry and Beekeeping Division (FBD). FBD operates under centralized government framework. REDD plans piloting of decentralized management (output 3.1, budgeted/scheduled). However, REDD is still under the auspices of the FBD, leaving it under central government control.
PNG	Already implemented (problematic) through New Organic Law) - overlapping accountability, responsibilities, etc.

4.4 Rights (Social Metric 3)

What is clear from looking at the recognition of human rights that they are unevenly recognized. If they are unevenly recognized in the proposal, they are even more likely to be unevenly applied. Requiring the acceptance of these rights could be made into a requirement for states to participate in REDD+ projects. Such conditions have been seen in the past with development programs. In the absence of the recognition of such rights, lack of informed

consent, lack of respect for rights, and further gender inequalities stand to be the anticipated outcomes.

Referencing Table 4.6, there are three primary sets of human rights which stand out as being more regularly included by the different proposals. The first one is free, prior and informed consultation/consent (FPIC). The World Bank applies a consultation requirement whereas some states maintain a consent requirement. The second set is the Rights of Indigenous People, whether based upon the United Nations Declaration on the Rights of Indigenous People (UN-DRIP), or whether provided through national legislation. The third is against Gender Discrimination, whether provided through the UN Convention on the Elimination of All Forms of Discrimination against Women or otherwise.

The pattern that emerges regarding the recognition of human rights in these proposals is that where they were required, there they are included. In each of the five R-PPs in which FPIC is a requirement, FPIC was included. Of the five NPDs analyzed, it was only included in one (Panama), and referenced in an annex in another (Tanzania). Panama, however, is also funded by the FCPF, which requires FPIC, and has FPIC built into their national General Environment Law. This might help to explain why it is included in their NPD.

There are far fewer inclusions of indigenous rights. Of the ten different cases analyzed, only three countries recognized indigenous rights. Of those three different nations, two of them (Colombia and Panama) already had those rights constitutionally protected or recognized under legislation prior to the introduction of REDD+.

Gender rights were only recognized in two out of the ten proposals analyzed (DRC and Mexico). Miscellaneous other references to rights were also invoked. Suriname budgeted,

scheduled, and placed within the Terms of Reference implementation of World Bank safeguards.

Similarly, Tanzania referenced respect for “UNDP principles.”

Table 4.6 – Rights

Country	FPIC	Indigenous Rights	Other
Colombia	Integration Budgeted/Scheduled	Constitution; Proposed UNDRIP Integration - Budgeted/Scheduled	None
DRC	FPIC	UN-DRIP	UN Convention on the Elimination of All Forms of Discrimination against Women
Mexico	FPIC (SESA)	None	Gender Equality (SESA)
Panama	FPIC (Law 41)	Indigenous Rights to benefit from Lands (Law 41)	None
Suriname	budgeted/scheduled (1b)		Implementation of World Bank safeguard (2d) - budgeted/scheduled/ToR.
Bolivia	None	None	Ambiguous reference to human rights (Output 1.6) - budgeted/scheduled/or Logframe
Indonesia	None	None	Rights enforcement and accountability – rights not detailed (Output 3.2; scheduled/budgeted/LogFrame)
Panama	FPIC (Law 41)	Indigenous rights to benefit from land (Law 41)	None
Tanzania	FPIC (in annex though)	None	UNDP principles reference
PNG	NONE	NONE	NONE

4.5 Summary

Privatization of land rights or tenure reform which otherwise assigned land ownership was not applied throughout all proposals, being present in only six out of ten, with the majority of those failing to do so operating under state land ownership. This will create difficulties in distributing payments to participating landholders for those who have no plan to reform tenure. Most proposals (six out of ten) planned on clarifying carbon rights. Most of those which did not operate under state property ownership, raising legitimate concerns regarding state capture of REDD+ benefits. Four out of the six proposals which planned on conducting tenure reform planned on including participatory mechanisms for conducting the reforms, while three out of the six proposals planning to clarify carbon rights planned on using participatory methods.

Market metric 3 was applied in each of the proposals and establishes a very clear trend of intent to apply standardized methodologies to delineate carbon in project areas. Market metric 4 was consistently the most clearly detailed metric. Each country had detailed plans for establishing reference emission levels and for the implementation of a monitoring, reporting, and verification system.

There was remarkably little emphasis placed on the democratic nature of involvement, with only two of the proposals openly addressing the matter. Forest communities were represented in a body having control over REDD+ coordination or implementation in only a slim majority of cases. However, how representatives were selected (whether democratically or not) was not detailed in three out of the six proposals. Decentralization efforts were listed in nine out of the ten proposals studied. Of these, three appeared to be decentralization to democratic local governments. One proposal decentralizes to locally elected indigenous government, but also to a provincial government operating under executive appointment. There was no standardized requirement that decentralization bestow administrative, economic, and policing powers down to democratically elected local government. Human rights were acutely unevenly and even misleadingly applied (FPIC often was under consultation instead of consent), with few recognizing indigenous rights or gender equality.

Chapter 5

Conclusions

To explore the importance of social safeguards in REDD+, this study analyzed five different R-PP and NPD proposals (ten proposals total) to determine whether or not social safeguards protecting forest communities are detailed as consistently and explicitly as market components required to integrate REDD+ into the global carbon market. This was done in order to address the questions of how forests and forest communities are integrated into the world-economy through REDD+ and whether or not it was empowering.

My analysis indicates that social safeguards were not as consistently applied as market components. Market metric three was referenced in each proposal. Market metric four was consistently well defined and had detailed budgets and schedules. Market metrics one and two require some qualifications; four out of the ten proposals were insufficiently detailed. This lack of clarity concerning tenure and carbon rights has been observed and remarked upon by researchers (Sunderlin et al., 2009). While defined private tenure rights are an assumed requirement for PES, programs have been demonstrated within common and state property tenure regimes (Bartels et al., 2010; Corbera, 2010). Resistance to clarifying tenure rights within nations with state owned property regimes may represent an attempt to capture profits from REDD+ programs while resistance in indigenous-controlled common property regimes may be a reflection of the inability to tease tenure out of its social relationships and cultural elements (Streck, 2009).

Social safeguards were not as consistently applied as those requirements for integration into the market. In all but two of the proposals, there was little to no emphasis placed upon the

democratic nature of involvement. While four out of six tenure reforms and three out of six carbon rights reforms involved participatory mechanisms, this was out of ten proposals. Human rights were not evenly applied. Where they were applied, they frequently were applied in a manner inconsistent with their purpose. Inclusion of free, prior and informed consultation by the World Bank's Forest Carbon Partnership Facility (FCPF) in their R-PPs fall far short of free, prior and informed consent and was only included to counter resistance to World Bank development projects (Goldman, 2005; Griffiths, 2008; Hildyard et al., 2001). Participation is widely referenced throughout the proposals, but undefined, appearing to be applied in a managerial manner consistent with Cooke and Kothari's (2001) observations. Clarification is required to define how representatives are selected, how they are kept accountable to their constituents, and how they are empowered to responsively pursue the interests of those they represent. Choice of institutions recognized requires further consideration as well.

Decentralizing powers to customary authorities versus democratic local government will result in differences in recognition of local identities and their associated rights, as well as the role this plays in the production of a public forum (Ribot, 2007). Further, statements consistent with Pagiola et al. (2007), that poverty alleviation is not a priority in PES, cast spatial analyses of social and environmental impacts associated with protection of livelihoods in a cynical light. Without appropriate pro-poor measures, such tools risk being used to target and exploit a cheap labor force and cheap rents in pursuit of emission reductions.

The significance of these findings is that social protections are not sufficiently specified in the REDD documents to ensure equal consideration with those elements, such as reference emission levels, aimed to establish market integration. Inclusion of democratic mechanisms of representation and participation need to be more thoroughly elaborated upon and referenced. As

the proposals studied stand, potential safeguards may be utilized for cross-purposes and are not pro-poor. In order for REDD+ to effectively achieve emission reductions that can promise to meet permanence standards and avoid leakage, forest communities must voluntarily participate. Salesmanship and maintenance of information asymmetries can only go so far in creating willing and committed participation. What is required is democratic participation and recognition of the rights and cultures of forest communities.

Progress does appear to be being made on social safeguards for REDD. Rutt's (2012) review of social safeguards indicates that the UN-REDD and the FCPF are both increasingly focused on providing safeguards. The UNFCCC has also increasingly integrated the need for safeguard inclusion into their agreements as represented in the Cancun Agreement (UNFCCC 2011) and the Durban Document (UNFCCC 2012a). How they will fit into government reforms which are already underway and which are facilitating pilot programs conducted for demonstrational purposes is still a question, as are enforcement mechanisms. As Ribot (1995) demonstrates concerning forestry reforms in Senegal, reforms require proper institutionalization, or they will be ignored or abused. Will the safeguards adopted provide adequate political space to allow forest communities to truly control the terms of their participation? Will safeguards be required or sporadically applied? If safeguards are not implemented evenly, will the world-economy label such implementations "uncompetitive" and discipline them?

Appendix

Social Consequences of PES in Practice

In a recent review of PES programs, Tacconi et al. (2010) drew case studies from 9 different PES programs implemented across Africa, Asia, and Latin America. Their findings indicate that these programs have resulted in positive livelihood benefits. Gains include increases in income, diversification of livelihoods through technical assistance programs, development of communal institutions for resource management collaboration, and increased proximity to the state through implementation agencies. Each case, however, had its own unique problems hidden in this blanket positive assessment.

Uganda (German et al., 2010) and Mozambique (Jindal, 2010) featured frontloaded payment systems, where income gains were designed to be alluring, allowing participants to overcome startup costs, which otherwise would have acted as barriers to participation. This resulted in heavier upfront payments, but raised questions concerning program compliance in upcoming years where reduced payments or no payments would be forthcoming.

In some of these programs (Jindal, 2010; Osborne, 2011), contract lengths are for 100 year periods, in order to obtain higher premiums which come with achieving permanence requirements stipulated by the IPCC. However, payments are only disbursed over the first few years of this 100 year contract. Further, even though carbon offsets meeting the permanence requirement can fetch a higher price than those which do not, such offsets provide participants increased incomes only marginally above those of non-participants who are not bound to 100 year contracts and who retain the right to use their land as they please (Jindal, 2010).

It is also apparent that no carbon market readily exists for these offsets to be produced and traded upon. Instead, what we see is an array of institutional diversity involved in mediating these contracts (Tacconi et al., 2010; Vatn, 2010). This is affirmed in the inability of payments to be made directly to participants upon conditionality. Although in Mozambique (Jindal, 2010), Nicaragua/Colombia (Rios & Pagiola, 2010), and Uganda (German et al., 2010) PES payments went directly to households, in Brazil (Bartels et al., 2010) and Mexico (Corbera, 2010) they went to community-based institutions, which then allocated payments. In all of these cases the funds were managed by the state, which acted as a key intermediary between participants and the market.

Other key problems with PES as implemented so far, from a Coasean perspective, were the high transaction costs, which were found in each case study and which sometimes ran as high as 66% of revenue earned (Jindal, 2010). Tacconi et al. (2010) conducted their study of the livelihoods of functional PES programs under the assumption that opportunity and transaction cost analysis required to spatially target land use interventions to maximize results and returns would have been conducted and available for analysis. This assumption proved false for various reasons. In the case of Brazil (Bartels et al., 2010) a lack of focus on economic incentives also saw a lack of emphasis on meeting conditionality and avoidance of the varied transaction costs involved with implementing a functional MRV and conducting a rigorous REL.

While the guiding principle of PES is the idea of associating economic incentives with environmental outcomes, Corbera (2010) illustrates that this is not always the outcome. Corbera (2010) details the Mexican Payments for Carbon, Biodiversity, and Agroforestry Services (PSA-CABSA) PES program ushered in by the 2003 General Law of Sustainable Forest Development. While the program targeted poor/marginalized communities for greater pay, strict eligibility

requirements between 2004 and 2006 were extremely difficult to meet, with rejection rates of over 80%. These eligibility requirements were especially prohibitive for poor communities. Extensive capacity training and testing of service extenders have since been conducted, resulting in higher acceptance rates with rejections dropping to 50% between 2007 and 2008. The program has been successful in establishing a normativity of conservation, however, payments for participation were below opportunity costs and participants reported recognition of this in interviews and surveys. Although Corbera claimed the program targeted the poor, this was due to land redistribution policies that were the result of the 1910 Mexican Revolution and the 1917 Mexican Constitution. To say that PES targets the poor in this case is to say that it targets rural land use.

The description by Bartels et al. (2010) of the Brazilian Proambiente PES program further demonstrates how PES can sometimes fail to associate payments with outcomes. In the Proambiente program, funds are disbursed to families by Fundo Constitucional de Financiamento do Norte, with extension service financed by the Ministry of Environment. This funding has been plagued by bureaucratic irregularity and has focused more on assisting to provide “help with costs” funds for overcoming capital requirements for participation in the PES program. Payments through the program do not exceed opportunity costs. However, participants primarily participate to learn techniques to diversify livelihoods and to augment incomes when possible. Further, the program does not conduct MRV because of the costs involved and cannot guarantee conditionality, or that leakage has not occurred. Payments fail to be connected with results because neither can be guaranteed.

Jindal (2010) analyzed the Nhambita Community Carbon Project (NCCP) in Sofala province, Mozambique, a program which combined A/R activities with REDD activities to

produce private incomes and a communal trust fund for communal investments, as well as support of micro enterprises and other alternative livelihoods. The NCCP pays individual smallholders living on communal land, who were allotted rights to the land by the community for carbon sequestration through agroforestry efforts. The NCCP also raised funds through community reductions in deforestation and forest degradation (REDD) in community owned miombo woodlands and democratically allocated funds to community infrastructure investments. These funds subsidize micro enterprises to provide alternative livelihoods that were supported or otherwise integrated into these afforestation and conservation efforts. To achieve permanence and attract higher prices, contracts are for 100 year periods while payments conclude within the first seven years of the project. While payments for households receiving income from agroforestry contracts were US\$1435.40, non-participants received an average annual income of US\$1200 and retained flexible land use. While an innovative program, it draws attention to the unfairness of the contracts and payment schemes. Tacconi et al. (2010) also draw attention to the lack of understanding in participants about contract duration, questioning compliance once funds run out, as well as the intergenerational fairness of such long contracts.

Another innovative program design was illustrated by Rios and Pagiola (2010), who detailed the Regional Integrated Silvopastoral Ecosystem Management Project in Nicaragua and Colombia, with a specific emphasis on analyzing the ability of poor households to participate. Participation amongst the poor was determined by categorizing participants on three socioeconomic levels (very-poor, poor, non-poor) based on income in relation to the poverty line in Nicaragua and Colombia. The program paid participants US\$75 per incremental point of land use change in an Environmental Service Index in which points correlated with more beneficial land-use changes. This point system allowed inclusion of land-use changes with less-stringent

requirements and smaller rewards in order to facilitate participation by poor households. While the extremely poor were found to be capable of participating successfully, attention was drawn to the fact “it takes three contacts with low income households to achieve the same [emission reductions] as a single contract with a high income household” (Rios & Pagiola, 2010, p. 238) while low income households entail greater transaction costs and greater inefficiency. This is no insignificant observation, as the carbon market is set to operate under a differential opportunity cost mechanism in which PES providers will compete on the basis of price with other PES providers, meaning that the poor will be inefficient and driven out of the market unless capable of driving down price which is largely a reflection of transaction costs.

Beymer-Farris and Bassett’s (2011) study of the Warufiji people of the Rufiji Delta in Tanzania illustrates how the poor are sometimes targeted as drivers of deforestation and forest degradation in an effort to make implementation of REDD readiness projects easier by removing the human element from the equation. The Warufiji people, residents of the Rufiji Delta for over 2000 years, were labeled squatters on their tribal lands through legislation in 1957, with further legislation in 1987 and 2002 limiting forest related activities in the Delta. While the forest was placed under joint forest management, in which an elected village council representative coordinates with the national or district-level government, the government is not required to listen to village representatives, rendering participation a farce. Instead, “participation” legitimates government policies that reduce the livelihoods of the Warufiji without providing alternative livelihoods.

The World Wildlife Foundation has had programs in the area since 2004, including a reforestation program, and has been working towards implementation of a REDD project in the Delta (Daily News, 2011). The activities endangering the mangroves, as listed on the WWF

website, are the livelihoods of the Warufiji people (Cook, 2009). In order to simplify the legibility of REDD in the Rufiji Delta the Warufiji have been fictitiously labeled as invaders in order to legitimate their expulsion to a global public (Beymer-Farris & Bassett, 2011). On October 28th, 2011, the Tanzanian government, on behalf of the Mangrove Management Project, forcibly evicted thousands of Warufiji villagers from their forests, burning their homes so they could not return (Daily News, 2011; Lang, 2012, May 9). On top of portraying the poor as the drivers of deforestation and forest degradation, it also illustrates that involvement of transnational social movements such as the WWF does not always support the empowerment of local populations by bringing a counter power to the state into the equation, but can serve instead as the legitimating force for coercion and violence by the state or other international interests.

The involvement of the WWF in the Rufiji Delta also serves to illustrate the role corruption and embezzlement of international funds can play in REDD+ projects. Since Beymer-Farris and Bassett (2011) report, the Tanzanian WWF REDD+ project has subsequently been halted on the basis of corruption and embezzlement charges. An estimated US\$200,000 of the US\$1.3 million “Strengthening Capacity of Environmental Civil Society Organizations” program funded by the Norwegian government disappeared, reportedly through purposefully exaggerated per diems. The embezzlement charges led to the resignation of WWF’s Tanzania country director Stephen Mariki, along with one other manager and thirteen other employees (Makoye, 2012). This serves as an example of how intermediaries can utilize information asymmetries between fund providers and service providers for unlawful purposes and potential gain.

German et al. (2010) illustrates how PES can violate customary laws, as well as be implemented under contracts of questionable fairness. The Trees for Global Benefits program in

the Bushenyi district of Uganda grew out of the 2002 Forestry Sector Review inquiry into policy reforms necessary to become CDM compliant. The landless poor, under customary law, used to have rights of access to fallow lands. However, it is these fallow lands which are used in the PES program, effectively preventing the landless from gathering fuel, grazing animals, and cultivating the land, which increases the vulnerability of the most vulnerable subsection of the population. There are also questions about the fairness of contracts which pay 50% of the total PES payment for a 20 year contract in the first year. In 2005-2006, the initial payment was US\$250 compared against the US\$94 average rural income non-participants received. However, much of this initial payment is to cover startup costs to ensure participants can participate. Yearly disbursements of remaining funds are well below opportunity costs, at US\$13 per year.

Osborne's (2011) analysis of the Scolel Té carbon forestry project in Chiapas, Mexico illustrates how the costs of forest conservation can unequally burden the forest communities who implement these programs. Utilizing Ribot and Peluso's (2003) theory of access, Kautsky's agrarian question, and Harvey's theory of accumulation by dispossession, Osborne asks how farmers actually benefit (versus how they should, theoretically) from farming mediated by capitalistic relations which are continually enclosing farmers land. This process of enclosure manifests through the preoccupation of labor in REDD-related activities, as well as committing land to REDD and thereby constraining its alternative uses for contracts which run through four separate twenty-five-year cycles (one hundred years). Despite these burdens, indigenous smallholders are forced to participate in order to attain tenure security and to prevent land use by forest invaders.

Fairhead et al. (2012) suggest how REDD+ can be a tool utilized as a new form of land grabbing, legitimated upon a global conservation narrative. The review of numerous REDD+

programs and other conservation projects illustrate what they refer to as “green grabbing” which does not entirely alienate previous tenants from the land, but instead “[restructures] the rules and authority over the access, use and management of resources, in related labor relations, and in human-ecological relationships...” (Fairhead et al., 2012, p. 239). This process of restructuring is highly contextual and contingent, relying upon the history of previous iterations of public enclosures to legitimate the current episode. This is part of a global process, legitimated on an international need for foods, fuels, and carbon sinks, which sees the communal or public rights of local populations enclosed and reserved for private use on a global market.

A study by Leggett and Lovell (2012) reported extensive elite capture in Papua New Guinea (PNG) REDD+ program operated by EarthSky, Ltd., with the authors going so far as to call upon the government of Papua New Guinea to shut the project down. In PNG, legal recognition of representation of clan community rights occurs through registration as an Incorporated Landowner Group or Landowner Company. This process is very complex, allowing individuals to exploit information asymmetries and to take advantage of their position. In this case, Hunstein Range Holdings Ltd, the established representative of the April-Salomei peoples, committed the lands they manage and the people they represent to REDD+ without their free, prior informed consent but claimed to have obtained their consent in documents reported to EarthSky, Ltd. Analysis of the project design by Leggett and Lovell (2012) concluded that benefits would accrue to project implementers who were taking advantage of their position between EarthSky, Ltd. and the April-Salomei people to profit from the project, while very few benefits would trickle down to landowners who were under-informed about the project and had no hand in its design. Implementation costs and livelihoods restrictions, however, would be entirely borne by landowners.

There are further reports on news blogs such as www.redd-monitor.org which underline conflicts and problems in REDD+ implementation as they arise, which otherwise might not make it into academic articles or studies. These reports highlight the many inequalities and power asymmetries in the implementation of these projects and the overlooked conflicts that arise in their application. One such report (Lang, 2012, November 23) detailed the Guaraqueçaba Climate Action Project in the Ecuadoran Amazon. This is a REDD+ type project operated by Chevron, General Motors, and American Electric Power with the assistance of conservation organizations such as the Society for Wildlife Research and Environmental Education and The Nature Conservancy. The project controls deforestation and forest degradation by using armed guards to police access (and in some cases kill offenders), preventing indigenous people from accessing their forests and restricting their livelihoods. In another case detailed in the same report, the UK-based New Forest Company, partially owned by HSBC bank, forcibly evicted 22,000 people in the Mubende and Kiboga districts in Uganda in their private REDD+ type project. These are just two illustrations of a frequent disregard for the human element, which is occluded in a process of commodification that obstructs a complex series of relationships behind a price tag.

These different case studies illustrate concerns with the implementation of REDD-readiness projects and other PES projects and demonstrate the need for safeguards. We saw that the *prima facie* assumption that participation in a PES program is always better than non-participation, premised upon payments exceeding opportunity costs, is not always accurate (Bartels et al., 2010; Corbera, 2010; German et al., 2010). We learned that frontloaded contracts and misleading payment schedules were common (German et al., 2010; Jindal, 2010), and that many contracts had unreasonable lengths (Jindal, 2010; Osborne, 2011). The poor were

sometimes targeted as the drivers of deforestation and forest degradation and subjected to restrictions on forest livelihoods and evictions (Beymer-Farris & Bassett, 2011; Daily News, 2012; Lang, 2012, May 9). We read of the propensity towards elite capture (Lovell & Leggett, 2012) and towards corruption and embezzlement (Makoye, 2012, March 2). There was also evidence of PES programs being used as a new form of land grabbing (Fairhead et al., 2012), as well as their tendency to place undue burden on the participants (Osborne, 2011) and indirect costs on nonparticipants (German et al., 2010). These all illustrate the impact which PES programs can have on the livelihoods of marginalized forest communities and challenge the *prima facie* assumption that participation is always the more rational choice.

These different case studies illustrate concerns with the implementation of REDD+ and other PES projects and demonstrate the need for safeguards. While sold on the normative basis of sustainable development and poverty alleviation, many are in fact resulting in eviction, violence, and reduced access to forest livelihoods as well as shifting the cost for emission reductions from developing nations onto forest communities in developing nations. The question is, can solutions be found which safeguard the vulnerable in developing nations and what might these look like?

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