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### Agents, assumptions and motivations behind REDD+

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## 6. The Assumed Equity of REDD+

### 6.1 Introduction

This chapter contributes to the research question why agents have promoted REDD+ by analyzing the question whether scholars and key actors assumed REDD+ to be equitable. The main equity dimensions of an international regime can be distinguished as its contextual equity, the procedural equity of its development process and the distributive equity of its outcomes (Schlosberg, 2004, Cattaneo et al., 2010; McDermott et al., 2013; Chomba et al., 2016; see also Sikor, 2011).

This chapter highlights a number of legal and pragmatic arguments to strive for equity in the REDD+ regime (6.2). It subsequently analyzes the contextual equity of REDD+, focusing on land tenure and forest governance (6.3). It continues with an analysis of procedural equity (6.4) and distributive equity in REDD+ (6.5). It includes an analysis of the role of intermediaries in REDD+ from an equity perspective (6.6). It ends with an analysis of the implications of the contextual inequities that are inherent in the forest sector for the equity of the REDD+ regime, and the “beneficiary pays” principle that forms the basis of REDD+ (6.7).

### 6.2 Pragmatic and Legal Arguments for REDD+ Equity

The equity issues in REDD include procedural and distributive equity. The equity embodied in international regimes is important for their legitimacy; a regime that fails to address social and environmental justice and human rights compromises its legitimacy (Mohammed, 2011; Benessaiah, 2012; Laing and Palmer, 2015). Most scholars have argued that REDD+ will reinforce contextual inequities between different local and global actors, if it fails to include equity as an explicit aim (Agrawal, 2007; Huberman, 2009; Novotny, 2010; Okereke and Dooley, 2010; Newell, 2012; McDermott et al., 2013; Chomba et al., 2016).

There are important pragmatic and legal arguments to promote equity in the REDD+ regime. Social dynamics, and the legitimacy<sup>306</sup> of the REDD+ regime in the eyes of local actors, play a key role in ensuring the effectiveness and efficiency of the regime in terms of addressing the drivers of forest loss, and avoiding leakage, impermanence, a lack of additionality and other phenomena that will undermine the environmental integrity of the climate regime (Boyd et al., 2007, Levin et al., 2008; Cattaneo et al., 2010; Hayes and Persha, 2010; Novotny, 2010; Mohammed, 2011; Benessaiah, 2012; Reynolds, 2012; Krause and Nielson, 2014, see Chapter 4). However, in reality only a few of the above-mentioned dimensions are explicitly addressed by the REDD+ regime, and only as a safeguard, not as a central aim (Cattaneo et al., 2010; Okereke and Dooley, 2010; Larson, 2011).<sup>307</sup>

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<sup>306</sup> The legitimacy of a regime can be defined as the acceptance of its rules and standards of behavior by a community or other stakeholders that are affected by them (Biermann and Gupta, 2011; Krause and Nielson, 2014).

<sup>307</sup> Decision FCCC/CP/2010/Add.1.

The UNFCCC itself<sup>308</sup> and the CBD<sup>309</sup> provide a legal mandate for countries to strive for equity and the fair sharing of costs and benefits in climate and forests regimes (Morgera and Tsoumani, 2010). The REDD+ safeguards that were adopted in 2010<sup>310</sup> urge countries to address some of the contextual equity issues that might undermine REDD+, including weak forest governance and potential land tenure conflicts (Saravesi, 2012). The safeguards include a reference to the UN Declaration on the Rights of Indigenous Peoples (2007), which enshrines a broad range of cultural, economic and political rights of Indigenous Peoples regarding the forests on their territories (Lesniewska, 2014). The 2013 UNFCCC COP Decision to ask Parties for regular information on how the safeguards are being implemented<sup>311</sup> might also motivate enhanced compliance (Saravesi, 2012). However, countries are expected to develop their own safeguards information system; there is no independent verification; and there are no incentives for REDD+ countries to be frank about implementation as reporting on implementation failures will have funding consequences.

The REDD+ safeguards themselves can be seen as a result of contextual inequities, as they are based on industrialized country-based models and perceptions of democracy and implementability of voluntary standards that are not necessarily compatible with the standards, governance models and enforcement capacities of forest-dependent peoples in developing countries (Krause and Nielson, 2014; see also Huettner, 2012; Saravesi, 2012). Safeguards cannot be expected to overturn existing social, economic and cultural practices and realities and unbalanced power relations in developing countries (Krause and Nielson, 2014). As the relevant UNFCCC Decision only asks its Parties to “take into consideration” these safeguards, their legal status is uncertain (Lesniewska, 2010; Saravesi, 2012). It has also been cautioned that safeguards will cause a relatively large percentage of REDD+ funding to flow to international consultants that assist in developing, monitoring and verifying reductions (Seymour, 2008).

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<sup>308</sup> The UNFCCC, at its 16<sup>th</sup> COP, adopted equity as an overarching principle. It also adopted a series of safeguards to REDD+ that address the contextual, procedural and distributive equity of the REDD+ regime. Decision FCCC/CP/2010/Add.1.

<sup>309</sup> The Convention on Biological Diversity (CBD) calls on Parties to equitably share the benefits arising from the utilization of "the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity" (Article 8(j), Convention on Biological Diversity, 1992). The CBD preamble and various decisions of the CBD related to forest biodiversity (CBD Decision VI/22, 27 May 2002), sustainable use ("Addis Ababa Principles and Guidelines for the Sustainable use of Biodiversity", adopted by CBD COP Decision VII/12, 13 April 2004), Annex II), protected areas ("Programme of Work on Protected Areas", Decision VII/28, 13 April 2004) and the implementation of the above-mentioned article (e.g. the "Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities, in Article 8(j) and Related Provisions" (CBD COP 7 Decision VII/16F, 13 April 2004) recommend respect for the rights of indigenous communities, including their right to Free Prior and Informed Consent regarding activities that take place on the territories, sustainable income-generating programs for indigenous and local communities, equitable sharing of benefits between stakeholders at all levels, and addressing socio-economic failures that cause biodiversity loss.

<sup>310</sup> Decision FCCC/CP/2010/Add.1.

<sup>311</sup> Decision 12/CP.19, FCCC/CP/2013/10/Add.1.

Several REDD+ donors have adopted their own safeguards. For example, the UN-REDD Program has adopted a set of Social and Environmental Principles and Criteria<sup>312</sup> to which the supported countries should adhere (Saravesi, 2012). However, it is not clear whether and how UN-REDD or other donors can enforce compliance with these safeguards (Saravesi, 2012), as funding decisions are normally made by the participants in these multilateral mechanisms, and compliance with safeguards is not always high on their agendas.<sup>313</sup> The pressure from CSOs, has convinced some donors to condition their support on the adoption of a national strategy to promote compliance with safeguards (Arhin, 2014). Many forest carbon offset projects adhere to voluntary standards (Headon, 2009) as a positive story about the social impacts of their scheme can enhance the commercial value of carbon credits (Van der Hoff et al., 2015).<sup>314</sup>

As most countries are still in the Readiness phase of preparing their REDD+ programs, there is little empirical evidence on the equity of REDD+ programs. Analysis of the social impact of existing forest carbon offset projects financed by the voluntary market can serve as an indication, but it should be noted that the research methodology used in these studies has been criticized for suffering from a selection bias, a lack of quantitative or otherwise objective data, a lack of baseline, a disregard of leakage or other indirect effects, and a failure to provide a counter-factual analysis of the socio-economic situation prior to or in absence of the project (Wunder et al., 2008; Lawlor et al., 2013). There has been a tendency to describe incentives to motivate activities as benefits and often the assumed social benefits are self-reported, anecdotal, merely speculative or hypothetical. (Holm, 2007; Caplow et al., 2011; Zaballa Romero et al., 2013).

Several interviewees felt that there was quite some attention for equity issues in the international REDD+ debate, but that they were not sure whether this had led to more equitable REDD+ implementation, as this depends very much on the country context.<sup>315</sup> However, some were hopeful that the attention would make it easier to hold governments accountable regarding the equity of national REDD+ implementation.<sup>316</sup>

Others pointed out that because poverty alleviation, or equity in general, is not part of the objective of REDD+, the regime will not contribute to reducing poverty or enhancing social justice in general.<sup>317</sup> The legal mandate for REDD+ equity is not binding and only partially complied with. Some criticized the REDD+ safeguards as having been drafted on the basis of industrialized country concepts of procedural and distributive equity and assuming an enforcement and independent monitoring capacity that is often lacking in the main REDD+ countries, thus reinforcing contextual inequities. They argued that the social dimension has been lacking from the start in the REDD+ scheme and that there are only theories, no practical tools, while the main focus is on financial resources.<sup>318</sup>

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<sup>312</sup> See [http://www.UN-REDD.org/multiple\\_benefits\\_sepc/tabid/54130/](http://www.UN-REDD.org/multiple_benefits_sepc/tabid/54130/) (last visited 10 June 2016).

<sup>313</sup> Personal observation.

<sup>314</sup> For example, in Uganda, a combination of local opposition and negative publicity caused the failure of for-profit forest carbon offsets projects (Reynolds, 2012).

<sup>315</sup> Interview 22, September, 2012; interview 29, October 2012.

<sup>316</sup> Interview 22, September 2012.

<sup>317</sup> Interview 9, March 2012.

<sup>318</sup> Interview 34, December 2012; interview 61, January 2015.

## 6.3 Land Tenure, Governance and the Contextual Equity of REDD+

### 6.3.1 The Relation between Governance and Tenure

Contextual equity can be defined as the pre-existing conditions that influence the ability of different actors to participate in and benefit from a regime in an equitable manner, and as such it sets the basis for the two other dimensions of equity (Corbera and Brown, 2008, McDermott et al., 2013, Chomba et al., 2016). There are two key contextual equity issues: land tenure and forest governance (Okereke and Dooley, 2010; Hein et al., 2015). There is broad recognition that addressing these issues is a pre-condition for REDD+ (Asquith et al., 2002; Jindal et al., 2008; Börner et al., 2010; Börner et al., 2011; Larson, 2011, 2011; Bluffstone et al., 2013; McDermott et al., 2013), and that countries should not be “rushing” toward a REDD+ regime without previous investments in national-level governance (Fosci, 2014: 182). However, in reality REDD+ is already being implemented all over the world while these issues have remained unaddressed (Lesniewska, 2010; Phelps et al., 2010; Larson, 2011; Dulal et al., 2012). For example, the government of Panama estimated in 2010 that it would need at least 32 years to clarify all land tenure in the country (Peterson et al., 2012). From an analysis of 40 REDD+ projects, Lawlor et al. (2013) concluded that only 12 intended to enhance the land tenure of local actors, and a review of 25 REDD+ country proposals to the FCPF revealed that they did not adequately address issues like governance, equitable benefit sharing, transparency, land tenure or law enforcement (Phelps et al., 2010).

Secure forest land tenure, in terms of the capacity of actors to govern their area and determine whether a forest is being conserved or not, is a pre-condition if REDD+ payments are to play a role in motivating those actors to reduce forest loss (White and Martin, 2002; Grieg-Gran et al., 2005; Boyd et al., 2007)<sup>319</sup>. Insecure land tenure has been recognized as a risk for REDD+ project developers (Phelps et al., 2010). While some hope that REDD+ will form an incentive for governments to recognize customary tenure systems (Roessing Neto, 2015), others caution that there has been a tendency to exclude actors without a formal land title, like women, from PES mechanisms, even if these people had a major role in managing the forest (Grieg-Gran et al., 2005; Corbera et al., 2009; De Koning et al., 2011; Skutsch et al., 2013). Recognized forest tenure rights do not necessarily imply a right over the carbon stored by those forests, as governments often claim ownership over carbon rights and the related REDD+ benefits (Boyd et al., 2007; Okereke and Dooley, 2010; Larson, 2011; Karsenty et al., 2012; Leggett and Lovell, 2012), although some hope that the recognition of community carbon rights<sup>320</sup> through REDD+ mechanisms might trigger recognition of community tenure rights (Karsenty et al., 2012).

### 6.3.2 Contested Tenure

Contested tenure has been identified as the main source of conflict in REDD+ and in forest governance in general (Yasmi et al., 2012). As fertile areas that are close to urban centers and/or infrastructure are more attractive for agriculture, the world’s remaining

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<sup>319</sup> See also Wunder, 2007; Pagiola, 2008; Huberman, 2009; Wunder and Wertz-Kanounnikoff, 2009; Börner et al., 2010; Larson, 2011; Vatn et al., 2011; Barr and Sayer, 2012; Dulal et al., 2012; Karsenty et al., 2012; Skutsch et al., 2013; Resosudarmo et al., 2014; Robinson et al., 2014)

<sup>320</sup> Carbon rights can be defined as “intangible assets created by legislative and contractual arrangements that allow the recognition of separate benefits arising from the sequestration of carbon in the biomass” (Karsenty, 2012, p. 21).

forests are often located in remote, inaccessible or otherwise unattractive areas like mountains or wetlands, or in countries with little infrastructure (Angelsen, 2007). Most people who live in these economically marginal and/or remote areas are economically and politically marginalized, and as a result “local groups are usually the least powerful among the different parties interested in conservation” (Agrawal and Gibson, 1999: 641; see also Boyd et al., 2007; Seymour, 2008; World Bank, 2009). Moreover, these poor communities tend to depend disproportionately on free access to forest resources for their livelihood, while these resources play a major role in a diversified portfolio of income-generating activities that provides security against unexpected economic, climatic and environmental shocks (Boyd et al. 2007; Sommerville et al., 2010; Dulal et al., 2012). The forest tenure rights and management systems of forest-dependent communities have seldom been formally recognized. Table 6.1 illustrates that most of the world’s forests have been claimed by the central government as State property (White and Martin, 2002; Agrawal, 2007; Sunderlin et al., 2008).<sup>321</sup>

**Table 6.1 Ownership of forests and wooded lands**

	<b>Government</b>	<b>Private</b>	<b>Recognized community land</b>
Africa	96.3%	1.4%	2.3%
Asia	70.8%	1.3%	27.9%
Latin America	73.6%	10.0%	16.4%
Developed countries	83.1%	15.8%	1.1%

*Source:* Agrawal, 2007: 114/115.

Based on Agrawal (2007), 14.1% of forested land is under community recognized community tenure, but Table 6.1 shows that this figure is higher for Asia and Latin America than for Africa. Based on a forest tenure analysis of the top-30 forested countries, White and Martin (2002) estimated that at least 22% of the forests in developing countries is under recognized community tenure. However, there often is a “striking gap” between formal forest tenure and the reality on the ground (Bruce, 2012: 3; see also Unruh, 2008).<sup>322</sup> For example, Börner et al. (2010) found that 67% of the threatened forests in the Brazilian Amazon were subject to unclear land tenure (see also Brown, 2010).

More recently there has been a trend to decentralize forest management and recognize the tenure rights of Indigenous Peoples and local communities over forests (Sunderlin et al., 2008; Lemaitre, 2011). This is partly a result of the clear recognition of the UN agreements such as the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIPs) and particularly ILO Convention 169<sup>323</sup> that call for the recognition of Indigenous Peoples’ territorial rights, (Lemaitre, 2011). It also results from the government

<sup>321</sup> See also ; Larson, 2011; Lemaitre, 2011; Sikor, 2011; Jaung and Soo Bae, 2012; Yasmi et al., 2012; Vatn and Vedeld, 2013.

<sup>322</sup> In Latin America a relatively higher percentage of forests is under private ownership, but tenure is often disputed, due to the continent’s colonial and often dictatorial past (White and Martin, 2002; Boyd et al., 2007; Börner et al., 2011). Practically all land in Latin America has been subject to historical land grabbing by colonists who ignored the territorial rights of native inhabitants, so any payments related to non-indigenous property rights over land could be questioned from a contextual equity perspective (see also Börner et al., 2011).

<sup>323</sup> International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989).

recognition that local forest governance structures can be effective and minimize forest management costs (White and Martin, 2002, Agrawal, 2007; Boyd et al., 2007; Phelps et al., 2010; Bluffstone et al., 2013). However, progress has been slow, as forest tenure reform is a complicated process (Larson, 2011), and some fear that climate change mitigation policies have motivated governments to slow down forest tenure reform due to rising demand for bioenergy (Sunderlin et al., 2008; Vatn and Vedeld, 2013) and because REDD+ is expected to provide the financial resources governments need to manage forests themselves (Phelps et al., 2010; Okereke and Dooley, 2010). Most forest land is State property, so it is governments who decide whether the benefits of REDD+ will be shared with forest-dependent communities or not (Zhu et al., 2010; Vatn et al., 2011). As a result, it is often the less valuable and degraded forests that are handed over to community management (Phelps et al., 2010; FAO, 2016). In many cases forest tenure reform is only partial; community tenure rights are only partially recognized and many centralized rules are kept in place, some of which might actually work as perverse incentives for conservation (Agrawal and Gibson, 1999; White and Martin, 2002; Angelsen, 2007; Sunderlin et al., 2008; Friis Lund and Treue, 2008; Angelsen, 2010; Bluffstone et al., 2013).

### **6.3.3 Community Governance, Community-based Forest Management and Property Rights**

Community tenure rights should be distinguished from community-based forestry, which can be defined as any initiative that increases the role of local people in managing forest resources, regardless of whether their rights are recognized or not (Agrawal and Gibson, 1999; FAO, 2016). If CBFM initiatives are de facto imposed upon communities the outcomes are not always favorable for conservation, especially if the norms imposed are inconsistent with local norms and practices (Reynolds, 2012). Ideally communities should have a bundle of rights regarding their lands, including access rights, withdrawal rights, management rights, exclusion rights and alienation rights (Schlager and Ostrom, 1992). However, in practice State bureaucracies are often hesitant to hand over full control to local communities as they are reluctant to share their technical roles or they see local communities as competitors (Larson, 2011). Potential REDD+ benefits will influence such foot dragging. While there seems to be a growing recognition amongst policymakers, practitioners and scholars that communities play a key role in forest management and that recognizing their forest tenure can benefit sustainable forest governance, genuine decentralization of forest governance is still more the exception than the rule, and communities often lack the formal law enforcement powers to halt illegal exploitation by outsiders (Agrawal and Gibson, 1999; Sunderlin et al., 2008; Hayes and Persha, 2010; Almeida and Hatcher, 2011; FAO, 2016), or even insiders (Reynolds, 2012; Resosudarmo et al., 2014; Robinson et al., 2014).

Land tenure security itself is not necessarily the decisive factor in SFM (Resosudarmo et al., 2014), but most studies find that increased recognition of community tenure rights is correlated with improved forest conservation (Agrawal and Gibson, 1999; White and Martin, 2002).<sup>324</sup> Reasons include their better knowledge about local forest ecology and the fact that local governance forms part of wider community governance

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<sup>324</sup> See also Agrawal, 2007; Angelsen, 2007; Friis Lund and Treue, 2008; Johns et al., 2008; Chhatre and Agrawal, 2009; Hatcher, 2009; Lawlor, 2009; Angelsen, 2010; Phelps et al., 2010; Hayes and Persha, 2010; Doherty and Schroeder, 2011; Dulal et al., 2012; Reynolds, 2012; Bluffstone et al., 2013; Borrego and Skutsch, 2014; Robinson et al., 2014; FAO, 2016.

structures that can be more effectively enforced (Agrawal and Gibson, 1999; Angelsen, 2007; Angelsen, 2010). A decisive factor is the presence of adequate community forest governance structures, in the form of customary management rules, and procedures to ensure compliance with these rules (Agrawal and Gibson, 1999; Cacho et al., 2005; Ostrom and Nagendra, 2006).<sup>325</sup> As Agrawal (1999: 636) states: “Common and shared rather than individual and selfish is what makes successful resource management more likely.”

However, local forest governance structures are not necessarily equitable. Often they are biased toward the rights, interests, and privileges of local elites, and men (Agrawal and Gibson, 1999; Angelsen, 2007; Sunderlin et al., 2008; Friis Lund and Treue, 2008; Almeida and Hatcher, 2011; Bluffstone et al., 2013). More in general, some authors caution against adopting an idealized, standardized concept of “local communities”, as they are not necessary a homogenous unit with shared goals, values and traditional resource-use systems or even clear spatial boundaries (Agrawal and Gibson, 1999; Minang et al., 2007; Karsenty et al., 2012). Migration – both rural-urban and international – which is an old phenomenon that has significantly expanded in recent times, has significant implications for land tenure, as both incoming and outgoing migration can undermine community governance structures and many forest lands are left fallow by migrant owners (Skutsch et al., 2013).

There are important gender dimensions to these contextual inequities. In many customary and statutory tenure systems women are not able to have their own land title (FAO, 2007; Sunderlin et al., 2008; World Bank, 2009; Brown, 2010), so they rely on male relatives for access to forest resources, even when they carry the primary responsibility for gathering forest resources like fuelwood or play a key role in managing forest resources (FAO, 2007; World Bank, 2009; Brown, 2010). Women tend to be more dependent on the sound management of common property forest resources and compliance with related customary norms (World Bank, 2008), but they lack formal rights to these resources.

Recognition of community governance and tenure rights should be distinguished from property rights (Okereke and Dooley, 2010; Lyster, 2011). The conviction that communal resources would be overexploited has motivated many governments to privatize them (Novotny, 2010; Chomba et al., 2016), but this can be disadvantageous for women, children and economically poor community members who are not able to obtain their own property rights but who depend upon these resources (World Bank, 2009; Chomba et al., 2016). It can even threaten the cultural survival of indigenous communities that see the forest as part of their identity (Sunderlin et al., 2008). While some claim that there is “general agreement in the development community that secure property rights are central to achieving social, economic and environmental goals” (Sunderlin et al., 2008: 28), there is criticism of this neoliberal approach to land tenure (Chomba et al., 2016). Many land titling projects in Africa have failed because they were inconsistent with local practices and the complex land tenure structure that is predominant in Africa (Unruh, 2008; Jindal et al., 2008).

In the absence of local governance structures, privatization of forests can easily lead to increased deforestation as it becomes more attractive to exploit forest lands with increased security (Angelsen, 2010). Even the formal recognition of community tenure rights should be done carefully, as it might ignore certain customary rights, practices and governance systems and lead to the exclusion of less powerful community members, like

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<sup>325</sup> See also Friis Lund and Treue, 2008; Angelsen, 2010; Hayes and Persha, 2010; Almeida and Hatcher, 2011; Doherty and Schroeder, 2011; Reynolds, 2012; Karsenty et al., 2012; Resosudarmo et al., 2014.

women (Unruh, 2008; Hatcher, 2009; World Bank, 2009; Doherty and Schroeder, 2011; Larson, 2011; Chomba et al., 2016).

### 6.3.4 Impacts of REDD+ on Forest Governance

The contextual inequities in forest governance will compromise the outcomes of the REDD+ regime (Lesniewska, 2014). PES arrangements can work out positively if they are targeted toward the appropriate community structures (Nelson et al., 2010), but there is a significant risk that conflicts over disputed land tenure will intensify as a result of the commodification and mercantilization of forest carbon (Seymour, 2008; Pollini, 2009; Lemaitre, 2011; Gupta and Sanchez, 2012; Gupta, 2012; Huettner, 2012; Skutsch et al., 2013; Lesniewska, 2014) also because communities often lack the right to halt outsiders from exploiting their forests (Börner et al., 2010).

“[W]here new property rights regimes are introduced, there is an inherent risk that these are defined by those with economic and social power and, consequently, legitimise a particular social order” (Kosoy and Corbera, 2010: 1234).

REDD+ could “bring back the fences” (Wunder and Wertz-Kanounnikoff, 2009: 583) and promote projects that block access to forest resources of local people, in particular women, who do not formally own these resources (Grieg-Gran et al., 2005; Pollini, 2009; Gregersen et al., 2010).<sup>326</sup> Such negative impacts have already been observed with forest carbon offset projects in Uganda (Jindal et al., 2008) and Nepal (Maraseni et al., 2014). Due to its international nature, REDD+ is likely to strengthen transnational networks of experts, funding sources and decision-making powers, thus moving forest governance further away from the local level (Roessing Neto, 2015). Because forest-dependent people are often politically marginalized, there has been a tendency to blame them disproportionately for deforestation and forest degradation, which means that REDD+ policies tend to be biased toward preventing them from using forest resources, rather than addressing the impact of influential corporate actors (Thompson et al., 2011). The establishment of State-controlled Protected Areas has formed an important threat to land tenure rights and the wellbeing and livelihoods of forest-dependent communities. It is estimated that, globally, there are no less than 130 million conservation refugees who have been displaced by the establishment of Protected Areas (Agrawal and Gibson, 1999; Smith and Scherr, 2003; Charnley, 2005).<sup>327</sup> Recently, there has been growing recognition that community rights should be respected when Protected Areas are established (Agrawal and Gibson, 1999),<sup>328</sup> but the alternative livelihood options offered to communities are often disappointing (Angelsen, 2010). There are still many conservationists who believe that the climax ecosystem is a wilderness without human interference (Brockington et al., 2006; Benjaminsen and Svarstad, 2010), while customary tenure rights are often relabeled as “illegal” (Gupta, 2012: 623). In fact, Benjaminsen and Svarstad (2010) suggest the ‘win-win’ discourse of conservation NGOs that conservation and sustainable development can easily

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<sup>326</sup> See also Larson, 2011; Lemaitre, 2011; McElwee, 2011; Peskett et al., 2011; Gupta, 2012; Jaung and Soo Bae, 2012; Skutsch et al., 2013; Chomba et al., 2016.

<sup>327</sup> See also Brockington et al., 2006; Sunderlin et al., 2008; Benjaminsen and Svarstad, 2010; Thompson et al., 2011; Baker et al., 2011; Gupta, 2012; Hein et al., 2015)

<sup>328</sup> See for example [http://worldparkscongress.org/about/promise\\_of\\_sydney.html](http://worldparkscongress.org/about/promise_of_sydney.html) (last visited 20 July 2016).

go together is covering up the profoundly distinct interests of conservation organizations with a mission and professional bias toward conservation on the one hand, and the development and livelihood needs and aspirations of local communities. If REDD+ significantly decreases the production of certain food crops or other commodities, the increased price and food scarcity can impact on poor consumers (Smith and Scherr, 2003; Grieg-Gran et al., 2005; Angelsen, 2010; Peskett et al., 2011; Vatn et al., 2011), although Angelsen (2010) points out that, in the absence of large-scale REDD+ implementation, this effect is merely local.

REDD+ support for the establishment of reforestation and afforestation schemes on or near community lands can trigger significant negative impacts, including through blocking community access to fuelwood and land for cattle grazing, and imposing unfavorable outgrowing schemes (Smith and Scherr, 2003; Charnley, 2005; Boyd et al., 2007; Jindal et al., 2008; Wunder and Alban, 2008; Pollini, 2009; Okereke and Dooley, 2010; Gerber, 2011; Barr and Sayer, 2012). They threaten shifting cultivation systems in complex mosaic landscapes, which are increasingly recognized as being environmentally sustainable (Mertz et al., 2012). Monocultures of alien invasive tree species like Eucalyptus can have a significant detrimental impact on the soil and water resources of nearby communities (Smith and Scherr, 2003; Heaton, 2005; Boyd et al., 2007; Jindal et al., 2008; German et al., 2009; Andersson et al., 2015). Other negative impacts of reforestation and afforestation schemes include the use of agro-chemicals, negative impacts on the economics of natural forest management (Heaton, 2005), displacement of communities and granting subsidies to large companies in a fraudulent or otherwise irregular manner (Barr and Sayer, 2012) causing conflict between these actors and affected local communities (Heaton, 2005; Boyd et al., 2007; Gerber, 2011; Barr and Sayer, 2012).

Because of the remoteness of many forests and the social exclusion, marginalization and unequal access and control over resources of forest-dependent communities, forest governance has been identified as a significant challenge for REDD+ (Seymour, 2008; Barr and Sayer, 2012; Arhin, 2014; Laing and Palmer, 2015).<sup>329</sup> Yet despite public concerns about their governance capacities, many countries have received generous REDD+ funding pledges (Corbera et al. 2010; Lemaitre, 2011). As a system that is based on customary practice, local forest governance is vulnerable to outside shocks and REDD+ is a potentially destabilizing force (Vatn et al., 2011; Bluffstone et al., 2013). Legislation tends to be poorly implemented, and land rights and customary tenure rights are often violated. Weak governance and corruption have been described as “rampant” in the forest sector, because the salaries in forestry organizations tend to be low and because forests are often located in sparsely populated regions (Lemaitre, 2011: 156; see also Brown, 2010; Nuzunda and Mahuve, 2011; Karsenty, 2012). A literature review on forestry and REDD+ pilots concluded that:

“...lip service to forest peoples’ rights and local benefit sharing, weak consultations and participation in decision-making, elite capture and State ownership and control over forest lands are very persistent in the sector” (Arhin, 2014, p. 28).

PES mechanisms that compensate actors for refraining from illegal activities might legitimize illegality in the forest sector as they create the assumption that actors have a right

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<sup>329</sup> For example, Scriven (2012:432) concluded that the Peruvian government is “institutionally unequipped to undertake and govern a REDD+ initiative” in its forest-rich Amazon region.

to demand compensation for complying with the law (Pirard, 2012; Cacho et al., 2014).<sup>330</sup> There also is an incentive for potentially corrupt government officials to allow double-counting or other fraudulent forms of calculating emission reduction credits for projects that have negative impacts on biodiversity and local communities (Brown, 2010; Karsenty, 2012, see also 4.3.2).

### 6.3.5 Reflections of Interviewees on Contextual Equity and REDD+

Some interviewees hoped that the current discussion around REDD+ could be used to secure community land tenure rights, as governments realized potential carbon investors would be scared away by the perspective of land grabbing,<sup>331</sup> and because constituencies like Indigenous Peoples coalitions and women's groups, were using the REDD+ momentum to advocate for greater recognition of their land tenure rights, and sometimes with success.<sup>332</sup> Some interviewees saw the REDD+ safeguards as an important instrument to create favorable conditions for more equitable REDD+ implementation, also because they had created more awareness about equity issues like land tenure, transparency and women's rights.<sup>333</sup> In some countries equitable implementation was considered feasible in light of national governance circumstances.<sup>334</sup>

However, other interviewees cautioned that there was a lot of "wishful thinking" around the safeguards<sup>335</sup> and that in reality the REDD+ discussions focused on market-based versus non-market based financial support rather than the question of how to implement safeguards.<sup>336</sup> Several interviewees pointed out that the main contextual challenge for REDD+ was the often weak forest governance situation in the countries that currently receive REDD+ funding.<sup>337</sup> Some interviewees felt that REDD+ was a typical example of a top-down approach to forests that failed to address forest governance, or other drivers of deforestation,<sup>338</sup> and that the recognition of the rights of Indigenous Peoples and other rightsholders had been too slow.<sup>339</sup> Some interviewees pointed out that there are no adequate structures and arrangements in place to deal with land tenure and other contextual issues and as a result, the high expectations people had initially about REDD+ bringing increased recognition of land tenure and monetary benefits to local actors had not been fulfilled.<sup>340</sup> Some interviewees pointed out that even when REDD+ triggered initiatives to recognize land tenure, this was often done with the aim of securing investments in carbon offset projects rather than with the rights and interests of communities in mind, as the REDD+ agenda was not driven by communities, but by the conservation sector.<sup>341</sup> Some interviewees argued that in countries like Indonesia the forest

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<sup>330</sup> As mentioned in Chapter 4, the original REDD+ scheme itself was inspired by the desire of the PNG government to be compensated for combating illegality in its forestry sector.

<sup>331</sup> Interview 16, June 2012.

<sup>332</sup> Interview 15, June 2012.

<sup>333</sup> Interview 23, September 2012; interview 35, December 2012; interview 40, December 2012; interview 49, June 2013.

<sup>334</sup> Interview 40, December 2012.

<sup>335</sup> Interview 35, December 2012.

<sup>336</sup> Interview 34, December 2012.

<sup>337</sup> Interview 39, December 2012.

<sup>338</sup> Interview 25, September 2012; interview 50, June 2013.

<sup>339</sup> Interview 24, September 2012.

<sup>340</sup> Interview 9, March 2012; interview 36, December 2012.

<sup>341</sup> Interview 11, March, 2012.

was formally State property, so there was little incentive for governments to recognize customary land tenure or to even share benefits with local communities.<sup>342</sup> Some criticized the fact that conservation groups like WWF were handing awards to the Indonesian government for the defense of indigenous rights while the country was plagued by REDD+ triggered land grabs.<sup>343</sup> In countries like Brazil or PNG where community forest tenure was, at least partially, legally recognized, communities should have been able to claim a share of the benefits of REDD+, but an interviewee pointed out that even in those countries the government had separated land rights from carbon rights so as to prevent a legal entitlement to benefit sharing.<sup>344</sup>

Some interviewees cautioned that land rights were a politically sensitive issue, so it would be unlikely that contextual inequities related to land tenure would be addressed<sup>345</sup> and in countries with a history of large protected areas the REDD+ program would unlikely lead to benefits for people on the ground.<sup>346</sup>

## 6.4 Participation in Decision-making and the Procedural Equity of REDD+

### 6.4.1 Participation and FPIC Rights and Safeguards

Procedural equity is an important pre-condition for the development of just regimes (Seymour, 2008) and “a fundamental ingredient of social change – if accompanied by rights of citizenship and institutional reforms”. (Lawlor et al., 2013:299). Full and effective participation in decision-making has historically been a central demand of both Indigenous Peoples and the environmental justice movement (Schlosberg, 2004) and excluding communities from decision-making processes has been identified as a major source of conflict in REDD+ and other forest governance schemes (Yasmi et al., 2012). McDermott et al. (2013: 421) suggest that PES agreements can only be seen as equitable if they are “fully voluntary compacts made between equal partners”, although they also point out that such equal level playing fields seldom exist in practice.

One of the most important rights of Indigenous Peoples is their right to Free Prior and Informed Consent (FPIC) regarding policies and actions that might impact on their territories (Lemaitre, 2011; Gupta, 2012; Saravesi, 2012; Skutsch et al., 2013). While only legally binding for States that ratified ILO Convention 169,<sup>347</sup> the principle was enshrined in UNDRIP, which was “noted” in the REDD+ safeguards that were adopted by the UNFCCC.<sup>348</sup> It has been adopted as guidance by the UN system,<sup>349</sup> including the UN-

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<sup>342</sup> Interview 26, September 2012; interview 36, December 2012.

<sup>343</sup> Interview 57, December 2013.

<sup>344</sup> Interview 26, September 2012.

<sup>345</sup> Interview 45, June 2013.

<sup>346</sup> Interview 29, October 2012.

<sup>347</sup> See

[http://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:11300:0::NO::P11300\\_INSTRUMENT\\_ID:312314](http://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312314) (last visited 31 August 2014).

<sup>348</sup> Decision FCCC/CP/2010/Add.1.

<sup>349</sup> See also UN Permanent Forum on Indigenous Issues, 2005. Report of the International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples E/C.19/2005/3, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/243/26/PDF/N0524326.pdf?OpenElement>.

REDD program<sup>350</sup>, which has developed detailed rules on how this principle, and full and effective participation in general should be applied in REDD+ (Brown, 2010; Morgera and Tsioumani, 2010; Saravesi, 2012).<sup>351</sup> Most voluntary REDD+ standards have also incorporated this principle.

The REDD+ safeguards that were adopted by the UNFCCC in 2010 also call for the effective participation of women, Indigenous Peoples and local communities, in REDD+ decision-making<sup>352</sup> and the UNFCCC has recognized the importance of the effective participation of women and Indigenous Peoples for effective climate action in general.<sup>353</sup> However, in practice there is a lot of ambiguity about the application of FPIC, and the participation of Indigenous Peoples, local communities and women in REDD+ decision-making is rather artificial (Okereke and Dooley, 2010). As Sikor (2011:424) points out:

“Rights only gain concrete meaning in specific settings, and their concretization involves value-laden choices.”

Another complication is that currently the right to FPIC only legally applies to Indigenous Peoples, so non-indigenous communities risk being marginalized if this is the main tool (Brockington et al., 2006). In fact, La Via Campesina, an international organization representing about 200 million small farmers, opposes REDD+, but its position has been completely ignored in the REDD+ deliberations (Hein et al., 2015).<sup>354</sup>

#### 6.4.2 Participation in International Policy Making

Because of their political marginalization, decision-making processes have often excluded Indigenous Peoples and other forest-dependent people (Agrawal and Gibson, 1999; Sikor, 2011). The establishment of national or even international coalitions and networks by forest-dependent peoples can be useful (Agrawal and Gibson, 1999), and Brockhaus et al. (2014) suggest that REDD+ has enhanced the legitimacy of these coalitions and strengthened their capacity to advocate for their rights and interests, including in the public media. Indigenous Peoples have made a significant effort since 1995 to unite their, extremely diverse, constituency under the umbrella of the International Indigenous Forum on Climate Change, which includes some non-indigenous local community representatives.<sup>355</sup> Through this and similar international indigenous networks, Indigenous Peoples have gained influence in international law, even though many of their victories had more moral than practical value (Smith and Scherr, 2003; Lemaitre, 2011; see also Corbera

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<sup>350</sup> UN Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, 2008. FAO, UNDP UNEP Framework Document, 20 June 2008, <http://www.UN-REDD.org/LinkClick.aspx?fileticket=gDmNyDdmEI0%3d&tabid=587&language=en-US> (last visited 25 August 2011).

<sup>351</sup> UN-REDD safeguards, Operational Guidance: Engagement of Indigenous Peoples and Other Forest Dependent Communities' [http://www.unREDD+.org/Multiple\\_Benefits\\_SEPC/tabid/54130/Default.aspx](http://www.unREDD+.org/Multiple_Benefits_SEPC/tabid/54130/Default.aspx). (last visited 31 August 2014).

<sup>352</sup> Decision FCCC/CP/2010/Add.1.

<sup>353</sup> Decision FCCC/CP/2010/Add.1, see Saravesi, 2012.

<sup>354</sup> See <http://viacampesina.org/en/index.php/actions-and-events-mainmenu-26/-climate-change-and-agrofuels-mainmenu-75/985-strong-rejection-of-REDD+-by-la-via-campesina-mobilisation> (last visited 14 March 2016).

<sup>355</sup> <http://www.iipfcc.org> (last visited 13 March 2016).

et al. 2010). Women's groups are gathered in the influential Women and Gender constituency.<sup>356</sup> Through these international networks rightsholders have succeeded to provide input into the REDD+ negotiations and, occasionally, REDD+ policy and project development on the ground (see also Agrawal and Gibson, 1999).

However, the UNFCCC itself is a government-led process in which rightsholders are able to participate as observers only.<sup>357</sup> Negotiation meetings are open at the discretion of the chairs, and only when Parties do not protest. While especially the chairs of the contact group on REDD+ of the UNFCCC's SBSTA have made an effort to allow observers to attend some of the deliberations on REDD+, the CfrN, and occasionally other countries, have frequently protested and as a result observers were not even able to attend the key negotiation sessions. Even when they were able to attend a meeting, observers were normally only allowed to make one statement per constituency during the meeting and they were not able to negotiate.<sup>358</sup> Hence there has not been any effective participation by forest-dependent rightsholders in the establishment of the REDD+ regime. In some of the REDD+ funding bodies, like the UN-REDD program or the FIP, rightsholders and NGOs have a more active participatory role, although the deliberations are strongly steered by the secretariat in bilateral consultation with country participants.<sup>359</sup>

#### **6.4.3 Participation in National and Local Project Design**

At the national and project level, FPIC, and participation in general, are problematic (Boyd et al., 2007; Minang et al., 2014), also because the people who are most affected often lack the capacities needed for effective participation (Corbera et al., 2009; Cadman and Maraseni, 2013). Consultation and other participation processes are often poorly conducted if at all (Minang et al., 2007; Seymour, 2008; Peskett et al., 2011), and interactions between decision-makers and local stakeholders range from manipulation and tokenistic consultations to inclusive participatory processes that empower rightsholders, and even citizen control (Lawlor et al., 2013; Gupta, 2014). Project managers do not always take the effort to properly inform local rightsholders or organize the required consultation meetings (Minang et al., 2007). Often it is assumed that FPIC has been complied with if a number of individual landowners have signed an agreement (Bruce, 2012), but those individuals do not necessarily represent the views of the wider community (Lawlor et al., 2013), and cases are reported where people who are not the legitimate representatives of the community sign carbon offset agreements on behalf of the community (Aubertin, 2015).

Local rightsholders need to understand the REDD+ mechanism if they are to benefit from it (Gupta, 2012), but there tends to be a lack of transparency and accountability in REDD+ projects and programs (Grieg-Gran et al., 2005; Jaung and Soo Bae, 2012; Lawlor et al., 2013) and barely literate community members are convinced to

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<sup>356</sup> <http://womengenderclimate.org> (last visited 13 March 2016).

<sup>357</sup> FCCC/CP/1996/2, see <http://unfccc.int/resource/docs/cop2/02.pdf> (last visited 23 December 2016).

<sup>358</sup> As explained in Chapter 5, the UNFCCC constituencies include Indigenous Peoples, women and NGOs. Local community representatives try to participate in the Indigenous Peoples constituency. In practice the chairs often allowed one statement for the Climate Action Network (CAN), in which most of the mainstream NGOs are united, one statement for the NGO-dominated Accra Caucus, and one statement for the Indigenous Peoples constituency (personal observation).

<sup>359</sup> I have been an NGO observer to the FIP, and attended UN-REDD meetings.

sign contracts without understanding the full legal and socio-economic implications (Alix-Garcia et al., 2005; Kosoy and Corbera, 2010). The lack of information at the local level can lead to conflicts within national and international networks representing Indigenous Peoples, as they are confronted with situations in which their local members have accepted REDD+ payments while the national leadership rejects the scheme for its social risks (Krause and Nielson, 2014). For example, Krause and Nielson (2014) describe how 83% of the community participants in the Ecuadorian Socio-Bosque scheme did not know or understand the terms of the conservation contract that had been offered, 61% was not aware of the contract duration and 61% was not aware of the remuneration amount. Especially if a REDD+ scheme is managed by the government, community members might not feel free to say no or bargain for a better price (Bluffstone et al., 2013).<sup>360</sup> Elite control of local decision-making projects can be pervasive, especially when accountability mechanisms are weak and clear legal structures are lacking (Fritzen, 2007, Bruce, 2012).<sup>361</sup> Uneven power relationships in PNG were exploited by local elites to impose REDD+ project conditions on semi-literate local communities, who had little understanding of the project to which they signed up and who were not allowed to protest against it (Leggett and Lovell, 2012). It was literally stated during the consultation meetings that, “We are not here to hear your worries, your questions or negative thoughts, we want to hear only positive things about the project.” (Villager, Wagu, quoted in Leggett and Lovell, 2012: 125).<sup>362</sup> In light of the current uncertainties in the global carbon offset market (see 5.4) there is a tendency by project developers to share even less information with communities as they are afraid of raising too many expectations (Lawlor et al., 2013).

Participation schemes should take into account and the broad diversity of interested actors, including women, different ethnic groups, and generations, and their different capacities (Bruce, 2012). The effective participation of women in REDD+ schemes is problematic, as rural women are often being hampered from participation in decision-making by cultural or social norms, and by a lack of capacity, education, mobility and time, even though they play a major role in forest management and the provision of forest products (FAO, 2007, World Bank, 2009). They often do not have the right to vote or even participate in the community meetings that decide on REDD+ contracts and lack adequate information (FAO, 2007, Brown, 2010, Krause and Nielson, 2014). Even when they are allowed to attend decision-making meetings, cultural norms might prevent women from speaking up and defending their interests (World Bank, 2009, Brown, 2010). Sometimes male community members simply bring their wives to community meetings to fulfil women’s participation requirements (Peskestt et al., 2011). Even when some women are able to overcome these cultural barriers and speak up during meetings, it is important to realize that women are not a homogeneous group, and that the women who speak up might not always share the same interests as the other women as the former might be literate, have recognized land rights and be in a social position that allows them to benefit from REDD+ projects (World Bank, 2009; Brown, 2010). Women are often overlooked in household or community-oriented benefit-sharing arrangements, which might have differentiated consequences for them due to their culturally determined responsibilities for,

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<sup>360</sup> For example, only 53% of the participants in a major PES mechanism in China felt that they were free to choose whether they wanted to participate in the scheme or not (Bennett, 2008).

<sup>361</sup> Bruce (2012) reports how lower caste members in a Nepalese community stopped attending the relevant village meetings as their input was ignored by the executive committee of the village.

<sup>362</sup> Similar experiences were reported from consultation processes concerning the Noell Kempf project in Bolivia, one of the oldest forest carbon offset schemes (Asquith et al., 2002).

for example, fuelwood gathering. Often they are excluded from capacity-building activities (Agrawal, 2001, Brown, 2010, Mustalahti and Taku Tassa, 2012, Krause and Nielson, 2014).

On a more positive note, the consultation and participation processes, and the capacity-building activities that are implemented as part of REDD+ initiatives, can sometimes allow for new, often non-traditional, leadership (Fritzen, 2007). The representativeness of such leaders and their accountability toward the community constituency is context-specific, but in some cases the process can enhance the equity of local decision-making structures (Fritzen, 2007). Even when local elites dominated the process, this does not necessarily lead to a lack of representativeness when there are strong accountability mechanisms and a commitment to act in the interest of the broader community (Fritzen, 2007). In some REDD+ projects, the establishment of specific working methods and consultation procedures has enabled women and ethnic minorities to be actively engaged in the project's decision-making structures, and occasionally this has even led to greater decision-making roles for them in general (Maraseni et al., 2014).

Similarly, at the national level there has often been more participation of Indigenous Peoples' representatives in decision-making meetings, but the participation of Indigenous Peoples in the formal roundtables to develop safeguards for UN-REDD programs, for example, was described as "tokenism" (Krause and Nielson, 2014: 47).

Lastly, a participation aspect that is often overlooked is the time investment it requires from poor community members, for which they are seldom compensated. Maraseni et al. (2014) calculate how participants in a REDD+ scheme in Nepal had to invest approximately 10.5 days a year in meetings, which translated into an investment of more than USD 50 per person. The payment received by the community did not even compensate for 50% of this time investment.<sup>363</sup>

#### **6.4.4 Perspectives of Interviewees on the Procedural Equity of REDD+**

Some interviewees noted that many Indigenous Peoples and women's organizations were initially skeptical about REDD+, but that they had decided to participate actively in REDD+ policy and project deliberations as they felt that it was going to happen anyway, and as there was a lot of money involved, they did not want to be excluded.<sup>364</sup> As one interviewee commented: "whoever would benefit from capitalism as usual would be happy to be on board in the REDD+ debate."<sup>365</sup> One of the interviewees quoted an Indigenous representative from a tropical forest country who said:

"REDD+ is like death, we don't know when it will come and what will be afterwards, but we do know for sure it is coming."<sup>366</sup>

Some interviewees pointed out that the active participation of Indigenous Peoples, and the influence of the few States that actively supported the indigenous rights agenda,

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<sup>363</sup> Please note that Maraseni et al. (2014) do not take into account local travel times, while experience with community meetings in Paraguay and other countries learns that such travel times add up to several hours per meeting, especially if walking is the only form of local transport available.

<sup>364</sup> Interview 11, March 2012; interview 15, June 2012.

<sup>365</sup> Interview 57, December 2013.

<sup>366</sup> Interview 30, October 2012.

had succeeded in bringing a rights-based perspective into the REDD+ debate, and an awareness that you cannot look at forests as a commodity only.<sup>367</sup> Some interviewees felt that IPOs were well organized and that they had successfully pushed for the REDD+ safeguards to be adopted. While the attention was still mainly on funding, it was felt that Indigenous Peoples' participation was like an Arab Spring, and that it would be impossible to turn it back.<sup>368</sup>

More in general, some interviewees felt that the multi-stakeholder debate and the strong participation of CSOs, including developing country NGOs, had been one of the strong sides of REDD+ and the climate regime in general,<sup>369</sup> as it would lead to a more equitable regime.<sup>370</sup> They felt it had caused more interaction between conservation groups and social development organizations, leading to a greater understanding of the importance of issues like land tenure and Indigenous Peoples rights.<sup>371</sup> Similarly, just the fact that there was pressure to include women in the debates could lead to social change on the ground, as some local actors had started to realize the importance of women's participation.<sup>372</sup>

Some interviewees felt that REDD+ created an opportunity for Indigenous Peoples to be part of the national process in many countries. Governments in continents like Africa were willing to do everything donors required, so if it was the fashionable thing to discuss land tenure and allow participation of Indigenous Peoples in this discussion, they would agree with that.<sup>373</sup> It was admitted that some Indigenous Peoples opposed REDD+, but some interviewees felt this resulted from skepticism about government policies in general, and that there was a need to make sure Indigenous Peoples were included in REDD+ schemes.<sup>374</sup>

Other interviewees expressed concern that key donor countries like Norway were becoming less supportive of indigenous rights and other equity considerations, because they realized it could significantly slow down REDD+ if Indigenous Peoples were really allowed to have a say in it. These countries had assumed that Indigenous Peoples would automatically support REDD+ if they would be offered some financial benefits, but they now realized that Indigenous Peoples could also reject REDD+, so they were trying to manipulate internal decision-making processes by approaching the more positive indigenous leaders, which undermines the autonomy and governance structures of these Peoples.<sup>375</sup> Customary decision-making processes took a lot of time, up to two full years, but REDD+ project and program developers did not want to wait that long so they tried to speed up the process.<sup>376</sup> Meanwhile peasants were often not consulted at all.<sup>377</sup>

Some interviewees felt that participation was just a trap, as the main objective remained to sell carbon. Especially in the UN-REDD program and the FCPF the participation of Indigenous Peoples was seen as just a game. Concerns about a lack of

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<sup>367</sup> Interview 14 June, 2012; interview 20, September 2012; interview 25, September 2012; interview 41, December 2012.

<sup>368</sup> Interview 14, June 2012.

<sup>369</sup> Interview 20, September 2012.

<sup>370</sup> Interview 25, September 2012.

<sup>371</sup> Interview 20, September 2012.

<sup>372</sup> Interview 49, June 2013.

<sup>373</sup> Interview 11, March 2012; interview 20, September 2012; interview 41, December 2012.

<sup>374</sup> Interview 11, March 2012.

<sup>375</sup> Interview 9, March 2012; interview 41, December 2012; interview 61, January 2015.

<sup>376</sup> Interview 30, October 2012.

<sup>377</sup> Interview 9, March 2012.

safeguard implementation in candidate countries were just noted, and if the Secretariat had decided that a country had to receive a grant, they would give that grant anyway. Some Indigenous and NGO observers had even been lobbied by the FCPF secretariat to vote for certain countries or make certain points.<sup>378</sup>

Other interviewees pointed out that Indigenous Peoples had not been able to participate in REDD+ from the start. The REDD+ regime comes as a package and Indigenous Peoples never took part in the elaboration of this package, it was imposed on them.<sup>379</sup> So they will never say “this is our baby”.<sup>380</sup> The more they became aware of the potential risks of the project, the more critical they became,<sup>381</sup> but governments were trying to impose REDD+ on indigenous communities by threatening that their territories would be taken over by mining companies if they rejected REDD+. REDD+ mirrored old colonial patterns.<sup>382</sup>

Likewise, some interviewees saw the participation of women as often being artificial. Local women were allowed to participate in capacity-building programs, but they did not have a real say in REDD+ processes,<sup>383</sup> and their participation depended on the country context, and the local cultural context.<sup>384</sup>

Some interviewees pointed out that there was more effective participation of Indigenous Peoples and local communities, and more focus on rights-based approaches, in the CBD process and the Convention on Combating Desertification. Moreover, there is less influence of the private sector over those processes,<sup>385</sup> which are less market-oriented than the UNFCCC.<sup>386</sup>

## **6.5 Benefit Sharing and the Assumed Distributive Equity of REDD+**

### **6.5.1 REDD+ from a Distributive Equity Perspective**

Distributive equity is often translated as proportional justice, which means that the costs and benefits of the outcomes of a regime are shared amongst different stakeholders and rightsholders using either a criterion of merits (so the actor making most efforts receives most) or a criterion of need (so the actor who has most needs receives most) (Cattaneo et al., 2010; McDermott et al., 2013, see also 2.7). Different actors in REDD+ embrace different conceptions of distributive justice, with the CfrN embracing a concept of market justice as a basis for their REDD+ proposals, Brazil and the Central African countries supporting a liberal egalitarian approach and Bolivia supporting a notion of equity of meeting needs (Okereke and Dooley, 2010).

The distributive equity of REDD+ (see 6.2) can be seen as a legal imperative, as the first principle of the UNFCCC prescribes that the climate regime should be protected

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<sup>378</sup> Interview 11, March 2012.

<sup>379</sup> Interview 9, March 2012.

<sup>380</sup> Interview 30, October 2012.

<sup>381</sup> Interview 41, December 2012.

<sup>382</sup> Interview 50, June 2013.

<sup>383</sup> Interview 61, January 2015.

<sup>384</sup> Interview 15, June 2012.

<sup>385</sup> Interview 24, September 2012.

<sup>386</sup> Interview 24, September 2012.

based on equity.<sup>387</sup> From an instrumental perspective, sharing the benefits of the REDD+ regime is an important instrument to provide incentives for local and national actors to conserve forests (Richards, 2000; Balmford and Whitten, 2003; Börner et al., 2010; Bruce, 2012). Incentives can be distinguished as positive incentives and disincentives, including enabling measures like land tenure regularization and environmental education (Börner et al., 2011).<sup>388</sup>

Since REDD+ is based on the concept of results-based payments, most emphasis has been put on sharing its financial benefits with forest-dependent actors on the ground through national PES mechanisms (Börner et al., 2011). Several studies indicate that PES mechanisms can deliver income benefits to local community members in forest areas, who are often poor in monetary terms (Alix-Garcia et al., 2005; Wunder, 2007; Corbera and Brown, 2008; Jindal et al., 2008; Pagiola, 2008; Wunder and Alban, 2008; Wunder et al., 2008; Bond et al., 2009; Wunder and Wertz-Kanounnikoff, 2009; Milder, 2010; Novotny, 2010; Porrás et al., 2013; Tacconi et al., 2013). Although PES mechanisms often provide a relatively minor additional income only (Alix-Garcia, 2005; Jindal et al., 2012; Lawlor et al., 2013; Leimona et al., 2015), they can enhance overall welfare, including through enabling community members to invest in education or health care (Boyd et al., 2007; Jindal et al., 2012; Leimona et al., 2015). Moreover, in communities with modest financial resources, for example in Sub-Saharan Africa, the income impact can be significant (Jindal et al., 2008) and, for example, in China the income from the PES mechanism allowed people to start up small businesses and diversify their overall income (Liu et al., 2008; see also Grieg-Gran et al., 2005).

Job creation through reforestation and agroforestry schemes is another potential benefit that has been highlighted in the literature (Smith and Scherr, 2003; Grieg-Gran et al., 2005; Wunder and Alban, 2008; Mohammed, 2011; Lawlor et al., 2013), although especially the jobs provided by reforestation projects tend to be temporary and seasonal, also because tree plantations are a relatively labor-extensive form of land use (Smith and Scherr, 2003; Charnley, 2005; Grieg-Gran et al., 2005; Boyd et al., 2007). Moreover, jobs often go to non-local people as skills might be required that are not locally available, or the labor conditions are so bad that only migrant workers are willing to accept them (Charnley, 2005).

Although monetary benefits often form the main motivation for people to participate in PES mechanisms (Jaung and Soo Bae, 2012), non-financial benefits can provide another incentive for forest conservation. In fact, the recognition of tenure rights is a powerful incentive, which is often more important for communities than financial payments (Grieg-Gran et al., 2005; Doherty and Schroeder, 2011; Barr and Sayer, 2012; Jaung and Soo Bae, 2012; Jindal et al., 2012; Lawlor et al., 2013; Leimona et al., 2015). Accompanying measures to REDD+ schemes like institutional capacity-building, environmental education and financial investments in community social services, and the mere avoidance of the so-called poverty-environment trap of destroying their own economic livelihood basis, can also be seen as benefits (Smith and Scherr, 2003; Grieg-Gran et al., 2005; Boyd et al., 2007; Locatelli et al., 2008; Wunder, 2007; Corbera and

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<sup>387</sup> Article 3.1, UN Framework Convention on Climate Change, 1992.

<sup>388</sup> The Parties to the Biodiversity Convention have committed themselves to the redirection of perverse incentives that might promote forest and other ecosystem loss. (Aichi target 3 of the Strategic Plan of the Convention on Biological Diversity, UNEP/CBD/COP/10/27, Decision X/2, <https://www.cbd.int/decision/cop/?id=12268> (last visited 22 February 2016).

Brown, 2008; Singh, 2008; Wunder and Alban, 2008; Wunder et al., 2008; Nelson et al., 2010; Novotny, 2010; Zhu et al., 2010; Benessaiah, 2012; Jaung and Soo Bae, 2012; Lawlor et al., 2013; Porras et al., 2013; Tacconi et al., 2013; Borrego and Skutsch, 2014; Leimona et al., 2015).

However, there are a lot of REDD+ costs and risks for local actors, including the risk of elite resource capture and intensified struggles for control over land as forests increase in value (Coad et al., 2008; Hayes and Persha, 2010; Okereke and Dooley, 2010; Doherty and Schroeder, 2011; Bruce, 2012; Gupta, 2012; Jaung and Soo Bae, 2012). Land claims that laid dormant because the claimants did not consider it worth pursuing them could be revived in light of potential REDD+ benefits (Bruce, 2012). Weak overall governance and the lack of accountability can undermine benefit-sharing schemes (Boyd et al., 2007; Huettner, 2012). Moreover, even when a REDD+ scheme is relatively pro-poor, the differentiated opportunity and transaction costs of different stakeholders and rightsholders can create a perception of unfair distribution (Mohammed, 2011).

PES payments are often based on input costs, or a randomly negotiated amount, rather than on an elaborate calculation of the opportunity and transaction costs (Kosoy and Corbera, 2010; Tacconi et al., 2013). This means that there is a risk that not all opportunity costs are compensated for (Locatelli et al., 2008). Cash payments cannot always make up for the loss of access to forest resources that cannot be purchased in the community, or that have a spiritual value (Karsenty, 2008; Gregersen et al., 2010; Ekins et al., 2011; Dulal et al., 2012; Leggett and Lovell, 2012), or for the cultural identity that might be linked to certain land uses that impact on forest carbon, like shifting cultivation or cattle ranching (Peterson et al., 2012).

Especially when REDD+ is financed through carbon markets, normal market dynamics of demand and supply would determine the price, and in light of the current oversupply of forest carbon offset credits (see 5.4) it is unlikely that the price would cover the full opportunity and other costs (Kosoy and Corbera, 2010; Skutsch et al., 2013; Leimona et al., 2015). Original expectations were often too high (Benessaiah, 2012; Fletcher et al., 2016). Having to wait for *ex post* payments is not always feasible, which is one of the reasons why many scholars prefer government-managed input-based REDD+ schemes above market-based schemes (Vatn and Vedeld, 2011; Bottazzi et al., 2013; see also 5.2, 5.4). However, it is not guaranteed that governments will equitably share the benefits of REDD+ with local forest-dependent communities, especially in those countries where most, if not all, forests are State property (Richards, 2000; Skutsch et al., 2013; Kashwan and Holahan, 2014) and/or where inequitable power relationships between the actors involved prevail (Peskett et al., 2011).

In some reforestation projects the timber produced is considered to be part of the benefit provided, but that implies that beneficiaries have to wait until the trees mature, and often they have to take up the risks related to potential tree-loss due to wildfire and timber theft and price fluctuations in the timber market (Grieg-Gran et al., 2005; Locatelli et al., 2008; Wunder and Alban, 2008; Ros-Tonen et al., 2014; Acheampong et al., 2016). Other costs that are often overlooked are the costs of voluntary contributions by community members to the overall project, including the time invested in attending project meetings (Maraseni et al., 2014; see also 6.4).

More in general there is a significant trade-off between the efficiency and the distributive equity of the REDD+ scheme (Smith and Scherr, 2003; Wunder, 2007; Pfaff et al., 2008; Seymour, 2008; Vatn and Vedeld, 2011; Benessaiah, 2012; Porras et al., 2013; Laing and Palmer, 2015). Some of the schemes with the highest social benefits, like

community-based agroforestry and multiple-use forest management, require more transaction costs and are less efficient and thus less interesting from a merely commercial point of view for carbon investors than large-scale monoculture tree plantations or from a strict forest protection perspective (Smith and Scherr, 2003). Large landholders with the investment capacity to convert large areas of forests, would not only receive larger payments thanks to their larger property, but they also have higher opportunity costs than communities with little deforestation capacity (Coad et al., 2008; Pfaff et al., 2008; Börner et al., 2011; Benessaiah, 2012; Bruce, 2012; Chomba et al., 2016).<sup>389</sup> Many scholars have expressed concern about the fact that people without recognized land tenure rights are likely to be excluded from REDD+ (Holm, 2007; Wunder, 2007; Angelsen, 2008a; Pagiola, 2008; Campbell, 2009; Börner et al., 2010; Novotny, 2010; Sommerville et al., 2010; Vatn, 2010; Ezzine-de-Blas et al., 2011; Lawlor et al., 2013; Skutsch et al., 2013; Chomba et al., 2016).

The complexities of multi-layered community land-tenure arrangements and community consultation and participation processes tend to increase the transaction costs of REDD+ projects (Kiss et al., 2002; Cacho et al., 2005; Jindal et al., 2008; Mohammed, 2011; Bruce, 2012; Jaung and Soo Bae, 2012; Reynolds, 2012; Benessaiah, 2012). While these *ex ante* transaction costs can sometimes be compensated by reduced *ex post* transaction costs once the scheme has been set up (Cacho et al., 2005), it can still form a significant barrier for some investors. Especially the establishment of reforestation schemes often comes with significant *ex ante* transaction and other costs, which often fall on the shoulders of the participating farmers (Locatelli et al., 2008; Peskett et al., 2011). Meanwhile, to address permanence in reforestation schemes some project developers have been convinced to sign contracts with a duration of up to 99 years (Wunder, 2008), and the viability of this is questionable as social circumstances are likely to change significantly over such a long period (Kiss et al., 2002; Hunt and Baum, 2009).

There are significant gender dimensions to distributive equity. As described, women's land tenure rights are often not recognized even though they are highly dependent on access to forest resources and they face cultural or even legal obstacles regarding participation in REDD+ decision-making (FAO, 2007; World Bank, 2009; Brown, 2010), so there is a significant risk that women's opportunity costs are overlooked in REDD+ schemes. As a result, women will end up carrying a lot of the costs but receive few of the benefits, as payments might be handed to the male heads of households and/or landowners (Seymour, 2008; World Bank, 2009; see also Mohammed, 2011; Porras et al., 2013).

A final important dimension of community governance and opportunity costs is that many communities have been motivated to conserve their forests by non-financial incentives like cultural values, traditional territorial stewardship systems or a sense of civic duty, and there is a risk that these motivations would be crowded out by financial incentives (Redford and Adams, 2009, Wunder and Wertz-Kanounnikoff, 2009, Farley et al., 2010, Kosoy and Corbera, 2010, Vatn, 2010, Leimona et al., 2015). Payments for opportunity costs may enhance an attitude based on individual calculation rather than

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<sup>389</sup> The USD 340 million that was distributed between 1997 and 2012 under the Costa Rican PES mechanism, for example, went for 49% to legal entities and 31% to individuals. Indigenous groups received only 13%, and cooperatives of local community members only 7%. (Porras et al., 2013). Similarly, Borrego (2014) found that, more wealthy landowners with cattle would end up with significantly higher REDD+ payments than landowners without cattle and renters without land property rights, due to their differentiated opportunity costs.

appropriate behavior (Gomez-Baggethun et al., 2010, Vatn, 2010). There is a clash between the concept of the *homo economicus* that forms the basis for REDD+, and the incentives provided by the traditional “gift economy” of many indigenous tribes that form the basis of their sustainable natural resource management systems (Richards, 2000, Gomez-Baggethun et al., 2010). Such a phenomenon is particularly worrying in light of the difficulty to provide financial rewards permanently (Farley et al., 2010) although there is also some optimism that payments might reinforce forest conservation practices by explicitly acknowledging the social value of such activities (Sommerville et al., 2010, Vatn, 2010, Garcia-Amado et al., 2011). In practice, existing PES mechanisms have often been accompanied by environmental education programs that contribute to further increasing non-monetary motivations for forest conservation, but it is not always possible to distinguish the positive impacts of these accompanying policies from the impacts of the PES mechanism itself (Locatelli et al., 2008, Sommerville et al., 2010, Jindal et al., 2012).

### 6.5.2 Perspectives of Interviewees on the Distributive Equity of REDD+

Several interviewees felt that REDD+ could only be seen as equitable if it delivered monetary and other benefits to people on the ground and motivated people to conserve forests, including through providing monetary benefits, alternative livelihoods and social services like health care.<sup>390</sup> Some interviewees were optimistic that REDD+ would bring such benefits, as its dependence on local action meant that it was more consistent with CBFM than other forest regimes.<sup>391</sup>

Some interviewees pointed at a lively debate within indigenous networks and community forestry networks whether they should reject REDD+ or whether they should take a pro-active approach toward REDD+ and use the opportunity to gather support for their own local conservation models as “indigenous community REDD+” schemes,<sup>392</sup> such as the indigenous REDD+ proposal by the Coordination of Indigenous Peoples of the Amazon Basin (COICA).<sup>393</sup> Some interviewees pointed out that some communities saw REDD+ as a potential co-benefit of community forestry rather than vice versa, and that REDD+ could deliver benefits for communities if adequate benefit-sharing criteria were developed, that also take account of gender and the position of ethnic minorities. Countries like Nepal have positive experiences.<sup>394</sup>

However, others pointed out that REDD+ is inequitable for the simple reason that it has not triggered significant financial or other benefits yet. While expectations had initially been high, “it is all based on assumed financing down the road.”<sup>395</sup> Some interviewees pointed out that it depended on recipient countries themselves whether the benefits would be shared with local communities or not<sup>396</sup> and that it was difficult to force these countries,<sup>397</sup> while most countries do not have benefit-sharing mechanisms in place.<sup>398</sup>

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<sup>390</sup> Interview 16, June 2012; interview 33, December 2012; interview 38, December 2012; interview 58, January 2014.

<sup>391</sup> Interview 9, March 2012; interview 21, September 2012.

<sup>392</sup> Interview 29, October 2012.

<sup>393</sup> Interview 28, September 2012. See also <http://www.coica.org.ec/index.php/component/k2/item/195-proyecto-REDD+-indigena-amazonico> (last visited 14 March 2016).

<sup>394</sup> Interview 27, October 2012.

<sup>395</sup> Interview 19, September 2012; interview 36, December 2012; interview 39, December 2012.

<sup>396</sup> Interview 18, June 2012.

<sup>397</sup> Interview 33, December 2012; interview 34, December 2012.

It was more likely that governments would try to sell the benefits to the highest bidders. As a US governor was quoted, “this is f.. gold, you don’t just give it away”.<sup>399</sup> Despite the increased attention for the participation of developing country NGOs and IPOs, some interviewees reported actual funding flows for these organizations had collapsed and many organizations were not able to obtain funding for their work.<sup>400</sup>

Some interviewees pointed out that the rather modest funding that was available for REDD+ often did not compensate for opportunity costs, also because forests represented a broad range of livelihood and other values. If all the spiritual, livelihood and other forest values were added up, their worth was much higher than the modest compensation of an average forest carbon offset project, and many of those values are priceless, so if access to them is restricted under REDD+ the damage is incalculable.<sup>401</sup>

An interviewee highlighted that the rumor that money was being handed out for something they did anyway, namely forest conservation, had motivated quite some indigenous organizations to claim compensation for their conservation initiatives, even in a country like Bolivia where the government had explicitly rejected REDD+.<sup>402</sup> Some felt that a proposal like indigenous REDD+ was dangerous as it created the false assumption that it was possible to meet all social requirements in a REDD+ scheme.<sup>403</sup> Some interviewees felt that it had been imposed on indigenous communities in the Amazon countries, while creating conflicts between NGOs and IPOs,<sup>404</sup> also because conservation NGOs were misrepresenting the proposal and using the term “indigenous REDD+” for a number of schemes for which they now claimed no FPIC was needed.<sup>405</sup> More in general a number of interviewees felt that the efforts of communities involved in SFM were often being coopted.<sup>406</sup>

Some interviewees cautioned that the tendency of REDD+ to focus on tropical rainforest, and the lack of a broader debate about climate change and equity, meant that there was a risk that communities dependent on other ecosystems, like pastoralist peoples who depend on grasslands, deserts, or dry forests, would lose out in the competition over climate funding even though they are even more vulnerable for the impacts of climate change.<sup>407</sup>

Lastly, one of the interviewees pointed out that REDD+ mirrored old patterns of colonization, as it caused communities to lose a sense of ownership over their land and thus their identity. When their lands were taken over by a mining company, for example, they would continue to resist such a land grab, and continue to foster their identity as part of that struggle. However, through the monetary incentives that were provided by a REDD+ scheme, their cultural relationship with nature was lost, and nature was turned from a source of cultural identity into a service.<sup>408</sup>

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<sup>398</sup> Interview 18, June 2012.

<sup>399</sup> Interview 16, June 2012.

<sup>400</sup> Interview 20, September 2012.

<sup>401</sup> Interview 30, October 2012.

<sup>402</sup> Interview 60, June 2014.

<sup>403</sup> Interview 41, December 2012.

<sup>404</sup> Interview 50, June 2013.

<sup>405</sup> Interview 41, December 2012.

<sup>406</sup> Interview 29, October 2012.

<sup>407</sup> Interview 35, December 2012.

<sup>408</sup> Interview 50, June 2013.

## 6.6 The Role and Interests of Intermediaries in REDD+

Due to the unequal level playing field of economically and politically marginalized forest dependent peoples on the one hand and global conservation elites on the other hand, conservation NGOs and other intermediaries have started to play a disproportionately large role in both the development and the implementation of the REDD+ regime (Leimona et al., 2015). This has an impact on the procedural and distributive equity of REDD+. As explained in Chapter 5, the development of REDD+ programs and projects requires a significant amount of up-front investment in the transaction costs, technical knowledge, and business skills to mediate with potential buyers and set up MRV mechanisms. These resources are seldom available within forest-dependent communities themselves (Boyd et al., 2007; O'Connor, 2008; Sunderlin et al., 2008; Wunder et al., 2008; Phelps et al., 2010; Vatn, 2010; Bruce, 2012; Benessaiah, 2012; Jindal et al., 2012; Karsenty et al., 2012; Leggett and Lovell, 2012).<sup>409</sup> Experience with forest carbon offset projects under the CDM showed that NGOs and other intermediaries played a key role in project establishment (Minang et al., 2007), also because the transaction costs for setting up a CDM forest carbon offset project were estimated to range between USD 75,000 to USD 550,000, which is far too high for most forest-dependent communities (Villamor and Lasco, 2009). These communities thus depend on intermediaries like conservation NGOs, private companies and government agencies for project development and administration and the potential sale of forest carbon offsets (Benessaiah, 2012; Tacconi et al., 2013). A broad range of managers or administrators act as intermediaries in REDD+, including national governments and ministries, local and regional governments, autonomous trust bodies, private sector actors and NGOs (PwC, 2012).<sup>410</sup>

For commercial forest carbon buyers, it is more attractive to negotiate with one intermediary rather than hundreds of small landowners (Grieg-Gran et al., 2005). This has led to the establishment of a large number of companies with names like EcoSecurities, NatSource and Evolution Markets that make their profit from brokering forest carbon offset projects and providing a broad range of information to potential offset buyers (Hovani and Fotos, 2007). Often the communities hardly have a say in negotiating the carbon price, which means that there is a risk that the compensation they will receive is lower than their costs (Peskett et al., 2011).

The interests, objectives and perspectives of external project partners, which are primarily concerned with climate mitigation, biodiversity conservation and financial rewards, tend to be different from the interests, objectives and perspectives of the communities, which focus on livelihoods and development opportunities (Benjaminsen and Svarstad, 2010; Novotny, 2010; Hajek et al., 2011; Peskett et al., 2011; Benessaiah, 2012). Intermediaries especially often overlook the rights and needs of women (World Bank, 2009; Kosoy and Corbera, 2010). Novotny (2010) cautions that the discourse of PES supporting a win-win approach to forest conservation and poverty alleviation may hide the vested interest of elites from both industrialized and developing countries, including international donor agencies and government agencies (see also Boyd et al., 2007).

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<sup>409</sup> Even in a relatively literate country like Costa Rica, 50% of all recipients needed help from intermediaries in elaborating their application to the national PES mechanism (Gregersen et al., 2010).

<sup>410</sup> In Peru, for example, it was reported that REDD+ projects were mainly driven by a relatively small number of highly networked individuals (Hajek et al., 2011; see also Zhu et al., 2010).

Regardless of their potentially good intentions, the increased value of forest resources creates an undeniable economic incentive for politically powerful actors to focus primarily on the carbon values of forests and capture a significant portion of the financial benefits (Angelsen, 2010), while less powerful actors will often lose control (Kiss et al., 2002). This often leads to a situation where a significant portion of the project funding ends up with the intermediaries rather than with the forest communities (Balmford and Whitten, 2003; Corbera et al., 2009; Hajek et al., 2011; Bruce, 2012; Tacconi et al., 2013). Asquith et al. (2002) describe in a study on the Noell Kempf carbon offset project in Bolivia, how communities felt that most funding went into the salaries of project developers and other administrative costs, while only 10% of the overall funding compensation reached the communities, which had suffered significant resource loss and not been given the option of rejecting the proposal. Moreover, intermediaries often lack sufficient knowledge about the actual forest management and governance situation on the ground, which can limit their capacity to effectively manage the revenue flows and create conflicts with the intended beneficiaries (Tacconi et al., 2013). NGOs almost always require some resources for their own operations,<sup>411</sup> and especially when their staff consists of expatriates they will normally have to pay salaries that are quite exorbitant if compared to the income of the community members involved. Or as McNeely, former chief scientist of the IUCN already noted in 1990, “conservation agencies never have enough funding” even though “in many countries, funding is not the major constraint to conservation achievement.” (McNeely et al., 1990: 14). The involvement of NGOs or other actors as intermediaries thus comes with significant costs, which will reduce the financial flows to the communities (Skutsch et al., 2009; Hajek et al., 2011; Tacconi et al., 2013; Matthews et al., 2014). In fact, some PES programs were seen as a result of “the political pressure of civil society organizations which believe that planting some trees can make them rich” (Corbera and Brown, 2008: 1973). While certain NGOs can be helpful in advocating for community rights, information sharing, capacity-building and awareness raising on social issues (Locatelli et al., 2008; Bruce, 2012), their role as intermediaries in REDD+ raises the question of conflicts of interests as conservation NGOs are primarily concerned with conservation rather than social development (Benjaminsen and Svarstad, 2010). Many conservation NGOs involved in REDD+ initiatives have focused on environmental priorities and technical solutions to climate change rather than sustainable livelihood options for forest dependent communities, while the projects tend to be top-down in nature (Boyd et al., 2007). Beymer-Farris and Bassett (2012: 333) describe how the WWF used an environmental narrative in Tanzania that classified indigenous resource management practices as “destructive” and “illegal” and thus inimical to biodiversity conservation, and how it subsequently collaborated with the Tanzanian government in the implementation of a carbon forestry project that reduced the ability of local farmers to cultivate rice for subsistence needs and even threatened them with relocation.

In Peru, many representatives of local communities and Indigenous Peoples saw REDD+ primarily as a means for the often international NGOs that acted as intermediaries to profit from their forests (Hajek et al., 2011). The fact that NGOs are often able to “come and go” (Scriven, 2012: 437) to a project area means they are less interested in the long-term success of a project and lasting livelihood opportunities than

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<sup>411</sup> In countries like Peru REDD+ projects are seen by conservation and social development NGOs as an opportunity for long-term funding for their own work (Hajek et al., 2011; see also Vatn, 2010).

the communities, and more in “pilot projects” and other potentially risky experiments (Pollini, 2009). Many NGOs monitor the social and environmental impacts of their own projects themselves, and as their reports serve further fundraising purposes or carbon sales there is an incentive to highlight positive and underscore the negative impacts of their REDD+ project (Pollini, 2009). This also has impacts on project quality and the social impacts on the final beneficiaries:

“Blame is rather directed toward the beneficiary farmers and their supposed reluctance to change, which reinforces received wisdom and dogmatic approaches. The consequence is that projects will increase their efforts to convince farmers that they need to adopt new technologies with higher yield, that they have to stop using fires, that they must adopt zero tillage and mulching technologies, produce compost, plant fruit trees, and develop other cash crops for their own good, even if these “alternatives” do not prove to be adapted to local conditions. Coercive conservation policies and “participatory top down” efforts will escalate in the name of biodiversity conservation and sustainable development. Farmers will pay the price not only of conservation efforts, but also of the reluctance of projects to face their ignorance of realities” (Pollini, 2009: 344)

NGOs tend to have better access to the policymaking elite and potential funders and carbon buyers than communities (Beymer-Farris and Bassett, 2012), and communities are seldom able to choose their intermediaries (Peskest et al., 2011) so they often feel excluded from the decision-making process and inadequately represented (Chandrasekharan et al., 2012).

Where private companies become intermediaries, the conflict of interests in forest carbon offset projects is often even more extreme. For example, the Russian gas company Gazprom was able to position itself as the sole intermediary in the Indonesian Rimba Raya REDD+ project, and as a result it has claimed an estimated 56% of the benefits of the initial sale of carbon credits (Fosci, 2014).<sup>412</sup>The intermediary costs of government agencies tend to be significantly lower. For example, in Costa Rica 20% of the overall budget of the PES mechanism was spent on administrative costs (Porrás et al., 2013). Additionally, a number of NGOs assisted communities in applying for Costa Rican PES, taking between 12% and 18% of the payment as a fee for their services (Porrás et al., 2013). Yet, when government or semi-governmental agencies act as intermediaries there is a similar risk of conflict of interests (Fosci, 2014). For example, Alix-García et al. (2005) describe how in Mexico the national forestry agency acts as an intermediary in managing the PES mechanism, but due to its links with the traditional forestry constituency it has prioritized commercial forestry operations rather than community projects (see also Corbera et al., 2009). Another conflict of interest is that the REDD+ mechanism prescribes that governments are to monitor and report on their own performance regarding compliance with the REDD+ safeguards (see also Okereke and Dooley, 2010; Saravesi, 2012).

This does not mean that all functions related to a REDD+ project or program should be dealt with by the forest-dependent communities themselves. It is important, for example, that verification of the successful implementation of the initiative is in the hands of an independent institution (Mertz et al., 2012). However, if the social capital is available

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<sup>412</sup> This situation seems reflective of other commodity markets, where approximately 60% of the profits is captured by intermediaries, while only 3% ends up with the original producers (The Munden Project, 2011, Fosci, 2014).

amongst local communities to manage REDD+ initiatives themselves, projects tend to be more beneficial for them (Tacconi et al., 2013). Even verification mechanisms, including mechanisms to verify the application of social and environmental standards might further marginalize communities. Certification by the Carbon Community and Biodiversity Standard, for example, costs between USD 4,000 and 8,000, which means that communities often depend on intermediaries to finance this investment (Benessaiah, 2012).

Lastly, the potential independent and critical role of civil society actors in REDD+ has been compromised by the fact that many progressive NGOs, IPOs and social movements have taken a principled stance against REDD+,<sup>413</sup> which means that they will not be inclined to support the improvement of existing REDD+ projects through critical monitoring. As a result, the majority of NGOs involved in REDD+ monitoring and policymaking have an economic stake in REDD+ projects, which compromises their position as independent actors.

Several interviewees acknowledged these concerns about the intermediary role of NGOs and other actors, including so-called “carbon cowboys” that mainly try to profit from the market.<sup>414</sup> They pointed out that the actors that benefited most from REDD+ include large NGOs and organizations like the World Bank and CIFOR, but these are not the beneficiaries REDD+ was supposed to target. REDD+ was supposed to be performance-based, but most REDD+ funding had gone to intermediary actors that have not really performed so far.<sup>415</sup> It was also pointed out that consultancy firms have benefited significantly, even though it was not considered useful to send external consultants to a remote forest site to address deforestation.<sup>416</sup>

A number of interviewees highlighted that a lot of funding went to the large conservation and development organizations and organizations like the World Bank, also because the discussion was held on a highly technical level and trading itself was too complicated for most communities,<sup>417</sup> which meant that Indigenous Peoples and local communities were marginalized.<sup>418</sup> Some interviewees complained that instead of teaching communities these skills so that they could sell carbon themselves, intermediaries sent foreign staff and consultants to the communities to talk about benefit sharing, but the presumed benefits for the community mainly concerned investments that benefited project implementation rather than the community, for example, the development of project-relevant infrastructure.<sup>419</sup> Moreover, the ambiguities in the official REDD+ agenda and the agenda of major NGOs were confusing and dividing indigenous and other social movements.<sup>420</sup>

Some respondents expressed their frustration about the cooptation of NGOs in the REDD+ system, as there were hardly any NGOs left that could play a critical watchdog function in the REDD+ regime. When NGOs from the Congo Basin were asked what their vision was on REDD+ they responded “to accompany the government”.<sup>421</sup>

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<sup>413</sup> See for example <http://no-REDD+.com/category/no-REDD+/> (last visited 10 June 2016).

<sup>414</sup> Interview 19, September 2012.

<sup>415</sup> Interview 39, December 2012.

<sup>416</sup> Interview 15, June 2012; interview 52, June 2013.

<sup>417</sup> Interview 9, March 2012; interview 36, December 2012.

<sup>418</sup> Interview 20, September 2012.

<sup>419</sup> Interview 11, March 2012.

<sup>420</sup> Interview 35, December 2012.

<sup>421</sup> Interview 20, September 2012.

## 6.7 Equity and the Beneficiary Pays Principle

As described in previous chapters, benefit sharing, in terms of an intentional transfer of monetary or non-monetary payments, goods and/or services to intended beneficiaries, forms the cornerstone of the REDD+ regime (Chandrasekharan Behr et al., 2012). REDD+ and other PES schemes are based on a “beneficiary pays principle”, as opposed to the “polluter pays principle” that has been widely accepted in the environmental sector (Richards, 2000; Balmford and Whitten, 2003; Engel et al., 2008; Pirard, 2012). The beneficiary pays principle has been promoted in forest conservation policies under the assumption that the providers of forest conservation services tend to be poor, while the beneficiaries tend to be rich (Balmford and Whitten, 2003; Engel et al., 2008; Pirard, 2012). There certainly is no ground for the assumption that only rich people suffer from climate change and forest loss; most of the 1.3 billion people who depend on forest resources for their livelihoods (World Bank, 2003) are economically marginalized, while climate change has a significant impact on the world’s poor (Mendelsohn et al., 2006; Hallegatte et al., 2016). On a country-level there is no correlation between forest cover and poverty either: some countries with significant forest cover are middle-income countries while about half of the least developed countries are low forest-cover countries (Karsenty, 2012).<sup>422</sup> Hence the application of the beneficiary pays principle to forest conservation is disputable (Vatn, 2010; Pirard, 2012).

Partly due to the dominance of market justice and liberal egalitarian approaches to justice in the REDD+ debate, there has been a tendency to use universalized conceptions of deforestation that ignore the equity dimension and translate the interests of the countries and actors that are expected to reduce forest loss in terms of compensation and payments rather than equity or justice (Novotny, 2010; Okereke and Dooley, 2010). The market-based approach that REDD+ represents will also tend to favor a model of “consumer’s sovereignty” that assumes that consumers, that is the actors who pay, should have a right to choose an environmental service, without any consideration of the social costs of their actions (Norgaard, 2010, see also Bishop et al., 2010). Alternatively, a deliberative model would assume that the choices and preferences of an individual are by definition limited by their impact on other people’s opportunities (Vatn et al., 2011). This distinction is particularly relevant for REDD+ as many forest-dependent people are economically marginalized and thus relatively powerless in a consumer’s sovereignty model where rich donor countries, or actors within those countries, are able to choose for which forests and forest-related environmental services they will pay for or not.

## 6.8 Conclusions

This chapter examined why REDD+ was promoted by analyzing the assumptions about REDD+ equity. It concludes that several scholars and actors argued for protecting equity through safeguards and assume that the REDD+ safeguards will ensure that REDD+ benefits would be equitably shared with forest-dependent communities, negative social impacts would be prevented and key stakeholders would be able to participate fully and effectively in REDD+ design and implementation. Some scholars have pointed out that

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<sup>422</sup> [http://www.un.org/en/development/desa/policy/cdp/ldc/ldc\\_list.pdf](http://www.un.org/en/development/desa/policy/cdp/ldc/ldc_list.pdf) (last visited 20 February 2016).

REDD+ provided some unprecedented opportunities for especially Indigenous Peoples to participate in national and local forest governance, partly thanks to the insistence of some donor countries on such participation.

However, many scholars and actors have a contrasting opinion for several reasons. First, they fear that there was no effective policy to seriously engage the different categories of rightsholders, including indigenous peoples and farmers, men and women, in participatory processes. There is fear that this donor pressure might be short lived, and pointed out that other forest-dependent communities and rightsholder groups were still virtually excluded from most REDD+ policy processes while there has been no participation of Indigenous Peoples or other forest-dependent communities in the design of the international REDD+ regime itself, which is essentially top-down (6.4). Second, they argue that there was no equitable sharing of the benefits accruing from the REDD money as corporate and other wealthy landowners are often able to sell their environmental services for a better price than local and indigenous communities, and women, and that much of the money had gone primarily to the intermediaries and States. Third, local people become increasingly dependent on the intermediaries due to the complexity of MRV systems and associated costs. Fourth, these processes have exacerbated the uneven power balance between rightsholders and other actors. By targeting a resource where these inequities are firmly embedded, and using a mechanism that further exacerbates them, it is unlikely that the outcomes of REDD+ will be equitable, even though some local communities might benefit from REDD+. Moreover, some scholars and actors feared that REDD+ would undermine the cultural value systems that motivated these communities to conserve forests for free instead of a financial compensation. Most forest-dependent people are economically and politically marginalized, and for that reason their land tenure rights are seldom recognized. Forest-dependent communities, and especially women, also have a weaker position in problematic governance situations which means that they risk losing their tenure and access rights when forests become attractive for more powerful stakeholders. They also have less chances to participate effectively in decision-making processes, and are inclined to face more costs and less benefits from an international REDD+ regime. Indigenous Peoples and women, who tend to be economically and politically marginalized, will be disproportionately affected by these inequities. Fifth, there also is a reported tendency in national REDD+ programs and policies to shift the blame for deforestation and forest degradation to economically and politically marginalized communities rather than the corporations and large landowners who tend to be the main driver of forest loss (see also 4.5, 5.7).

In terms of agency, to be further explored in Chapters 7 and 8, this chapter has shown that the role of intermediaries in REDD+ is problematic, as they have an economic incentive to capture most of the benefits themselves, rather than sharing them with forest-dependent communities. The role of intermediaries like the World Bank and conservation NGOs, which is triggered by the high transaction costs and complexity of REDD+, leads to dependencies and top-down policy approaches that undermine the autonomy of forest-dependent Indigenous Peoples and local communities, which have had limited participation in REDD+ decision-making processes. This effect is strengthened because PES systems like REDD+ tend to replace the cultural value and governance systems through which traditional communities have conserved forests with outside financial support, which creates a dependency on such support. In conclusion, many felt that it was not realistic to assume that a market-oriented mechanism like REDD+ would lead to equitable outcomes.