**Rights in a Changing Climate:**

**The Transnational REDD+ Readiness Phase and the Rights of Local and Indigenous Communities in Developing Countries**

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## 1. Introduction

In 2007, the Conference of the Parties (COP) to the *United Nations Framework Convention on Climate Change* (UNFCCC)[[2]](#footnote-2) agreed to launch negotiations for the establishment of a global mechanism to provide common policy approaches and financial incentives to reduce carbon emissions from deforestation and forest degradation, support the conservation and sustainable management of forests, and enhance forest carbon stocks in developing countries (known as REDD+).[[3]](#footnote-3) Given the relative lack of attention accorded to tropical deforestation in the first fifteen years of the climate regime and its estimated share of between 15% to 17% of global carbon emissions, the emergence of REDD+ in the climate regime has been heralded as a path breaking development by a broad range of actors concerned with forest conservation, climate mitigation, and poverty alleviation in developing countries.[[4]](#footnote-4)

While the design of a global REDD+ mechanism continues to evolve as part of the on-going negotiations for the adoption of a long-term agreement on climate change expected by 2015, there are four core ideas that underlie the current consensus on what a REDD+ mechanism ought to entail. First, a REDD+ mechanism should aim to fund a broad range of activities that reduce carbon emissions from forestry-related sources in developing countries in accordance with established international rules and standards. Second, a REDD+ mechanism should fund eligible activities on the basis of results achieved in reducing or avoiding carbon emissions through performance-based payments made at a national scale (without excluding the possibility that sub-national or project-based schemes might also be permitted within national programmes or as interim action in the lead-up to the establishment of such programmes). Third, funding for a REDD+ mechanism must come from a variety of sources,principally from North to South, including bilateral, multilateral, and private finance. Fourth, a REDD+ mechanism should engage, in some fashion, with other important social and environmental objectives and considerations, principally through respect for “do no harm” safeguards guiding the implementation of REDD+ activities.[[5]](#footnote-5)

The broad scope, multi-scale nature, and overall complexity of a future REDD+ mechanism has required a gradual approach to its operationalization at the domestic level. The *Cancun Agreements* – a set of decisions adopted by the UNFCCC COP in 2010 that significantly clarified the scope of a potential REDD+ mechanism – provide that any developing country interested in participating in an eventual REDD+ mechanism must proceed through the following three phases:

* Phase 1: A readiness phase focusing on the development of national strategies or action  plans, policies and measures, and capacity-building.
* Phase 2: An interim phase entailing the implementation of national strategies or action plans, national policies and measures and the development of results-based demonstration activities.
* Phase 3: A compliance phase in which payments are made for results-based actions that are fully measured, reported and verified in accordance with international standards.[[6]](#footnote-6)

Although no one knows for sure whether or when a REDD+ mechanism may be formally established within the UNFCCC, what rules and standards it may impose for the development and verification of results-based actions, and how much funding it may provide, numerous developing countries have moved forward with the readiness phase.[[7]](#footnote-7) As of 2012, over 75 countries across Africa, Asia, and Latin America are undertaking REDD+ readiness activities at the domestic level or participating in at least one global REDD+ readiness initiative[[8]](#footnote-8) and over 340 REDD+ demonstration projects are being pursed in 52 countries throughout the developing world.[[9]](#footnote-9) While it is still too early to assess whether a future REDD+ mechanism may succeed in reducing carbon emissions from tropical deforestation, the key features of an eventual REDD+ mechanism – reliance on international finance for results-based carbon sequestration in tropical forests – requires the development of new laws, policies, and governance frameworks, the creation of new institutions, systems, and processes, and associated policy development activities such as research, capacity-building, and stakeholder engagement that may hold profound implications for the way forests and related policy domains are governed and managed in developing countries.[[10]](#footnote-10)

While the REDD+ readiness phase is meant to be country-driven process that is tailored to the national circumstances and capabilities of participating developing countries,[[11]](#footnote-11) an array of multilateral, bilateral, and non-governmental actors have been actively engaged in REDD+ readiness efforts at multiple scales. Key actors most notably include the UNFCCC COP, a collaborative United Nations programme known as UN-REDD, the World Bank and other multilateral development banks, developed country aid agencies, conservation NGOs, Indigenous/human rights NGOs, and carbon market developers. These actors have made a number of contributions to the domestic operationalization of REDD+ worldwide, including by organizing conferences and meetings, setting rules and providing methodological guidance, leading technical assistance, capacity-building, and demonstration projects, supporting and undertaking research and analysis, and delivering finance for projects and programmes.[[12]](#footnote-12)

This paper is part of a broader research project that focuses on the role of international organisations, foreign governments, bilateral, non-governmental organisations, and multinational corporations in the REDD+ readiness phase and their influence on policy development in participating developing countries. Like other areas of transnational climate governance,[[13]](#footnote-13) the REDD+ readiness phase benefits from the engagement of an array of transnational policy actors, defined by Orenstein as “organizations (multilateral, state or non-state) or individuals that seek to develop and advocate well-elaborated policy proposals in multiple national contexts.”[[14]](#footnote-14) By understanding whether and how these transnational policy actors have influenced REDD+ readiness policy development in a number of developing countries, I seek to provide new insights on the nature and behaviour of these actors as well as the potential and limitations of their impact on domestic policy processes and outcomes.

In examining the influence of transnational policy actors on REDD+ readiness policy development in participating developing countries, I pay particular attention to changes in laws, policies, institutions, and processes that relate to the rights of Indigenous and forest-dependent communities.[[15]](#footnote-15) Since international negotiations on REDD+ were first initiated in 2007, the rights of Indigenous and forest-dependent communities have emerged as an important and controversial issue area among policy-makers, experts, and stakeholders.[[16]](#footnote-16) Due to the dedicated efforts of advocates and experts that sought respect for the rights of Indigenous and forest-dependent communities in the fields of climate change, development, and conservation, a range of transnational policy actors have developed activities and initiatives aimed at protecting and promoting the rights of Indigenous and forest-dependent communities in the context of REDD+ readiness activities.[[17]](#footnote-17) Yet, as the literature review evinces below, most scholars expect the domestic operationalization of a REDD+ mechanism to have largely negative implications for the rights of Indigenous and forest-dependent communities and view transnational policy actors as lacking the interests or capabilities to ensure respect for the rights of these communities. As a result, understanding the implications of the REDD+ readiness phase for the rights of Indigenous and forest-dependent peoples provides an important opportunity to probe the influence of transnational policy actors as well as explore the ethical questions raised by their involvement in domestic policy processes.

In this paper, I seek to provide some preliminary thinking on the potential role and influence of transnational policy actors on REDD+ policy development in developing countries as it relates to the rights of Indigenous and local communities. My analysis proceeds as follows. In section 2, I provide an overview of the transnational REDD+ readiness phase, including domestic readiness activities, domestic demonstration activities, and international readiness initiatives. In section 3, I briefly discuss the existing literature on the potential implications of REDD+ readiness efforts for the rights of Indigenous and local communities. In section 4, I set out an analytical framework that discusses the modes through which transnational policy actors may exert influence on domestic REDD+ policy development, with examples focusing on the rights of Indigenous and local communities. In section 5, I conclude by reflecting on what further empirical research on the REDD+ readiness phase can tell us about our understanding of transnational governance and policy, the protection and promotion of human rights, and issue linkages at the intersections of human rights and environmental governance.

## 2. An Overview of the Transnational REDD+ Readiness Phase

*Domestic REDD+ Readiness Activities*

The *Cancun Agreements* provide that any country interested in participating in an eventual REDD+ mechanism must develop four elements as part of their readiness activities: a national strategy or action plan, a national or sub-national forest reference emission level, a robust and transparent national forest system for the monitoring and reporting of REDD+ activities, and a reporting system for social and environmental safeguards.[[18]](#footnote-18)

To begin with, developing countries must adopt a national REDD+ strategy or action plan to guide their readiness efforts.[[19]](#footnote-19) A typical national REDD+ strategy lays out a multi-year programme of strategic planning, research and analysis, public consultations, capacity-building and training, policy measures, and institutional reform, as well as a related set of demonstration projects. The outcomes of a given national REDD+ strategy would normally include the adoption of new national laws, policies, and regulations, the creation of new institutions, and the development of new capacities and capabilities.[[20]](#footnote-20) As such, the development of a national REDD+ strategy must focus on the broad variety of intersecting institutional, policy, and legal issues that must be addressed to ensure that a country is prepared to participate in an eventual REDD+ mechanism, including, as specified by the *Cancun Agreements*, “drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and [environmental and social safeguards], ensuring the full and effective participation of relevant stakeholders, *inter alia*, indigenous peoples and local communities.”[[21]](#footnote-21)In other words, a national REDD+ strategy should provide developing countries with the opportunity to design a tailored framework for national REDD+ governance.[[22]](#footnote-22)

The starting point of any such framework for REDD+ governance concerns the selection of a payment system specifying the modalities through which international payments from a REDD+ mechanism should be channelled and distributed at the domestic level. In general, such a system must strive to ensure that payments from REDD+ are redirected in a manner that is both effective (in that it leads to emissions reductions) as well as equitable (in that it compensates local communities for their positive contributions and alleviates poverty).[[23]](#footnote-23) Broadly speaking, there are four model payment systems.[[24]](#footnote-24) First, payments could be channelled to a government’s general budget, in which case the government would be expected to redirect funds to sectors and communities to achieve emissions reductions and distribute benefits generated therefrom. Second, payments could be channelled through an independent national fund managed by both governmental and non-governmental representatives and undertaking its own REDD+ activities or funding REDD+ activities pursued by other actors. Third, payments could be made to a national fund under the direct control and administration of the government and could thereby support governmental as well as non-governmental REDD+ activities. Finally, payments could flow directly to sub-national projects in a PES system or within the context of conditional aid funding arrangements. A related issue concerns the way in which benefits from REDD+ should be accessed and distributed within a country to compensate forest users for any opportunity costs, support sustainable livelihoods or alleviate rural poverty.[[25]](#footnote-25) Whereas benefit sharing is a necessary feature of any PES system, it remains an open question in other payment systems and could be achieved through the pursuit of particular programmes and projects incorporating PES, participatory forest management (PFM), community-based forest management (CBFM), forest concession revenue sharing or integrated conservation and development projects (ICDP). [[26]](#footnote-26)

Another set of issues that must be addressed as part of a framework for national REDD+ governance relates to land, forest, and carbon rights and tenure. In a system in which REDD+ activities are undertaken and credited at the project level, the clarification, creation or allocation of property rights over the carbon contained in forests is essential. The existence of such private carbon rights makes it possible to convert reductions in carbon emissions or increases in carbon stocks achieved through REDD+ activities into credits that can be traded on global carbon markets.[[27]](#footnote-27) Conversely, a lack of clarity over the ownership of carbon rights under national law creates significant uncertainty over the financial value, if any, that can be attributed to emissions reductions generated through a particular REDD+ project.[[28]](#footnote-28) While a system that excludes private transactions and favours broader policy interventions may not require the establishment of a legal title over carbon, it will nonetheless be necessary to clarify issues relating to forest rights and tenure for mitigation activities to take place.[[29]](#footnote-29) Indeed, to the extent that the domestic implementation of REDD+ entails changes to land and forest use and governance, it requires consideration of the land, forest tenure, and access rights of Indigenous and local communities.[[30]](#footnote-30)

The sensitivity of benefit-sharing and land rights and tenure reform both underscore the importance of a third component of any REDD+ governance framework – the need for processes that ensure the full and effective participation of relevant stakeholders, including indigenous peoples and local communities.[[31]](#footnote-31) Given the economic, social, and environmental importance of forests in developing countries and the transformative potential of REDD+, REDD+ readiness activities have important multi-actor and multi-scale dimensions that require both horizontal and vertical forms of coordination.[[32]](#footnote-32) As Forsyth explains, the need for effective forms of multi-actor governance is especially important when there are competing ideas and interests concerning forest and land use. In his view, REDD+ “can succeed if stakeholders share a common understanding of appropriate forest and land use, a shared and trusted way of negotiating agreements about REDD+, and if local users derive co-benefits.”[[33]](#footnote-33) Yet, as Peskett and Brockhaus point out, setting up consultation and engagement processes for REDD+ is a challenging endeavour in most countries, in light of the poor performance of existing democratic processes and the history of mistrust that exists between government officials and local communities.[[34]](#footnote-34)

Finally, a framework for national REDD+ governance must provide the conditions for establishing and maintaining a favourable institutional and policy environment for REDD+ activities. An enabling environment for REDD+ requires institutional mechanisms for addressing the various drivers of deforestation and developing policies that support, rather than hinder, the effectiveness of REDD+ activities. Indeed, in order to lead to reductions in deforestation and avoid the risk of leakage, REDD+ activities must be situated within a broader policy framework that ensures a certain level of coherence and coordination with other sectors such as agriculture, industry, infrastructure planning, and community development as part of a country’s broader low-carbon development, forest governance or poverty reduction efforts.[[35]](#footnote-35) Another key prerequisite for REDD+ is the strengthening of forestry and other institutions, especially in terms of combatting corruption and ensuring the integrity of flows of information. Given the prevalence of corruption and poor governance in the forestry sector in developing countries, the challenges associated with institution-building and their potential implications for transforming patterns of resource management are considerable.[[36]](#footnote-36)

The second element that is critical to a country’s REDD+ readiness efforts is the establishment of a forest reference level, at the national or sub-national level, that can serve as the base-line against which results-based REDD+ activities may be undertaken.[[37]](#footnote-37) While numerous possible designs for setting forest reference levels exist, each shares a common set of substantive and procedural elements, including the scope of activities, the scale of accounting, carbon pools included, methodologies for calculation, and processes for submission, approval and review.[[38]](#footnote-38)

The third element of a national REDD+ readiness programme is the development of a “robust and transparent” national or sub-national system for monitoring, reporting, and verifying (MRV) results-based REDD+ activities.[[39]](#footnote-39) Given that most developing countries lack the knowledge, capabilities, and technology to estimate and report forest carbon emissions and changes therein at the scale and degree of accuracy required for REDD+, this aspect of REDD+ readiness require a programme of capacity-building, research, and technology development and transfer that can take several years to complete.[[40]](#footnote-40) While MRV systems would appear to be largely technical matters, they have significant implications for forest governance and policy. MRV systems will ultimately provide the information base upon which REDD+ interventions are initiated and managed and REDD+ payments are allocated and disbursed at various scales. In particular, ensuring that MRV systems operate with integrity, transparency, and credibility is “closely linked to the work areas on governance, stakeholder engagement, and equitable benefit sharing.”[[41]](#footnote-41) Actually, the very process of setting up MRV systems and the methodologies employed for doing so may have important political dimensions. As Gupta *et al.* highlight, emerging MRV systems for REDD+ may privilege certain actors, forms of knowledge, and sets of values and objectives.[[42]](#footnote-42) Some approaches to MRV “may serve to marginalize local actors, obscure local differences, and/or promote carbon over other forest values,” while others “can be used to mobilise counter-expertise and activate agency in diverse ways, both of global scientific elites and local actors.”[[43]](#footnote-43) Among the latter set of approaches, community-based forms of MRV are increasingly being seen as a feasible approach to meeting the requirements of REDD+, while also ensuring respect for the rights and knowledge of Indigenous and local communities and providing them with alternative livelihoods.[[44]](#footnote-44)

The fourth and final element of any national REDD+ readiness programme consists of the development of an information system for reporting on the way that environmental and social safeguards are “being addressed and respected” in REDD+ activities.[[45]](#footnote-45) As provided by the *Cancun Agreements*, in addition to meeting a manifold set of objectives, REDD+ activities must also “promote and support” the following safeguards:

(a) Actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;

(b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;

(c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;

(d) The full and effective participation of relevant stakeholders, in particular, indigenous peoples and local communities, […];

(e) Actions are consistent with the conservation of natural forests and biological diversity, ensuring that actions […] are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;

(f) Actions to address the risks of reversals;

(g) Actions to reduce displacement of emissions.[[46]](#footnote-46)

In the *Durban Platform for Enhanced Action*, the UNFCCC COP further agreed that REDD+ activities “regardless of the source or type of financing” should be consistent with these safeguards.[[47]](#footnote-47) At this stage however, whether and how reporting on these safeguards will be standardized, verified, publicized or sanctioned in a future REDD+ mechanism remain open questions.[[48]](#footnote-48) In addition to the UNFCCC’s guidance in this area, a plethora of multilateral and non-governmental REDD+ initiatives have also emerged to provide additional and more specific guidance on reporting and complying with social and environmental safeguards.[[49]](#footnote-49) Depending on how they are operationalized at the domestic level, safeguards and related reporting systems may hold critically important implications for forest policy and governance in developing countries.[[50]](#footnote-50)

### Domestic REDD+ Demonstration Activities

The UNFCCC COP has encouraged the establishment of domestic REDD+ demonstration activities as “a step towards the development of national approaches, reference levels and estimates.”[[51]](#footnote-51) It has specified that such activities should be undertaken with the approval of a host country, follow emerging methodological guidelines, and assess and report results and overall effectiveness, preferably through some independent form of monitoring.[[52]](#footnote-52) REDD+ demonstration activities should thus be seen as pilot projects for learning about REDD+ activities, tools, and methodologies. In other words, the rationale behind REDD+ demonstration activities is not necessarily to reduce forestry-related emissions in the short-term, but to figure out how to do so in the long-term on a broad scale.[[53]](#footnote-53)

While many REDD+ demonstration activities focus on technical and methodological issues such as the development of MRV systems, other activities seek to implement and assess project-level interventions for reducing forest carbon emissions such as participatory forest management or reduced impact logging schemes. However, even the latter set of activities tend to consist of learning-by-doing exercises for the purposes of achieving REDD+ readiness rather than actual demonstration of how REDD+ may work in the future. In a sample of REDD+ demonstration activities studied by Sunderlin and Sills, most projects had not reached the stage of providing payments on the basis of results achieved in emissions reductions, but remained instead at an initial, pre-REDD+ stage of preparations and investments.[[54]](#footnote-54) There are a number of reasons that explain the essentially experimental character of REDD+ demonstration projects. For one thing, there is simply too much policy and market uncertainty in terms of how REDD+ might work, whether nationally or internationally, for project developers to fully commit to, and implement, a specific REDD+ payment scheme. For another, some of the very same technical, financial, and social challenges and complexities that beguile international and national policy-makers working on REDD+ readiness activities also stand in the way of the rapid operationalizing of REDD+ demonstration activities.[[55]](#footnote-55)

Beyond the contributions that they can make in terms of developing technical knowledge and capacity, demonstration activities may also generate learning that can inform the policy and governance aspects of the REDD+ readiness phase. REDD+ readiness demonstration activities may provide policy-makers with information about the costs, feasibility, and effectiveness of various project-level interventions.[[56]](#footnote-56) They may also “provide lessons for national policies by pointing to the most critical institutional and legal reforms that will be needed to implement REDD+ at the local level.”[[57]](#footnote-57) These lessons are not simply valuable within the context of a country’s REDD+ readiness phase, but may also be diffused widely to inform the efforts of other countries. Indeed, as Jagger *et al.* point out, “REDD+ is a unique opportunity to share the lessons we learn, because of the global distribution and relatively coordinated timing of projects, significant allocation of financial resources, and clear objectives and explicit mandate set by international negotiators.”[[58]](#footnote-58) The global significance of REDD+ demonstration activities also derives from the fact that most such activities are carried out through partnerships involving domestic governmental actors, bilateral aid agencies, local communities and NGOs, international NGOs, international organizations, and private sector actors,[[59]](#footnote-59) thereby enhancing opportunities for transnational learning. All the same, a number of factors may limit the potential of REDD+ demonstration activities to generate and disseminate lessons that may be of value for REDD+ policy-making. To begin with, there are concerns about the quality and reliability of the assessment approaches and methods that have been adopted by the first generation of REDD+ demonstration projects.[[60]](#footnote-60) A related issue is that, as surveys suggest, many REDD+ demonstration projects “are simply old wine in new REDD+ wineskins: existing projects or approaches that have been rebranded as ‘REDD+’ to attract new finance.”[[61]](#footnote-61) Most importantly, a lack of coordination between national readiness efforts and local demonstration activities within a country, continuing uncertainty about applicable methodologies and approaches, and donor preference for early results on the ground has led to a growing disconnect between REDD+ activities undertaken at different scales.[[62]](#footnote-62) As such, a key challenge for the REDD+ readiness phase is ensuring that any lessons that emerge from REDD+ demonstration activities are communicated to policy-makers and are reflected in on-going policy processes at various scales.

Yet, whether or not REDD+ demonstration activities manage to influence national or global REDD+ readiness processes, they may still have important implications for forest policy and governance at the local level, especially with respect to the rights of Indigenous and local communities. Due to the importance of aid funding in the landscape of REDD+ demonstration activities, many early projects have had a pro-poo bias and sought to support and empower forest-dependent communities undertaking or committed to sustainable forest management practices.[[63]](#footnote-63) As well, the emerging rules and norms for REDD+ already beginning to be implemented within the context of demonstration activities such that project developers have sought to negotiate agreements with local communities to respect and clarify their land and tenure rights.[[64]](#footnote-64)

### International REDD+ Readiness Initiatives

Both domestic readiness activities and demonstration activities are carried out with the support and collaboration of a complex array of multilateral, bilateral, and non-governmental initiatives at the international level.

There are currently three major multilateral initiatives that support REDD+ readiness efforts around the world. The first is the UN-REDD programme established by the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), and the Food and Agriculture Organization (FAO) in 2008. UN-REDD currently provides direct financial and technical support to national REDD+ readiness efforts in 14 pilot countries and also counts an additional 28 countries as observers. UN-REDD also maintains active global and national programmes that seek to develop common methodologies and tools for operationalizing REDD+.[[65]](#footnote-65) In order to participate in the UN-REDD programme, developing country governments are required to develop and submit a National Programme Document (NPD), which follows an established template, incorporates a number of policy and governance commitments, and is tracked and monitored by UN-REDD staff. As of 2012, 118 million US dollars have been committed to the UN-REDD programme, of which over 59 million US dollars have been allocated to support the national programmes of pilot countries.[[66]](#footnote-66)

The second is the World Bank’s Forest Carbon Partnership Facility (FCPF), also established in 2008. The FCPF includes a Readiness Mechanism that provides funding to support develop country capacity-building and preparedness for REDD+ activities and a Carbon Finance Mechanism to test public/private systems for performance-based REDD+ demonstration activities. The Readiness Mechanism has eleven donor countries and 37 beneficiary countries at varying stages of national REDD+ readiness.[[67]](#footnote-67) Like the UN-REDD programme, participation in the Readiness Mechanism requires the conclusion of a template document – the Readiness Preparation Proposal (RPP) – that comes with a host of conditions, addresses standard policy and governance issues, and is subject to review and monitoring. As of 2012, more than 230 million US dollars have been pledged to the FPCF and 75 million US dollars have been allocated to countries for implementation of their RPPs.[[68]](#footnote-68)

The third is the REDD+ Partnership which was created in 2010 to serve as the interim international platform for REDD+ pending its full establishment under the UNFCCC. Rather than deliver direct support to domestic REDD+ readiness efforts, it aims “to scale up REDD+ actions and finance, and to that end to take immediate action, including improving the effectiveness, efficiency, transparency and coordination of REDD+ initiatives and financial instruments, to facilitate among other things knowledge transfer, capacity enhancement, mitigation actions and technology development and transfer.”[[69]](#footnote-69) The REDD+ Partnership now includes 73 country partners and continues to play an important role in coordinating REDD+ readiness efforts and collecting and sharing information across different initiatives.[[70]](#footnote-70)

Other significant multilateral initiatives that also provide support to national REDD+ readiness efforts in developing countries include the Forest Investment Program (FIP), established by the multilateral development banks through their collaborative Strategic Climate Fund[[71]](#footnote-71) and the REDD+ investment programme initiated by the Global Environment Facility (GEF).[[72]](#footnote-72) The Congo Basin Forest Fund is one example of an *ad hoc* multilateral fund that has been established to channel funding toward forest carbon sequestration activities in a particular region. Unlike other multilateral initiatives, this fund provides support to NGOs (as opposed to states) implementing REDD+ projects or testing REDD+ methodologies at the local level.[[73]](#footnote-73)

In addition, a number of developed countries have also established bilateral programmes to support the REDD+ readiness phase. The most important among these is the Norwegian International Climate and Forest Initiative (NICFI) launched in 2007.[[74]](#footnote-74) As part of the NICFI, Norway has pledged several billion dollars in funding to support the development and implementation of REDD+, through pledges to established multilateral funds as well as partnerships with five country partners: Brazil, Guyana, Indonesia, Mexico, and Tanzania. Through a combination of diplomacy, development aid, research, and technical assistance, the NICFI “seeks to influence the policy process by adding momentum to finalising an international REDD+ agreement, contributing to the detail of the emerging mechanisms and establishing real examples through national-level agreements with key REDD-relevant countries.”[[75]](#footnote-75) Other important bilateral initiatives supporting the global diffusion of REDD+ include the Australia’s International Forest Carbon Initiative,[[76]](#footnote-76) Germany’s Forests and Climate Change Programme,[[77]](#footnote-77) and the US REDD+ Strategy.[[78]](#footnote-78) Like the NICFI, these initiatives may allocate funding to existing multilateral initiatives, provide direct support to non-governmental projects and develop bilateral aid and cooperation agreements with developing country partners.

Non-governmental actors are also involved in different capacities and at different levels within the REDD+ readiness phase. Large international conservation NGOs like Conservation International or the Nature Conservancy as well as local NGOs and communities are actively involved in the management and implementation of particular REDD+ demonstration projects. In addition, a wide variety of international and domestic environmental, development, human rights, and Indigenous rights NGOs such as Greenpeace or the Forest Peoples Programme have played active roles in seeking to shape or oppose the REDD+ readiness phase at various levels.[[79]](#footnote-79) Numerous non-governmental actors have also played critical roles in the development of new tools, guidance materials, and certification programmes for REDD+.[[80]](#footnote-80) Lastly, private sector actors have been participated in the REDD+ readiness phase by investing and developing forest carbon sequestration projects, brokering and auditing carbon projects and transactions, providing technical assistance and advice, and purchasing emissions reductions.[[81]](#footnote-81)

## 3. Existing Literature on Rights and REDD+

Although the negotiations and preparations for an eventual REDD+ mechanism are only a few years old, a relatively extensive literature has emerged around the legal, policy, and governance implications of an eventual REDD+ mechanism and its domestic operationalization.[[82]](#footnote-82)

Some of this literature suggests that REDD+ has the potential to protect and promote the rights of Indigenous and forest-dependent communities in a number of ways. First, conserving forests and addressing the external drivers of deforestation may in of itself serve to protect and enforce the rights and traditional territories of these communities, which are frequently threatened by large-scale commercial logging or forest conversion practices.[[83]](#footnote-83) Second, the equitable distribution of benefits derived from REDD+ funding among and within communities, as well as their integration into community forest monitoring schemes, may also support their sustainable livelihoods and practices.[[84]](#footnote-84) Third, the REDD+ readiness phase also has the potential to lead to the recognition, clarification, or enforcement of the land and tenure rights of Indigenous and forest-dependent communities. According to Hatcher, a variety of actors involved in REDD+ readiness efforts increasingly recognise that clearly established land and tenure rights are “fundamental to secure and predicable transactions needed to compensate for the opportunity costs of reducing emissions from deforestation and degradation.”[[85]](#footnote-85) At a more practical level, Seymour conjectures that “governments and private sector proponents could be forced to negotiate with rural communities who are in a position to control whether or not forests are functionally protected from fire, theft, conversion and other threats.” [[86]](#footnote-86) As a result, the issue of tenure reform has clearly emerged as a central consideration in international and domestic REDD+ readiness efforts.[[87]](#footnote-87) Fourth, numerous safeguards initiatives have been developed to prevent any negative social impacts from REDD+ activities and to ensure respect for the rights of Indigenous and forest-dependent communities. Although these safeguards initiatives are voluntary or private in nature, the aid and market conditionalities associated with them may yet play an important role in ensuring their effectiveness.[[88]](#footnote-88) Through its focus on conserving forests, the livelihood benefits it may provide, its potential for clarifying forest tenure rights, and its safeguards initiatives, some of the literature suggests that the REDD+ readiness phase may ultimately yield positive outcomes for the rights of Indigenous and forest-dependent communities.

Most scholars however express concerns that the domestic operationalization of REDD+ may actually undermine the rights of Indigenous and forest-dependent communities. First, forest conservation objectives may clash with the “development and subsistence priorities of these communities” and “restrictions over access to forests and their resources associated with REDD are likely to raise human rights questions similar to those that have already arisen with regard to forestry activities.”[[89]](#footnote-89) Second, funding provided through a potential REDD+ mechanism may well lead governments and corporations to “passively ignore or actively deny the land and resource rights of indigenous, traditional and/or poor forest users in order to position themselves to claim compensation for forest stewardship in their stead.”[[90]](#footnote-90) Third, large-scale reforms supported though the REDD+ readiness phase may fail to recognize or may abrogate customary or statutory tenure, use, and property rights of local communities and may ultimately prevent them from accessing the benefits of REDD+ funding.[[91]](#footnote-91) Fourth, many scholars express little confidence in the effectiveness of voluntary and non-governmental REDD+ safeguard initiatives, emphasizing the importance of developing formal institutions and processes, whether within the UNFCCC or established U.N. human rights organizations and bodies,[[92]](#footnote-92) as well as the need to strengthen institutional capacity and improve governance systems in developing countries.[[93]](#footnote-93)

By and large, most scholars tend to expect that the REDD+ readiness phase will have negative implications on the rights of Indigenous and forest-dependent communities due to the enduring significance of the political and historical dynamics underlying the forestry sector in developing countries. Numerous authors argue that the combination of financial incentives introduced through REDD+ and ineffective governance systems in developing countries creates opportunities for corruption, graft, and elite capture[[94]](#footnote-94) and the continuation of neo-patrimonial and authoritarian patterns of control more generally.[[95]](#footnote-95) Gomera et *al.* accordingly insist that measures like REDD+ “will be fundamentally shaped, in their implementation and outcomes, by the institutional and political-economic context of different national and local settings.”[[96]](#footnote-96) Ribot and Larson likewise argue that legal reforms and initiatives enacted through the REDD+ readiness phase are likely to be insufficient to address the underlying power asymmetries in forestry since “their creation, application, effectiveness, and ultimate meanings are shaped by entrenched rural inequalities embedded in disabling social, political-economic, and legal hierarchies.”[[97]](#footnote-97) In their opinion, without “the establishment of universal representation – via empowered and locally accountable authorities,” the REDD+ readiness phase is unlikely to yield fair and just outcomes for Indigenous and forest-dependent communities.[[98]](#footnote-98) As such, a recurring notion in this literature is that REDD+ policy processes and outcomes will largely be driven by entrenched power asymmetries and governance challenges in developing countries and that transnational policy actors are incapable of changing these asymmetries and may, worse still, exacerbate them. These conclusions reflect a broader perspective held by many political economists and ecologists that assumes that natural resource governance in developing countries is shaped by deep-seated power structures and dynamics which external actors and processes can do little to change in any positive way. For the most part, exogenous influences are largely epiphenomenal to these accounts of the policy process, merely providing further opportunities for local communities to be dispossessed of their rights and resources by powerful economic and political interests.[[99]](#footnote-99)

The current literature provides a helpful overview of the array of potential opportunities and risks that the REDD+ readiness phase poses for the rights of Indigenous and forest-dependent communities as well as identifies possible policy fixes and prescriptions. A number of critical questions remain however about the causal processes underlying the REDD+ readiness phase[[100]](#footnote-100) as well as their actual implications for the rights of Indigenous and forest-dependent communities. Of course, as the REDD+ readiness phase is a recent and on-going process and its ultimate results will not be known for many years in most developing countries, the availability of empirical data has been limited and academic research in this area is still in its infancy. Yet, as efforts to develop new REDD+-related laws, policies, and institutions in a number of developing country forerunners start to bear fruit, it is now possible to study the nature and significance of the REDD+ readiness phase.

## 3. Understanding the Role and Influence of Transnational Policy Actors in the REDD+ Readiness Phase

While the existing literature on rights and REDD+ assumes that the REDD+ readiness phase is likely to yield uniformly negative or ineffectual outcomes, I assume instead that the implications of REDD+ policy development require careful, multi-faceted, and context-sensitive analysis. As such, I remain open to the possibility that some aspects of the REDD+ readiness phase may have positive implications for the rights of Indigenous and forest-dependent communities, while other aspects may yield negative consequences. Moreover, as suggested by Orenstein, I do not presume that the preferences and influence of different transnational policy actors are fixed and unchanging and assume instead that “[c]areful analysis must avoid stylized assumptions that impute stability of preferences, information, resources, personnel, and behavior to transnational actors.”[[101]](#footnote-101) I am therefore interested in studying the role and influence of particular transnational policy actors in the context of REDD+ readiness policy development in particular developing countries.

In order to understand whether and how transnational policy actors engaged in the REDD+ readiness phase might influence REDD+ readiness policy development in developing countries, I draw on a converging set of works in international relations, comparative politics, and public policy studies that seeks to account for the impact of transnational policy actors and processes on domestic policy stability and change.[[102]](#footnote-102) In addition to its multi-level perspective, I share this scholarship’s interest in combining constructivist and rationalist explanations to assess the different modes through which transnational policy processes affect domestic policy-making and the intersections that may develop between them. In the analytical framework outlined below, I describe both ideational and material modes of influence through which transnational policy actors may affect domestic policy-making. I also provide examples that relate to the role of transnational policy actors in the REDD+ readiness phase and their influence on issues relating to the rights of Indigenous and local communities in participating developing countries.

Many scholars argue that foreign governments, international organisations, NGOs, and multinational corporations are playing an increasingly important role in the development and diffusion of public policies around the world.[[103]](#footnote-103) Yet, because these transnational policy actors generally lack formal policy-making authority at the domestic level, they must seek to alter the beliefs, preferences or capabilities of domestic policy actors, particularly policy-makers, bureaucrats, experts, and activists, to influence domestic policy-making processes and outcomes.[[104]](#footnote-104) Through a synthesis of existing research on transnational policy and governance processes, I argue that transnational policy actors generally operate through five principal modes of influence: knowledge generation and sharing, norm development and diffusion, international law-making, market manipulation, and material assistance.[[105]](#footnote-105)

### Knowledge Generation & Sharing

Transnational policy actors can influence domestic policy development by generating and sharing knowledge about the strengths and weaknesses of particular policy interventions and instruments, most notably by reporting on the experiences of other jurisdictions. Transnational policy actors may communicate this knowledge to domestic policy actors through the production and dissemination of policy briefs and reports, the organization of conferences, meetings, and training sessions, and the delivery of technical assistance projects and consultancies.[[106]](#footnote-106) These activities may in turn lead to what May calls a process of instrumental learning giving rise to “new understandings of the viability of policy interventions or implementation designs”[[107]](#footnote-107) and a consequent change in policy beliefs held by domestic policy actors. Depending on its credibility and format, such knowledge can also serve as a political resource that can be leveraged by domestic policy actors to persuade other actors to change their policy beliefs or preferences.[[108]](#footnote-108) Previous studies suggest that the effectiveness of knowledge generation and sharing as a mode of influence depends in large part on the availability and collaboration of willing domestic policy actors that adopt and promote the knowledge provided by transnational policy actors.[[109]](#footnote-109)

A number of REDD+ capacity-building and training initiatives are being developed and implemented by transnational policy actors that focus specifically on human rights issues and considerations relevant to the REDD+ readiness phase. UN-REDD has developed guidelines to outline normative, policy, and operational frameworks to guide the activities of its country partners with respect to the right to free, prior and informed consent.[[110]](#footnote-110) UN-REDD has also collaborated with the World Bank to develop guidelines for stakeholder engagement, with a focus on the participation of Indigenous and forest-dependent communities.[[111]](#footnote-111) Another example is a guidebook prepared by the Center for People and Forests (RECOFTC), with funding from GIZ and NORAD, on free, prior, and informed consent in REDD+.[[112]](#footnote-112) One final example is the REDD+ Social & Environmental Standards that have been developed through a global multi-stakeholder process facilitated by the CCBA and CARE International. The REDD+ Social & Environmental Standards do not apply to specific forest carbon projects and can instead “be used by governments, NGOs, financing agencies and other stakeholders to support the design and implementation of REDD+ programs that respect the rights of Indigenous Peoples and local communities and generate significant social and biodiversity benefits.”[[113]](#footnote-113)

### Norm Development & Diffusion

Transnational policy actors can influence domestic policy-making through the development and diffusion of international norms understood as intersubjective understandings that set standards of appropriate behaviour for those actors to whom they are addressed.[[114]](#footnote-114) Transnational policy actors may develop and diffuse norms by organising meetings, networks, and projects that facilitate the processes of socialization that underlie the emergence and effectiveness of international norms.[[115]](#footnote-115) As a result of their social interactions with other transnational interlocutors, domestic policy actors may be socialized into adopting policy beliefs that conform with an international norm.[[116]](#footnote-116) In it deepest form, socialization leads to internalization whereby an international norm achieves a “taken-for- granted quality,” thus making “conformance with the norm almost automatic.”[[117]](#footnote-117) A shallower form of socialization is acculturation, which Goodman and Jinks define as “the general process by which actors adopt the beliefs and behavioural patterns of the surrounding culture.” [[118]](#footnote-118) In addition to shaping the policy beliefs of domestic actors, the generation and diffusion of norms can also influence policy-making processes through their ability to alter the capabilities of domestic policy actors. Indeed, international norms may provide domestic policy actors and coalitions with powerful rhetorical tools that can legitimize their claims and grievances, enhance their opportunities for mobilizing and coalition building, empower them in policy processes, and enable them to pressure other domestic actors into changing their policy preferences.[[119]](#footnote-119) Existing research suggests that the salience, resonance or “fit” of international norms with domestic norms is critical to their impact on domestic policy-making.[[120]](#footnote-120) The effectiveness of norm development and diffusion as a mode of transnational policy influence can also therefore be expected to depend on the ability of domestic policy actors to translate, adapt, and leverage international norms in ways that resonate at the domestic level.[[121]](#footnote-121)

There is certainly evidence that a number of shared normative understandings are emerging in the REDD+ readiness phase about appropriate methodologies and interventions. Norm candidates that are especially relevant to the human rights implications of REDD+ include the notion that the clarification of resource and tenure rights is critical for the implementation of REDD+,[[122]](#footnote-122) that Indigenous and local communities should participate in the design and implementation of REDD+ projects,[[123]](#footnote-123) and that the distribution of REDD+ benefits should take place in an equitable, transparent, and corruption-free manner.[[124]](#footnote-124)

These emerging norms are of course related to broader trends in the fields of forest governance and conservation. First, principles relating to inclusiveness, transparency, accountability, equity, and subsidiarity have garnered increased recognition in the field of forest governance.[[125]](#footnote-125) In particular the salience of rights in the forestry sector has increased considerably over the last decade due to broader changes in the ideas held by policy-makers and practitioners, resulting in a shift toward decentralization and devolution of forest control and management.[[126]](#footnote-126) In addition, human rights have been increasingly integrated within the policies and practices of a range of actors in the development and environmental fields. NGO campaigns to pressure the multilateral development banks as well as large conservation NGOs to mitigate the social risks and impacts of their practices and activities has led these actors to adopt increasingly stringent operational and procedures that incorporate human rights standards.[[127]](#footnote-127) The concept of rights-based approaches is now widespread in the development field[[128]](#footnote-128) and is gaining increasing currency among conservation practitioners as well.[[129]](#footnote-129) Finally, the research, advocacy, and conservation NGOs that have pressed for the recognition of these norms within these broader fields have also brought their energies and efforts to the REDD+ readiness phase, which has provided another venue and set of opportunities for influencing the ideas, policies, and activities of domestic policy actors.[[130]](#footnote-130)

### International Law-Making

Transnational policy actors can exert influence on domestic policy-making through international law-making, understood broadly as the development of rules, principles, and norms within an institutionalized setting operating at the international level. As Stone Sweet explains, institutionalized environments exist on a continuum that varies on the basis of their specificity of their rules, their degree of formality, and their capacity for centralised monitoring and enforcement.*[[131]](#footnote-131)* As such, the ways in which transnational policy actors may be able to participate in the development of new international rules, principles, and norms and support their eventual influence on domestic policy-making processes depends in large part on the structure and features of a particular institutionalized environment.*[[132]](#footnote-132)* Nonetheless, two broad types of explanations have been developed to explain international law-making in various forms and its influence on domestic politics. Constructivist explanations view the development of international law as the institutionalization of international norms[[133]](#footnote-133) and thus highlight the importance of socialization between states, international organisations, and non-governmental organisations.[[134]](#footnote-134) Likewise, transnational social processes are also critical to understanding whether and why domestic policy actors are likely to respect international law or particular international rules and thereby alter their policy beliefs and preferences accordingly.[[135]](#footnote-135) Rationalist explanations on the other hand view the commitment to, and compliance with, international law as resulting from the self-interested decision of utility-maximizing rational actors.[[136]](#footnote-136) Rationalist scholars argue that domestic policy actors decide to comply with international rules when the benefits of doing so outweigh the costs, and particularly in order to obtain or preserve the reputational benefits that accrue from compliance.*[[137]](#footnote-137)*

There are two forms of international law-making that transnational policy actors may pursue within the REDD+ readiness phase. One form is provided by the power of the COP within the UNFCCC[[138]](#footnote-138) to adopt rules that provide overall guidance for the development of the REDD+ mechanism, by establishing common approaches and methodologies and committing states to taking certain actions in support of REDD+ implementation. Although decisions adopted by the UNFCCC COP are non-binding as far as the formal system of international law is concerned, they may still operate as a form of international law within the constructivist account highlighted above. As Brunée explains, “COPs and their subsidiary bodies, in providing stable forums for exchange and examination of problems at hand from different angles, are particularly well placed to facilitate the continuous interactional processes that allow shared understandings to evolve, and collective identities and concerns to be shaped.”[[139]](#footnote-139) These shared understandings, when combined with the criteria and practice of legality, may generate a sense of legal commitment on the part of relevant actors.

Another set of international legal rules for REDD+ are provided by UN-REDD[[140]](#footnote-140) and the World Bank.[[141]](#footnote-141) Of particular relevance are the safeguard initiatives developed by these institutions to guide staff members working on REDD+ programming and projects. While these initiatives are internal administrative rules, they too may acquire the status of international legal rules through their incorporation into partnership and borrowing agreements that UN-REDD and the World Bank conclude their developing country partners. As Boisson de Chazournes explains in relation to the World Bank’s operational standards,

As policy instruments they do not have legal status *per se* in the international legal system. They may enter the legal order, however, and be regulated by the law of treaties by being incorporated into a loan or credit agreement. The Operational Standards may also play a crucial role in fostering the emergence of new international practices that seek to promote sustainable development and in facilitating respect for international legal instruments negotiated and adopted in other arenas.[[142]](#footnote-142)

Moreover, in the case of the World Bank, the application of these standards is monitored by an independent evaluation units well as through the creation, on a case-by-case basis of an Inspection Panel which “decides on the applicability of relevant policies and procedures, interprets their content in deciding whether or not the Bank failed to comply with them, and clarifies their content through interpretation.”[[143]](#footnote-143) In carrying out its work, an Inspection Panel can reach findings that publicize particular instances of non-compliance with the operational standards and can issue recommendations on steps to remedy such instances. Although the World Bank’s development and application of these standards is not without its critics, there is some evidence to suggest that it has been effective in shaping the behaviour of the World Bank and of developing country governments.[[144]](#footnote-144)

### Market Manipulation

Transnational policy actors can influence domestic policy-making by harnessing global market forces to change the economic incentives associated with particular policy preferences. The existing literature identifies three types of strategies that transnational policy actors may use to do so. First, transnational policy actors can manipulate access to the key export markets of the domestic jurisdictions that they seek to influence through consumer boycotts[[145]](#footnote-145) and changes in regulatory standards.[[146]](#footnote-146) If domestic policy actors are concerned with gaining or maintaining their country’s access to these import markets, they may seek to alter their policy preferences in accordance with these boycotts and regulatory changes. Second, transnational policy actors can make enhanced or preferential access to markets conditional on policy changes in the domestic jurisdictions that they seek to influence.[[147]](#footnote-147) Third, transnational policy actors may support the development and diffusion of non-state-market driven systems (NSMDS) that establish standards, verify compliance, and sanction non-compliance in particular industries. NSMDS provide additional economic incentives for domestic policy actors to support a particular set of regulatory standards, especially when their industries are dependent on export markets and susceptible to consumer boycotts.[[148]](#footnote-148) Existing research suggests that the effectiveness of market manipulation as a mode of transnational policy influence depends in large part on the extent and the nature of a domestic jurisdiction’s dependence on foreign markets in particular economic sectors.[[149]](#footnote-149)

Although it is not clear whether they all fit the designation of NSMD systems, there are numerous non-state forest certification schemes that have been developed that are being applied, or could be applied, to certify emissions reductions achieved through particular REDD+ projects and activities.[[150]](#footnote-150) These standards are already being used within specific forest conservation and management projects receiving or seeking funding from public and private sources of REDD+ funding.[[151]](#footnote-151) Many of these certification schemes incorporate human rights standards and considerations. The CCBA standards for the validation of avoided deforestation and forest degradation projects that have been developed with the REDD+ framework in mind require demonstration that a project has not encroached on property rights, has obtained the free, prior, and informed consent of those whose rights are affected by a project, and does not entail involuntary relocation.[[152]](#footnote-152) A more broadly applicable scheme, the FSC principles for forest stewardship, also includes principles that require the demonstration of uncontested, clearly defined, long–term land tenure and use rights, the recognition and respect of indigenous peoples' rights, the maintenance or enhancement of long-term social and economic well-being of forest workers and local communities and respect of worker’s rights, and equitable use and sharing of benefits derived from the forest.[[153]](#footnote-153)

### Material Assistance

Transnational policy actors may influence domestic policy-making by delivering material assistance in the form of funding, technical assistance, training, and capacity-building to domestic policy actors. Transnational policy actors may alter the policy preferences of domestic policy actors by making the provision of material benefits such as development aid and loans conditional on the adoption of particular policy reforms. [[154]](#footnote-154) Although the effectiveness of conditional forms of material assistance is debated by scholars, it remains a prominent feature of many bilateral, multilateral, and non-governmental governance arrangements in a variety of fields,[[155]](#footnote-155) including conservation[[156]](#footnote-156) and human rights.[[157]](#footnote-157) Existing studies in this mode of influence suggest that its effectiveness depends on the material leverage of transnational policy actors.[[158]](#footnote-158) In addition, material assistance may also alter the capabilities of domestic policy actors by providing them with the technical skills, financial resources, and expert knowledge to empower them within domestic policy processes.[[159]](#footnote-159) The effectiveness of this mode of influence will therefore depend on the ability of domestic policy actors that benefit from such support to leverage these resources to achieve their policy preferences.

Transnational policy actors engaged in the REDD+ readiness phase provide material assistance to a range of governmental and non-governmental REDD+ readiness activities being carried out in developing countries. This assistance is generally associated with some form of conditionality. For instance, in order to access multilateral sources funding and support for REDD+ readiness efforts, developing country governments are required to develop and submit documents such as Readiness Preparation Proposals (RPP) for the FPCF and National Programme Documents (NPD) for the UN-REDD programme. These readiness documents include commitments to policy processes and specific policy reforms that include human rights language and considerations most notably relating to stakeholder participation, land and tenure rights, Indigenous rights, and access to benefits. The FPCF and UN-REDD provide comments on these documents and may suggest changes before funding can be accessed by governments. These commitments are also tracked and monitored by the FPCF and UN-REDD.[[160]](#footnote-160)

Likewise, Norway has incorporated human rights language into some of its bilateral REDD+ cooperation agreements. For instance, its MOU with Guyana recalls in the introduction that both states are “signatories to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)”[[161]](#footnote-161) and accordingly provides that Guyana’s “systematic and transparent multi-stakeholder consultations will continue and evolve, and enable the participation of all affected and interested stakeholders at all stages of the REDD-plus/LCDS process; protect the rights of indigenous peoples […]”.[[162]](#footnote-162) Its Joint Concept Note with Guyana goes further by specifying that the:

The Constitution of Guyana guarantees the rights of indigenous peoples and other Guyanese to participation, engagement and decision making in all matters affecting their well-being. These rights will be respected and protected throughout Guyana’s REDD-plus and LCDS efforts. There shall be a mechanism to enable the effective participation of indigenous peoples and other local forest communities in planning and implementation of REDD-Plus strategy and activities.

Guyana’s policy is to enable indigenous communities to choose whether and how to opt in to the REDD-plus/LCDS process. This will take place only when communities wish to do so with their titled lands, in accordance with Guyana’s policy of respecting the free, prior and informed consent of these communities.[[163]](#footnote-163)

As a result, human rights issues and concerns are tracked by NORAD in its efforts in different REDD+ partner countries.[[164]](#footnote-164)

**5. Conclusion**

By identifying a range of modes of influence that draw on constructivist and rationalist explanations and operate at various levels, the analytical framework set out above provides a promising approach for studying the role, activities, and impact of transnational policy actors in the REDD+ readiness efforts of developing countries. To begin with, it has the advantage of recognizing that different transnational policy actors may make use of more than one mode of influence and thus avoids essentialist accounts that associate certain types of actors with particular modes of influence.[[165]](#footnote-165) In addition, while the starting-point of this framework lies with transnational policy actors, it also acknowledges the critical role played by domestic actors and structures in transnational policy processes.[[166]](#footnote-166) Finally, this framework makes it possible to study how different modes of influence may interact with one another in synergistic as well as contradictory ways in a given transnational policy process across multiple levels.[[167]](#footnote-167)

At this stage, this analytical framework awaits further refinement and empirical research focusing on the national processes and outcomes of the REDD+ readiness phase. In my on-going research in this area, I use a combination of process-tracing and legal analysis to study the role and influence of transnational policy actors on REDD+ readiness policy development in two early and active participants in REDD+: Indonesia and Tanzania. This research should make a valuable contribution to the broader research on the legal, policy, and governance aspects of REDD+, which is an expanding area of inquiry for both academics[[168]](#footnote-168) and experts in the field.[[169]](#footnote-169) An in-depth study of the role of transnational policy actors in the REDD+ readiness phase also provides an opportunity to reflect on the nature and reach of the transnational climate regime from which REDD+ emanates.[[170]](#footnote-170) My findings will be all the more germane to on-going policy and scholarly debates since I focus on three countries – Indonesia and Tanzania – that are global and regional forerunners for the domestic operationalization of REDD+.

I also aspire to make broader interdisciplinary contributions to a number of relevant fields and literatures. First, the REDD+ readiness phase provides a rich empirical environment for contributing to the literature on transnational policy influence and diffusion, including by providing a rare opportunity to study the simultaneous operation of multiple causal mechanisms within a single transnational policy process.[[171]](#footnote-171) In addition, due to its specific focus on the implications of the role and influence of transnational policy actors on the rights of Indigenous and forest-dependent communities, I will also consider important ethical questions that are raised, but often neglected, in other studies of transnational policy influence[[172]](#footnote-172) and diffusion.[[173]](#footnote-173)

Second, I have the opportunity to chart new ground to study categories of rights that have tended to be neglected by political scientists, particularly economic, social, and cultural rights and Indigenous rights.[[174]](#footnote-174) As a result, my work may provide a unique perspective on the ways through which transnational policy processes may affect human rights outcomes that is very different than the one adopted in much of the current political science scholarship on international human rights law, which tends to study civil and political rights and focus almost exclusively on the causal mechanisms and dynamics associated with the ratification and enforcement of treaties.[[175]](#footnote-175)

Finally, my research will also be relevant to legal and policy scholarship on the intersections of human rights and the environment, which has suffered from a lack of empiricism and has tended to adopt one-dimensional assumptions about the need for environmental policy-making and governance to draw on the language, norms, and machinery of human rights in order to achieve legal, social, and policy change.[[176]](#footnote-176) Whereas most legal scholars continue to view human rights as a source of inspiration and change for the environmental field, I want to explore how the interactions between these two areas of law and policy may create indirect and unexpected, yet powerful pathways of policy change[[177]](#footnote-177) – with significant implications for both environmental governance and human rights.

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2. *United Nations Framework Convention on Climate Change*, 9 May 1992, 1771 U.N.T.S. 107, entered into force 21 March 1994, art. 4(1)(d). [↑](#footnote-ref-2)
3. UNFCCC, Decision 1/CP.13, *Bali Action Plan,* in Report of the Conference of the Parties on its thirteenth session, Addendum, Part Two: Action taken by the Conference of the Parties at its thirteenth session, FCCC/CP/2007/6/Add.1 (14 March 2008), para. 1(b)(ii). [↑](#footnote-ref-3)
4. Constance L. McDermott, Kelly Levin & Benjamin Cashore, “Building the Forest-Climate Bandwagon: REDD+ and the Logic of Problem Amelioration” (2011) 11:3 Global Environmental Politics 85-103. [↑](#footnote-ref-4)
5. See section 2. [↑](#footnote-ref-5)
6. UNFCCC COP, Decision 1/CP.16, *The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on long-term Cooperative Action under the Convention*, in Report of the Conference of the Parties on its sixteenth session, Addendum, Part Two: Action taken by the Conference of the Parties, FCCC/CP/2010/7/Add.1 (15 March 2011) at para. 73. [↑](#footnote-ref-6)
7. Sheila Wertz-Kanounnikoff & Metta Kongphan-apirak, *Emerging REDD+. A preliminary survey of demonstration and readiness activities* (Bogor Barat, Indonesia: CIFOR Working Paper no 46, 2009). [↑](#footnote-ref-7)
8. See Annex I. List of developing countries participating in the REDD+ readiness phase. [↑](#footnote-ref-8)
9. CIFOR, “Global database of REDD+ and other forest carbon projects Interactive map,” available at: <http://www. forestsclimatechange.org/redd-map/> (accessed on 23 October 2012). [↑](#footnote-ref-9)
10. Sheila Wertz-Kanounnikoff & Arild Angelsen, “Global and national REDD+ architecture Linking institutions and actions,” in Arild Angelsen, (ed.), *Realising REDD+. National Strategy and Policy Options* (Bogor, Indonesia: CIFOR, 2009) 13-24 at 24. See also Arild Vatn & Arild Angelsen, “Options for a national REDD+ architecture,” in *ibid.,* 57-74 at 58. [↑](#footnote-ref-10)
11. Decision 1/CP.16, para. 74. See also Charlotte Streck, “Reducing emissions from deforestation and forest degradation: national implementation of REDD schemes – an editorial comment” (2010) 3-4 Climatic Change 389-394. [↑](#footnote-ref-11)
12. See section 2. [↑](#footnote-ref-12)
13. See Karin Bäckstrand, “Accountability of Networked Climate Governance : The Rise of Transnational Climate Partnerships” (2008) 8:3 Global Environmental Politics 74-102. [↑](#footnote-ref-13)
14. Mitchell A. Orenstein, *Privatizing Pensions. The Transnational Campaign for Social Security Reform* (Princeton, NJ: Princeton University Press, 2008) at 1. [↑](#footnote-ref-14)
15. The expression “forest-dependent communities” is used here to refer to local communities that live on or near forests, or who otherwise depend on forest resources and services. [↑](#footnote-ref-15)
16. Thomas Sikor *et al.* “REDD-plus, forest people’s rights and nested climate governance” (2010) 20:3 Global Environmental Change 423-425; Annalisa Savaresi, “The Human Rights Dimension of REDD” (2012) 21:2 Review of European Community and International Environmental Law 102-113; Rosemary Lyster, “REDD+, transparency, participation and resource rights: the role of law” (2011) 14:2 Environmental Science & Policy 118-126. [↑](#footnote-ref-16)
17. Heike Schroeder, “Agency in international climate negotiations: the case of indigenous peoples and avoided deforestation” (2010) 10:4 International Environmental Agreements: Politics, Law and Economics 317-322. [↑](#footnote-ref-17)
18. Decision 1/CP.16, para. 71(a). [↑](#footnote-ref-18)
19. Decision 1/CP.16, para. 71(a). I will use the term national REDD+ strategy for the remainder of this paper. [↑](#footnote-ref-19)
20. Wertz-Kanounnikoff & Angelsen, *supra* note 9 at 13-24. [↑](#footnote-ref-20)
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