

Principles of Justice in Policy approaches to REDD



FORESTS AND CLIMATE

What kind of solutions to environmental problems might be expected to result following the consistent application of a particular notion of justice?

Kate Dooley
FERN
kate@fern.org

What (and why) is REDD?



Reduced Emissions from Deforestation and Forest Degradation

- Mitigation pillar of the Bali Action Plan
- 12-17% of global emissions from land use change
- 80% of the debate...

The story so far...



- 1997 - Avoided deforestation was kept out of the Kyoto Protocol – ‘don’t sink Kyoto’
- 2005 - PNG and Costa Rica proposed ‘compensated reductions’ - national baseline approach to overcome leakage concerns
- 2007 – Bali - REDD included in the Bali Action Plan, under the mitigation pillar, as paragraph 1(b)(iii)
- 2009 – A REDD decision at Copenhagen ??

What are the threats?



- Alienation of communities from their lands, forced evictions
- Prevention of access to forests and forest resources, and outlawing of traditional practices
- Capture of REDD funds by big businesses, national and local elites, to the exclusion of Indigenous Peoples and local communities
- Diversion of focus from the real causes of climate change – emissions from Northern countries

leading to...

- Economic marginalisation and reduced quality of life, increased issues of social justice

What are the opportunities?



- Improved land tenure and forest governance, as well as broader structural reform of national development pathways
- Increased political space and voice for civil society, in local and national level
- Funding for sustainable community forest management
- Increased political will to stop deforestation and respect rights of forest-dependent people

Key policy issues in REDD



- **Scope** – REDD, REDD+, REDD++?
- **Scale** – national or sub-national?
- **Baselines** – historical, projected, global?
- **Governance** (phased approach)
- Monitoring, Reporting and Verification (**MRV**)
- **Rights** of indigenous peoples and local communities
- **Finance** - funds or markets?

Rights



Binding language on **rights** is a key demand to ensure Indigenous Peoples and local communities benefit from REDD and governments are held accountable

This must include:

- Procedural rights - full and effective participation, including free, prior and informed consent
- Rights to tenure -the right to collectively held, customary or community demarcated lands, territories and resources
- A complaints mechanism

Governance



- Phased approach, with a **phase two** focusing on governance and land tenure reform is key to ensuring REDD can incentivise the actions which are preconditions to reducing deforestation.
- The need to monitor and report on safeguards, and the impact of REDD projects

Financial architecture



- **Fund-based** - REDD paid for by public money. Finance delinked from quantifiable carbon reductions, and could be aimed at wider policy reform. Includes auctioning, taxes and
- **Market-linked** – REDD paid for by auctions of carbon credits in EU-ETS, for example. However, forest carbon credits are not interchangeable with industrial carbon credits, meaning that they do not function as offsets (Greenpeace proposal)
- **Carbon trading (market-based)** – REDD paid for by offsets allowing continued pollution in industrial countries.
 - Implications on the ground – finance must be directly linked to quantifiable carbon reductions – resulting in narrow technical focus on measuring and monitoring, rather than broader policy reform.

Distributive justice in Environmental policy making



- Sustainable Development
 - Global distributive equity

“meeting the needs of the present without compromising the ability of future generations to meet their own needs” (WCED 1987).

- Rio Conventions:
 - UNFCCC, CBD, UNCCD

Values are not absent from decision making, but are rather displayed in the dominance of certain norms over others

What does that mean in terms of policy design?

Utilitarianism	Maximising utility for the greatest number of people	Which preferences ought to be maximised may be misinformed as to long term environmental consequences
Liberal egalitarianism	Individualism - hardship is not offset by the greater good	Does not recognise the incompatibility of individual freedom and limits.
Market justice	Markets as just agents of wealth distribution, performance based rewards.	Government intervention in redistribution rejected, leading to ever increasing inequality
Mutual advantage	Positive net (economic) benefit prioritised	Continual references to sovereignty used to opposite ends
Communitarianism	Decisions cannot be taken outside of cultural/value context	Importance of community, citizenship and involved rather than neutral state
Justice as meeting needs	Moral equality of all is recognised in right to material equality	Policy which protects the most vulnerable as priority.

Synergies with environmental outcomes



Utilitarianism

Preference maximisation may be misinformed as to long term environmental consequences

Liberal Egalitarianism

Emphasis on individual freedoms does not recognise the incompatibility of freedom and limits

Market Justice

Market performance based rewards dependant on individual property rights, market seen as just agent of resource distribution

Mutual advantage

Policy support based on pragmatism and lowest common denominator, securing maximum net benefits for States

Communitarianism

Importance of community, citizenship and involved rather than neutral state

Meeting needs

Inherent equality of all is means rights must extend beyond political to equal rights to resources



what kind of environmental policies or programmes might be expected to result following the consistent application of a particular notion of justice?

Coalition for Rainforest Nations: Markets



- Fully fungible market approach with provisions to build capacity for market participation
- International **leakage** causing negative impacts for biodiversity and climate mitigation
- Countries with **lower technical capacity** disadvantaged
- Highly **asymmetrical** flow of funds (between countries) likely
- No substantive suggestions for how distribution of benefits would occur within countries

COMIFAC: liberal egalitarian



- Mixed funding from market and funds. Development needs emphasized
- Differential circumstances
- Cap and trade **and** deep Annex 1 targets emphasized
- Sub-national fund dispersal weighted on maintaining ecosystems
- Non-sustainable resource use for rural people – marginalised to small areas of land
- Existing **inequalities** maintained

India: mutual advantage



- International legal framework used to further national interests.
- Forest protection causing deforestation in other countries (through imports)
- Inclusion of plantations detrimental to biodiversity
- Rights?

Norway - Utilitarian



Aims to build consensus by creating greatest welfare for the majority

- Cooperation and consultation with indigenous peoples and local communities.
- Safeguards on environmental and social impacts

Long term implications:

Initially positive due to governance reforms, but inconclusive depending on implementation success

Bolivia: meeting needs



- Policies needed to allow space for the needs of the most vulnerable
- A fund ensures national as well as local control over REDD activities
- No offsets ensures climatic integrity
- Able to protect the rights of indigenous peoples as there is no transfer of rights of carbon ownership to markets

Long term implications:

- Increasing political space for voices of the most vulnerable and those with few political/civil rights

implications



- Varying and conflicting notions of justice
- Governance of global environmental change proceeds more or less on the basis of a pre-commitment to particular ideas of organizing
- Dominance of neo-liberal conceptions of justice resulting in reliance on market-based solutions
- The emergence of alternative concepts of justice in the international setting is cause for hope that further attention to underlying discourses may eventually lead to more equitable resource distribution

REDD must:



- Be additional to emissions reductions in Industrial countries
- Fully respect collective and customary rights
- Ensure safeguards against negative and social impacts and report on these
- Look beyond carbon to address the drivers of deforestation, including consumption and land tenure reform
- No 40%, No REDD!