



Tenure Trends Rights, Rollback and the Recentralizing Tendencies of REDD

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Life is full of surprises. Some, like the earthquake that destroyed Port-au-Prince or the tsunami that struck Aceh, are so-called “black swans” – widely unforeseen and highly improbable events with massive impacts. In the book by the same name, Nassim Taleb makes the good argument that we ought to better recognize what we don’t know, avoid “group-think”, and prepare for the unexpected.

Some surprises, though, are predicted by many but accepted by few: lots of warnings but few changes in “business-as-usual” to avert the danger. The risks of a particular undertaking may be recognized by people close to the potential danger, but most people are either uninformed or feel, and act like, the chances of disaster are too small or too distant to alter their behavior. The broken oil well in the Gulf of Mexico surprised many when it failed, but many others are saying “we warned you.”

The recent news from Papua New Guinea, where the legislature just amended their Environment Act to strip the rights of local landowners to challenge developers and the government over deals involving their lands and resources comes as no surprise to many. Nor does the newly passed investment promotion legislation in Laos where the government now has the right to sell publicly claimed land to foreigners, despite the fact that the majority of rural land is also the historic home of people whose land rights are still not legally recognized. This rollback of local rights is disheartening, but it is not surprising given the increasing commodity prices and demand for productive land.

Most major policy documents since the Stern report, including the safeguards in the UNFCCC draft text on REDD+, have noted that local rights, tenure and governance reforms must be addressed for REDD to work. **So, are the REDD texts, warnings and safeguards sufficient? Will we be surprised by the effects of REDD?**

Two new articles by well-known researchers point to the risk in REDD and the response to avoid the risk. The first, ***Does REDD+ Threaten to Recentralize Forest Governance?*** – by Jacob Phelps, Edward Webb and Arun Agrawal, warns that REDD could encourage governments to strengthen centralized control over forests and forest areas. Centralizing forces appear to be dominating the REDD agenda: international commitments negotiated by central governments which require central government reporting; internationally demanded MRV systems that are so demanding that only central governments can add up the numbers and be held accountable; and political urgency and momentum to sign the deal, spend the money and demonstrate some effort, even if it means sacrificing commitments to the governance reforms. On top of it all, governments continue to claim ownership of the majority of forests in the top forest carbon emitting countries. On the decentralizing side we have the old

arguments of justice, fairness and effectiveness – which often don't go very far in changing business as usual, especially in forest areas where the vested interests in promoting deforestation and government control are so strong.

The second article, *REDD-plus, forest people's rights and nested climate governance*, by Thomas Sikor and six other colleagues review the historical context within which REDD is developing, considers recent research, and recommends how to diminish the risk of REDD recentralizing power and governance and raise the chances for positive climate and development outcomes. They argue that the recognition of forest peoples' rights is a critical prerequisite for effective REDD and they identify three principles for recognizing and operationalizing these rights in REDD actions:

- 1) peoples' participation in political decision making over their own affairs;
- 2) equitable distribution of forest benefits; and
- 3) recognition of forest peoples' identities, experiences and visions.

It is only if these three principles are recognized in the future UNFCCC agreement that REDD will be able to overcome "the historical dispossession, political exclusion and cultural marginalization of indigenous peoples and members of local communities." And because rights and rhetoric over principles and safeguards only gain meaning in local settings, they write that another prerequisite is "nested governance" structures – where the stakeholders from all the different levels of governance (local, national, global) are involved in the governance at each level – defining, negotiating, deciding what is to be done.

"The road ahead is messy" they conclude, "but there is no choice if humanity wants to undertake effective and equitable actions to mitigate climate change." Sikor et al find the incipient efforts of UN-REDD and the Forest Carbon Partnership Facility to promote national consultations involving both transnational stakeholders and forest people's representatives a ground for optimism, predicting that adequate attention to local decision-making will also have a positive impact of fostering broader changes globally in climate governance.

The good news is that there are governments who have taken steps to respect rights and decentralize governance despite the opposing forces – Brazil for example. And REDD does seem to be creating new incentives and political space for reforming governance in some countries. These articles suggest that building on and encouraging local pushes for rights recognition will be the key to avoiding bad surprises and black swans.

Books and articles reviewed:

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