



How Can REDD+ Foster Local Rights and Livelihoods? Lessons and Insights from Peru

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We analyze participation and outcomes of current REDD+ policy development approaches for indigenous and other forest-dwelling communities.

Problem Definition

Reducing carbon emissions through avoiding deforestation and forest degradation, REDD+5, is currently being negotiated under the United Nations Framework Convention on Climate Change (UNFCCC). The original idea behind REDD+ in 2005 was relatively straightforward: to create financial incentives for developing countries to reduce emissions by conserving and sustainably managing their forests (Pistorius 2012). However, longstanding complexities surrounding forest and natural resource governance have emerged, including how to engage with indigenous and other forest-dwelling communities. With this, the question arises of how REDD+ policies and approaches may be developed to ensure that local peoples are included in decisions that affect their livelihoods and, more importantly, that outcomes improve livelihoods and rights.

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⁵ REDD+ formally stands for "reducing emission from deforestation and forest degradation in developing countries and the role of conservation, sustainable management of forests, and enhancement of forest carbon stocks in developing countries."





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A range of scholarly articles and practitioners have argued that, depending on specific policy incentives and institutional design, REDD+ could have either positive or negative impacts on local and indigenous communities.

There is a general consensus among most policy analysts that whether positive impacts will be realized will depend, in large part, on whether local peoples and their interests are integrated into policy deliberations and decision-making processes. As a result, many government officials and intergovernmental deliberations have responded with a range of efforts to formalize such involvement.

For example, the UNFCCC developed "safeguards" to be supported and promoted by REDD+ country initiatives (Jagger et al. 2012) and is discussing "co-benefits" to aim for synergies between carbon emission reduction and social goals (Brown 2013). Moreover, local communities could receive payments for forest conservation and sustainable use through REDD+'s "benefit sharing" arrangements, contributing to livelihood improvement.

Moreover, as international and national negotiations are still ongoing, some countries have worked to include local peoples in their REDD+ "pilot" and "readiness" projects — which are designed to create learning and "pave the way" for an international agreement. At the same time, some worry that in the absence of an international agreement and operational approaches to safeguards and benefit sharing, impacts may be suboptimal. The worry is that REDD+ project developers or commercial partners may take advantage of this policy vacuum to champion their interests while harming forest dependent communities.

Approach

The policy analysis of this Issue and Options Brief draws on political science research on forest policy and governance to ask this: How can REDD+, at its early implementation stage when international negotiations are still ongoing, foster the rights and livelihoods of indigenous and other forest-dwelling communities? Our purpose is to foster a learning dialogue to reorient explanatory social science research towards its practical implications for improving and fostering the livelihoods of forest-dependent peoples.

We proceed with the following analytical steps. The Background section reviews current REDD+ safeguards, co-benefits, and benefit-sharing policies, with special consideration for participation, and introduces the case of the "carbon cowboys" in Peru to illustrate why the questions imposed in this brief are so important. The Analysis section explains these developments from a social science perspective. The final section provides strategic insights for moving forward. This Issues and Options Brief addresses the following questions:

- 1. How did safeguards, co-benefits, and benefit-sharing concepts emerge?
- 2. How can REDD+ impact forest-dwelling communities?





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3. What strategic insights emerge from this analysis?

The first two questions are addressed in the Background section while the third is addressed in the final section.

Background

Dependence of forest-dwelling communities on natural resources, rights over natural resources, and participation in related policy decision-making have been prominent topics in academic and policy debates for decades if not centuries (Castro and Nielsen 2001). Policies at all levels of governance — from global to local — reflect tensions between conservation and development (i.e., the debate on the role of protected areas in nature conservation) and the role of forest-dwelling communities in natural resource management (also referred to as community-based natural resource management, or CBNRM) (McShane et al. 2011). The debates on REDD+ safeguards, co-benefits, and benefit sharing can thus learn from these earlier discussions and provide new evidence and arguments for the ongoing debate (Brown 2013).

Global REDD+ Safeguard Policies

The Cancun Agreement — a product of the 2010 UNFCCC Conference of the Parties (COP) — outlines seven safeguards that are to be supported and promoted in REDD+ initiatives as a means for minimizing risks to forest-dwelling communities and the environment (UNFCCC 2011). These seven safeguards include the following:

- Actions be consistent with objectives of national forest programs and international agreements
- Transparent and effective national forest governance structures
- Respect for the knowledge and rights of indigenous peoples and local communities
- Full and effective participation of relevant stakeholders, with emphasis on indigenous peoples and local communities
- · Conservation of natural forests and biodiversity
- Actions for addressing the risks of reversals ("permanence")
- Actions for reducing displacement of emissions ("leakage")

While this acknowledgement of safeguards demonstrates a level of commitment from the UNFCCC parties, the principles for safeguards are general and do not provide specific guidelines on mechanisms for accountability and criteria for what constitutes their adequacy (McDermott et al. 2012). This broadness in definition allows for the flexibility of REDD+ strategies to be respectful of state sovereignty and for states to conform initiatives to their own social and environmental policies but also causes widespread differences in interpretations in the application of these safeguards (McDermott et al. 2012) and inhibits a globally consistent interpretation (Visseren-Hamakers et al. 2012). The application of





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these safeguards, as a result, proves to be a challenge for many countries (Williams 2013; Evans et al. 2013).

Parallel to the REDD+ negotiations and policy development under the UNFCCC, the World Bank's Forest Carbon Partnership Facility (FCPF), Forest Investment Program (FIP), and the United Nations Collaborative Programme on REDD (UN-REDD) support tropical forest countries to develop REDD+ readiness proposals (R-PPs). Once approved, the agencies support the implementation of national REDD+ strategies and pilot projects. These "REDD+ readiness initiatives" require that countries recognize and incorporate social and environmental safeguards into their national REDD+ strategy proposals before receiving financial and technical support (Williams 2013). The UN-REDD tests proposals against its Social and Environmental Principles and Criteria, and the FCPF against the World Bank Safeguards and Strategic Environmental and Social Assessment (SESA). Government-led programs can also seek certification from the REDD+ Social and Environmental Standards (REDD+ SES), and independent projects may seek voluntary certification through the Climate, Community and Biodiversity Alliance (CCBA) (Murphy 2011).

The Safeguard of Participation and Stakeholder Engagement

The importance of full and effective stakeholder engagement, especially of forest-dwelling communities, has been emphasized by REDD+ donors and civil society (Williams 2013) because this is expected to assure proximate and long-term benefits to local livelihoods (Chhatre et al. 2012). In 2012, the UN-REDD and the FCPF produced guidelines for stakeholder engagement in the design and implementation of REDD+ readiness. These guidelines lay out the framework for the principles, step-by-step procedures in promoting effective indigenous peoples participation in REDD+, and are an instrument for enhancing stakeholder engagement after a project has already been designed and is being implemented (Rutt 2012). Many national REDD+ readiness proposals also support broad commitments to transparency, inclusiveness, and accountability in engaging with forest-dwelling communities (Jagger et al. 2012). Other proposals emphasize constructing multi-stakeholder platforms, feedback mechanisms for receiving stakeholder input, and procedures to ensure free, prior, and informed consent (FPIC). It remains unclear, however, how these concepts and ideas will actually be put into practice (Williams 2013). The following are examples of common challenges in engaging local groups as indicated in various REDD+ readiness proposals and REDD+ project development experiences.

- Lack of common vision. Indigenous knowledge is not incorporated enough into discussions and concepts as most project developers enter discussions with their own concepts and language (World Wildlife Fund 2012).
- Poor access for local stakeholder input. Engagement between state and communities served
 more as information-sharing sessions rather than consultations. Statements issued by 26 civil
 society organizations from the Central African Republic (CAR) indicated that recommendations
 and contributions made by civil society and local communities during meetings with government



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bodies had little effect on the final decisions toward designing REDD+ national programs (Williams 2013).

- Insufficient engagement. Consultations do not ensure local understanding. A REDD+ project in Guyana consulted 27 out of 130 indigenous communities using PowerPoint presentations in meetings that lasted a few hours and focused mostly on technical matters, but it failed to result in sufficient understanding of project goals and strategies (Williams 2013).
- Poor access to information. Texts written in foreign languages to communities present a
 significant challenge. For example, the initial draft of Vietnam's R-PP was written in English
 rather than Vietnamese, limiting the effectiveness of access to information for and consultations
 with local communities (Williams 2013). In another case, several indigenous communities were
 presented with contracts from private carbon companies that were written in English (Espinoza
 and Feather 2011; de Jong et al. 2013).

Authors have variously assessed the difficulties of effective participation. Corbera and Schroeder (2011) highlight that REDD+ represents a governance process that includes multiple actors, interests, and processes, which may conflict or concur. With its multi-interest, multilevel, and multi-actor processes, REDD+ is moving forward in various directions and in different governance levels, mostly without proper elaboration in one level before moving forward to the next. REDD+ projects, for example, have already been designed and implemented by the private sector in indigenous territories before national REDD+ strategies and policies were even seriously debated (Corbera and Schroeder 2011), resulting in poor, if any, consultation and FPIC.

Carbon Cowboys: The Example of the Matsés and SCLR in Peru

The development of REDD+ in Peru provides an informative example of the potential serious consequences of REDD+ projects when developed in parallel to the national REDD+ policy development process. In 2008, Peru became a pilot country for the FCPF and FIP. In March 2011, after several revisions led by AIDESEP (the organization that represents the country's indigenous federations) to incorporate indigenous peoples' values, the FCPF approved Peru's fourth R-PP draft. AIDESEP's main critiques of Peru's R-PP centered on the lack of land and property rights over forests and carbon stocks, clear mechanisms to ensure full and effective local stakeholder participation in REDD+ decision-making processes, and the lack of regulations for preventing carbon development projects from encroaching into local and Indigenous livelihoods and territories (Evans et al. 2013).

By 2011, at least 35 REDD+ projects were registered in Peru, affecting almost 7 million hectares of forest within the country (Espinoza and Feather 2011). These projects were developed in parallel to the national REDD+ policy development process, and while this approach allows for subnational and national REDD+ approaches to work concurrently, it also creates challenges and incompatibilities between national and subnational strategies (Rubio et al. 2012). Since the onset of REDD+ in Peru, carbon projects in the Peruvian Amazon developed at a faster rate than the strengthening and





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safeguarding of Peru's national REDD+ strategy (Espinoza and Feather 2011). Without clear mechanisms and national regulations to guarantee indigenous peoples' engagement in REDD+ decision-making, cases have arisen in the Peruvian Amazon of indigenous peoples being negatively affected by REDD+ programs, particularly by carbon investors and entrepreneurs (Espinoza and Feather 2011). These "carbon cowboys" or "carbon pirates," as they have come to be known in the REDD+ academic and practitioner community, are entrepreneurs who engage local and indigenous communities in carbon development projects through negotiations lacking adequate legal and administrative means, resulting in negative consequences for local resource use and livelihoods (Evans et al. 2013; de Jong et al. 2013).

Two documented cases of carbon piracy in the Loreto region of the Peruvian Amazon are the Matsés and Yagua indigenous communities and an Australian national, David Nilsson, who operated with a Hong Kong registered company, Sustainable Carbon Resources Limited (SCRL) (Loayza 2011; de Jong et al. 2013). Nilsson initially offered the Matsés a joint venture with highly dubious terms of great disadvantage to the Matsés people (Espinoza and Feather 2011; Ruiz Molleda 2012). The signing of this contract would have handed over to SCRL the control of current, future, or potential carbon credits residing within Matsés territory and compensations that are yet to be received.

Because of disputes between the community and AIDESEP's negative advice, the signing of this particular joint venture did not happen. However, even after this attempted abuse became highly publicized and condemned in national and international media (e.g. Lang 2011), only six months later, Nilsson and his new company, Amazon Holdings Limited (AHL), undertook a new attempt, this time with Yagua indigenous people. Nilsson was assisted in his efforts by, among others, senior members of the Loreto Regional Government (de Jong et al. 2013). That time, agreements were signed (Ruiz Molleda 2012; de Jong et al. 2013), and back in his native Australia, Nilsson has actually tried to sell carbon credits from indigenous territories (60 Minutes 2012).

The Matsés-Yagua and SCRL-AHL cases present an example of the possible detrimental outcomes that can occur as a result of a lack of FPIC in the design and implementation processes (Thompson et al. 2011). Especially in Peru, this danger remains highly relevant because over one-third of Peru's 69 million hectares of forests are traditionally occupied and used by Amazonian indigenous peoples (Espinoza and Feather 2011). In the forest rich regions, the implementation of the rule of law is weak, and private entrepreneurs and public officials have no scruples to engage in fraudulent efforts to gain profits over the backs of remote forest dwellers.

Analysis

Political science scholarship can be drawn upon to expand ideas about how strategies might intervene in this case to foster desired outcomes. The first thing that is important to be aware of is that political science's contribution not only pertains to "on the ground" research about past events and decisions, it also contributes to building understandings about "causal" expectations behind instrument choice and





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decisions. That is, drawing on previous research, political science theories can help policy makers and organizations identify more precisely what might occur when initiating a global policy or more focused experiments such as "readiness" projects. While it is impossible to predict with certainty because individuals and organizations often make unpredictable strategic decisions, we can uncover "plausible logic" of instrument choice in triggering unfolding events that might ameliorate, or exacerbate, the problems being addressed. To put it more concretely, attention to political science theory arguably would have helped policy makers avoid the carbon cowboys story above, shifting decisions about which policy experiments to initiate that had a greater likelihood of achieving desired results.

While it is impossible to draw on the range of relevant scholarship in a policy brief, we focus our analysis on two distinctions made by political scientists March and Olsen (1998) that seem particularly important for analyzing and offer strategies about how to proceed with REDD+ efforts that might foster local rights and resources. March and Olsen found that to understand the world of policy decisions and governance "institutions," it is important to address not only substantive policy choices (what they termed a "logic of consequences") but also the procedures in place that created the policy (what they termed a "logic of appropriateness"). These distinctions are important because they push strategists and policy makers to not only focus on the content of policy decisions, but also to develop a rationale as to why short-term and long-term support from a range of relevant stakeholders and communities might occur. Attention to the logic of consequences, for example, focuses attention on why different organizations with distinct interests might come to support the same policy instruments. This had led political scientist David Vogel to offer that a "California effect" might be nurtured in which highly regulated firms see it in their strategic self-interest to align with environmental groups to champion increased regulations on their less regulated competitors. This phenomenon, which draws on short-term strategic interests, ends up creating a long-term collective global good as other jurisdictions, and even international trade agreements, ratchet up environmental and social regulations in an increasingly globalized world. In this case, the implications for strategy are fundamental: We would not want to increase regulations on highly regulated firms because this would knee cap the reasons for the coalition building, hampering the cascading effects elsewhere. Therefore, increasing standards across the globe might mean maintaining standards in some jurisdictions. Strategists who had not reflected on this causal logic might inadvertently champion increased rules in the wrong jurisdiction, accidently making the world's problems worse off.

However, what is important for the review above is that sometimes a focus on logic of consequences can also make matters worse; it depends on the problem being addressed. For example, March and Olsen have found that failure to tend to logic of appropriateness often leads to short-lived policy decisions that never have a chance to institutionalize into full-fledged global approaches. According to these political scientists, policies are often short-lived when a community of stakeholders affected by the decision come to feel that the governance process lacked legitimacy. This distinction is important: March and Olsen argue that because every single policy decision cannot always benefit the short-term





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interests of a range of stakeholders (not all groups will come to evaluate the consequences of every decision as being in their organizational interest), the only way out of this conundrum is to build institutions that have "political legitimacy" in which stakeholders and societal interests feel that they are part of a fair system — even if not every decision goes in their favor (see also Bernstein and Cashore 2007). It is also important to note that a range of scholars, from Sabatier (1986) to Hall (1993) to Habermas (1994), have found that carefully planned "policy learning" architectures can help build institutions with broad legitimacy (appropriateness). This research finds, for example, the more learning focuses on "causal mechanisms" (the very topic of this policy brief) and less on short-term "compromises," political feasibility and substantive impacts can be increased.

Application of the logics of consequence and appropriateness has profound implications for strategy in the case of REDD+ and indigenous rights. The main logic REDD+ is applying is the logic of consequence. As stated in the problem definition above, the rather straightforward idea behind the development of REDD+ is to create financial incentives for developing countries to conserve their forests and use them sustainably. With this, REDD+ can be considered a payment for environmental services (PES) scheme and is strongly driven by the idea that financial incentives can change behavior. The REDD+ social safeguards, co-benefits, and benefit-sharing arrangements can be regarded as being driven by the logic of appropriateness.

The problems with current REDD+ implementation, as illustrated by the strong example of the carbon cowboys, can thus be explained by the fact that REDD+ pilot projects are being implemented while logic of appropriateness, the safeguards, co-benefits, and benefit-sharing systems are not yet well catered to. This confirms earlier conclusions from the literature, which concludes that a new policy initiative often starts with the logic of consequence, and the logic of appropriateness is only brought on board in later phases of the policy development process. Insights from political science, however, also show that relying solely on the logic of consequence is not very durable and that a logic of appropriateness needs to be tended to for long-term effectiveness (Bernstein and Cashore 2007).

Way Forward

This Issues and Options Brief has aimed to discuss the consequences of REDD+ for indigenous and other forest-dwelling communities. The case of the carbon cowboys in Peru has clearly shown the danger of REDD+ harming forest-dwelling groups if local projects are implemented before global and national safeguards, co-benefits, and benefit sharing are in place. The Analysis section has explained these dangers, applying the social scientific concepts of the logic of appropriateness and the logic of consequence. Main questions that arise from the discussions above are how policy makers might tend to follow both logic of consequence and logic of appropriateness and how learning processes might foster them. We suggest three potential ways forward toward an effective, legitimate, and equitable REDD+.





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Option 1: Tend to the Logic of Appropriateness in All REDD+ Activities

An important question that arises from the analysis is *when* to tend to the different logics in the development process of a policy. Based on the discussion above, we hypothesize here that in REDD+, the logic of appropriateness need to be addressed immediately and before the consequentialist approach in order to avoid negative impacts on indigenous and other forest-dwelling communities. The safeguards, co-benefits, and benefit-sharing systems thus need to be in place early on in the process.

This does not necessarily mean that pilot projects cannot be developed before a country has the safeguards policies in place at the national level. Private certification standards, such as the CCBA, can take on the role of the logic of appropriateness at the project level while the national safeguards system is being developed. Earlier experiences of defining and operationalizing safeguards, for example in forest certification, could also play a role. The Forest Stewardship Council (FSC) Principles and Criteria or those of other certification schemes can serve as an example of standardizing a safeguard definition and measurement (Murphy 2011) at the project level.

Based on the analysis above, it seems clear that attention to inclusion of stakeholders in policy deliberations is fundamental. While well-intended efforts have been initiated, the interests of local peoples have not been incorporated into policy decision and decisions as much as has been the interests of the commercial sector. The REDD+ community could use national and local interpretation and implementation of the "full and effective participation" safeguard to ensure attention to the logic of appropriateness. Actors could deliberate how this safeguard needs to be interpreted in order for all stakeholders to regard the REDD+ policy process as legitimate.

Option 2: Safeguards Information System

A safeguard information system (SIS) can support such deliberations on the interpretation and implementation of REDD+ safeguards. While the deliberations above (under Option 1) are suggested for actors involved in a specific REDD+ activity or process at the local or national level, a SIS can support these deliberations across governance scales and among different REDD+ initiatives. A SIS thus raises attention for the logic of appropriateness in the international REDD+ community as a whole. Such a SIS on how REDD+ safeguards, co-benefits, and benefit-sharing systems are addressed by different actors can support their effective implementation and is already being discussed by different authors (Murphy 2011). A REDD+ SIS is best described as a set of institutions and processes of collecting, verifying, assessing, and sharing information with other relevant institutions aimed at promoting transparency, minimizing social and environmental harms, and providing information on REDD+ initiative impacts (Boyle and Murphy 2012). A SIS is especially useful in REDD+ because the system could support learning from the parallel experiences of projects and national dialogues (Jagger et al. 2012). Many countries have expressed the need for a better understanding of existing systems for REDD+ safeguard standards and institutions (Boyle and Murphy 2012).





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Option 3: Learning Architecture

Tending to the logic of consequence immediately at the start of a policy process is easier said than done. Moreover, the decision to do so is also political in nature. In order to achieve durable, effective, legitimate, and equitable solutions for REDD+, policy practitioners and social scientists can — together — discuss and analyze potential ways forward in a so-called "learning architecture" that accompanies and informs REDD+ (Visseren-Hamakers et al. 2012) in which the policy processes are analyzed in ways "that foster stakeholder engagement, learning, and 'feedback loops' across practitioner and scholarly communities" (Visseren-Hamakers et al. 2012). If different types of actors with different political views are engaged, such a learning architecture can foster greater collective knowledge among all actors involved in REDD+ about cause and effect of instrument choice. It can also build shared understanding and norms on how REDD+ ought to be developed and what issues are fundamental for its success.

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