

## Contesting Justice in Global Forest Governance: The Promises and Pitfalls of REDD+

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### Abstract

For more than 30 years, diverse actors in global forest governance have sought to address the justice concerns of forest peoples—concerns about displacement, marginalisation, and loss of identity—related to forest interventions. Despite the mainstreaming of justice obligations into the global forest governance architecture and the proliferation of justice practices across multiple scales of governance, claims of injustice persist. The growing prominence of Reduced Emissions from Deforestation and Degradation plus the enhancement of carbon stocks (REDD+) as a primary mechanism for addressing global forest loss and degradation has again directed attention to the justice effects of global forest policies on forest peoples across the Global South. While REDD+ proponents argue that safeguard procedures and participatory processes will promote justice, opponents argue REDD+ will exacerbate injustices. To generate new insights into the persistent justice debates in REDD+, this paper draws attention to the role of norms in constraining and shaping policy designs and outcomes. It asks: to what extent and how does REDD+ as articulated in UNFCCC decisions respond to the established justice trajectory in global forest governance? How do current approaches in REDD+ create and constrain opportunities for justice for forest peoples? An empirical analysis of justice norms in global forest governance, including REDD+, demonstrate that while justice possibilities under REDD+ could narrow, opportunities for norm contestation are expanding. These additional opportunities can create conditions conducive to broader norm shifts in global forest governance.

**Keywords:** REDD+, environmental justice, forest policy, climate change mitigation, forest peoples, norms, Indigenous Peoples

### INTRODUCTION: REDD+ AND GLOBAL FOREST GOVERNANCE

REDD+ emerged against the backdrop of long-term efforts of the global community to both address continued rapid forest loss and degradation and the imminent threats posed by climate change—both “super wicked” problems that require swift and effective global responses (Levin et al.

2012). Its primary purpose is to generate economic incentives for forested, carbon-rich states to protect and enhance forest carbon stocks as a climate mitigation tool: forests could mitigate 24–30% of global carbon emissions, both by halting the 11% of emissions currently generated by forest loss and degradation and absorbing additional carbon through afforestation and carbon stock enhancement (IPCC 2014). As REDD+ has evolved to become a form of global forest governance “that shapes collective decisions about the use and management of forest resources” (Thompson et al. 2011: 100), it has been increasingly mired in justice-based conflicts. Immediately following its introduction at the 13<sup>th</sup> Conference of Parties to the UN Framework Convention on Climate Change (UNFCCC) in Bali, Indonesia in 2007, forest peoples<sup>1</sup> across the globe began voicing their concerns about REDD+, labeling it as an attempt of powerful, industrialised nation-states to colonise their forestlands, strip them of their rights,

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and deny their identities, reminiscent of their past experiences with global forest governance initiatives (Beymer-Farris and Bassett 2012; Crippa and Gordon 2013; Phelps et al. 2010). And although REDD+ efforts now include mainstreamed justice practices like social safeguards and free prior informed consent (FPIC) following the Cancun climate agreements, the inclusion of these practices has done little to assuage the concerns of forest peoples. Instead, forest peoples, and Indigenous Peoples in particular, continue to contest REDD+ based on claims of potential injustice, raising questions about the extent to which current REDD+ efforts, once implemented, will be able to address the justice concerns of forest peoples.

In this paper, I adopt a critical constructivist approach to examine the role of norms in constraining and shaping policy designs and outcomes to ask: to what extent and how does REDD+ as articulated in UNFCCC decisions<sup>2</sup> advance or restrict opportunities for justice for forest peoples? Broadly defined, justice includes at least three primary dimensions—1) distributive justice which refers to the distribution of benefits and burdens (Schlosberg 2007); 2) procedural justice referring to the ability to participate in and influence decision-making processes (Clayton 1998); and, 3) recognitional justice which refers to recognition and respect of identity, culture, and representation without being conditional upon assimilation (Martin et al. 2013a). While many scholars suggest that injustices in global forest governance result from poor implementation (e.g. Borrini et al. 2004; West et al. 2006; Vongvisouk et al. 2016), this article demonstrates the importance of understanding the role of norms in creating and constraining justice possibilities along multiple dimensions. In particular, the results show that while justice possibilities under REDD+ are narrowing, ongoing processes of norm contestation vis-à-vis REDD+ are creating conditions conducive to broader norm shifts in global forest governance. Through an approach that disrupts the status quo in how many scholars and practitioners conceptualise and study the social justice dynamics of REDD+, this research illuminates alternative explanations for the causes of injustice beyond an implementation gap; it suggests that scholars pay greater attention to the role of norms in shaping justice possibilities.

The paper begins by contextualising the current justice-based resistance to REDD+ in its historical roots, and explores the potential explanations that emerge through a critical constructivist approach. I briefly introduce the methods for the study, followed by the results and discussion. Given the lengthy and ongoing justice debates that persist across REDD+ efforts, the findings presented here suggest a new way of understanding, and therewith addressing, justice-based resistance to REDD+.

## BACKGROUND AND APPROACH

### Contextualising Concerns of Injustice in REDD+

Although justice-based resistance to global forest governance efforts has been prominent in REDD+ discourses, these

concerns are not new. Instead, justice concerns around REDD+ are rooted in forest peoples' historical experiences with global forest governance (Chomba et al. 2016; Marion Suiseeya 2016b). Studies show that different forest conservation initiatives have displaced millions of forest peoples from their homes (Brockington and Igoe 2006; Dowie 2011), increased malnutrition in forest communities (Krahn 2005), increased the burden and costs of conservation on communities (Adams and Hutton 2007), directed forest benefits away from communities (Agrawal and Redford 2009; Dunlop and Corbera 2016), and sometimes dismissed forest peoples' diverse, often intrinsic, values related to forests (Forsyth and Sikor 2013). Scholars have explained these distributive, procedural, and recognitional injustices that first emerged in the 1970s and early 1980s as the result of inadequate benefits-sharing arrangements (Martin et al. 2013b), a failure to include community considerations in programme and project designs (Borrini-Feyerabend et al. 2004; West et al. 2006), and insecure land tenure (Alcorn 1993). These concerns prompted the development and deployment of a variety of policies and procedures that targeted community engagement and benefits-sharing, such as alternative livelihood programmes, participatory and collaborative management approaches, and land use planning and land tenure reform (Brechin et al. 2003). Thirty years after their introduction, and although claims of injustice persist, these “justice practices” have been mainstreamed into global forest governance (Campbell and Vainio-Mattila 2003).

Recognising the potential for REDD+ to create similar injustices, scholars and proponents of REDD+ have directed considerable attention to questions of institutional design and implementation (e.g. McElwee forthcoming; Barr and Sayer 2012). An expansive body of work has focused on the question of land tenure and REDD+, arguing that tenure issues must be addressed for REDD+ to succeed (Larson et al. 2013). Other scholars point to the importance of community engagement in REDD+ activities (Angelsen et al. 2012; Chhatre et al. 2012), and the necessity of benefits-sharing mechanisms (Luttrell et al. 2013). A rapidly growing body of research argues that social and environmental safeguards are a key practice for preventing or mitigating injustice (e.g. Jagger et al. 2012). Because the failures of other forest initiatives to redress forest peoples' justice concerns is primarily attributed to an implementation gap resulting from a lack of capacity and political will (Angelsen et al. 2012; Atela et al. 2015; Brockhaus et al. 2014; Kanowski et al. 2011), REDD+ proponents have emphasised the need to address capacity concerns to effectively implement these practices (Vongvisouk et al. 2016). Central to these studies is an underlying assumption that if REDD+ programmes and projects draw lessons from past global forest governance efforts and can successfully incorporate and implement justice practices including benefit-sharing, safeguards, and tenure reform, they can effectively alleviate the justice concerns of forest peoples. Is justice-based opposition to REDD+ premature because there has not yet been a chance to see whether these initiatives can overcome the implementation challenges that have impacted other global forest governance

efforts? Such a question obviates the need to explore alternative explanations for the ongoing justice-based resistance to REDD+—that the practices embedded in REDD+ may not respond at all to the justice concerns of forest peoples.

### **Constructing Justice Possibilities in REDD+**

Although injustices in global forest governance have been of ongoing concern for more than 30 years, until recently there has been little attention among scholars of global environmental and forest governance to understanding what justice empirically looks like. An emerging body of research suggests that the justice landscape, particularly in the context of forest governance, is extraordinarily complex (Sikor 2013; 10–12). Environmental justice scholars argue that without greater understanding of the multidimensional, multivalent, and plural nature of justice, attempts to redress justice concerns may fall short, even under the best circumstances for implementation (Marion Suiseeya 2014a, Martin et al. 2016). This is because policy and programmatic responses to injustice may fail to fully understand the nature of the justice problem, especially the causal pathways of injustice (Walker 2012), or are guided by existing normative frameworks that privilege particular ways of thinking about problems and solutions (Okereke 2008; Okereke and Dooley 2010). And while a number of global environmental justice scholars are turning towards empirical justice studies to understand the process of meaning-making and the relationships between conceptualisations of justice and justice experiences in environmental governance (Sikor et al. 2014; Howard et al. 2016), few REDD+ scholars have sought to understand the relationships between justice experiences and the underlying normative fabric that guides REDD+ design and implementation. Because struggles for justice are often battles over ideas of what is fair, what is right, and what is just, it is important to understand that REDD+ can both obscure and expand the realm of possibilities for justice through the ways in which it defines justice (Marion Suiseeya 2016b).

The importance of norms for establishing the scope of possible outcomes from inter-national initiatives is well established in international relations scholarship (Finnemore and Sikkink 2001; Risse et al. 2013). Defined here as shared standards, or collective beliefs about expectations, norms can be expressed as fundamental, “core constitutional” norms that reflect general, broad agreement of nation-states; organizing principles that guide political procedures and policy practices; and standardized procedures that “entail specific prescriptions, rules and regulations” (Wiener 2009: 183–184). Norms shape governance possibilities in at least three ways—1) through their effects on governance actors by establishing expectations about behavior (Checkel 1999); 2) through their diffusion in policies, procedures, and practices that specify standards of behavior (e.g. Risse et al. 2013); and, 3) by establishing the values orientation of global institutions (Cortell and Davis 2000). In global environmental governance, for example, O’Neill (2007) finds a shift away from fundamental regime norms of inter and intragenerational

equity towards norms that emphasise a balance between economic efficiency and environmental protection. This can limit the scope for solutions to those that can be understood and evaluated in economic terms, which, with the exception of some concepts of distributive justice, does not lend itself to addressing broader justice concerns. Schroeder and Pogge (2009) for example, find that approaches to benefits-sharing under the Convention on Biological Diversity are guided by a narrow justice-in-exchange principle of distributive justice, limiting the development of benefits-sharing mechanisms to those that can measure the economic value of what is being exchanged between a producer and consumer. In effect, the normative fabric from which regimes, policies, and practices emerge can limit the scope of creativity for solving problems and also constrain how problems are defined (Conca 2006). Thus, to understand its justice possibilities, I approach REDD+ from an institutional perspective. In particular, I examine UNFCCC REDD+ policies against the institutional trajectory of global forest governance to identify the sets of justice norms, principles, and practices that constitute its normative fabric. Analysing REDD+ in relation to the existing normative fabric in global forest governance can generate insights into whether and how it differs from past approaches to create new justice possibilities (Okereke and Dooley 2010).

### **METHODS**

I collected data for analysing the normative foundations in global forest governance from forest-related treaties, policies, laws, and programme and project design documents. Through content and discourse analysis, I identified sets of “intersubjective understandings and collective expectations regarding the behavior of states and other actors in a given context or identity” articulated in (Björkdahl 2002: 15). To establish the normative fabric for justice in broader global forest governance, I draw first from the suite of international treaties, policies, and frameworks related to forest conservation and Indigenous Peoples. I augment these data with analyses of all available forest conservation laws, policies, frameworks, and programme and project designs since 1986 in Laos, where I previously served as an advisor and researcher on protected area governance.<sup>3</sup> As a less-developed, tropical forest country, forest governance in Laos is influenced and guided by international agreements, standards, and practices that donors, non-governmental organisations, and consultants frequently adopt and deploy as best practices; its policies and practices reflect the diffusion of global norms. I reviewed all available laws, policies, and projects in Laos since 1986 and coded their content for justice practices across three dimensions of justice (distributive, procedural, recognitional).<sup>4</sup> Because the majority of these were first written in English by consultants, I analysed English versions when available and otherwise analysed Lao versions. The data for establishing the normative fabric for REDD are drawn from an analysis of all UNFCCC REDD+-related decisions (see Appendix A).

Using an analytical framework to identify the types of

norms (core constitutional, organizing principles, and standardised procedures) (see Wiener 2009), and the dimensions of justice they embody (distributive, procedural, recognitional) (see Schlosberg 2013), I compare how the justice norms in global forest governance initiatives and REDD+ have evolved over time to create and constrain justice possibilities. Distinguishing among the types of norms is important not only for discovering different norms but also reflects variation in the degree to which different norms might be contested. For example, fundamental norms are general, broad, and tend to be contested more frequently (Wiener 2009:183). Because organizing principles are linked to policy and political processes they can be contested and can also shift to the status of fundamental norm (Wiener 2009:184–185). Norms that are the most specific and thus least contested are standardized procedures (Wiener 2009, 184). Attention to norm contestation, as the data below will demonstrate, is important for understanding the broader landscape for justice possibilities in global forest governance.

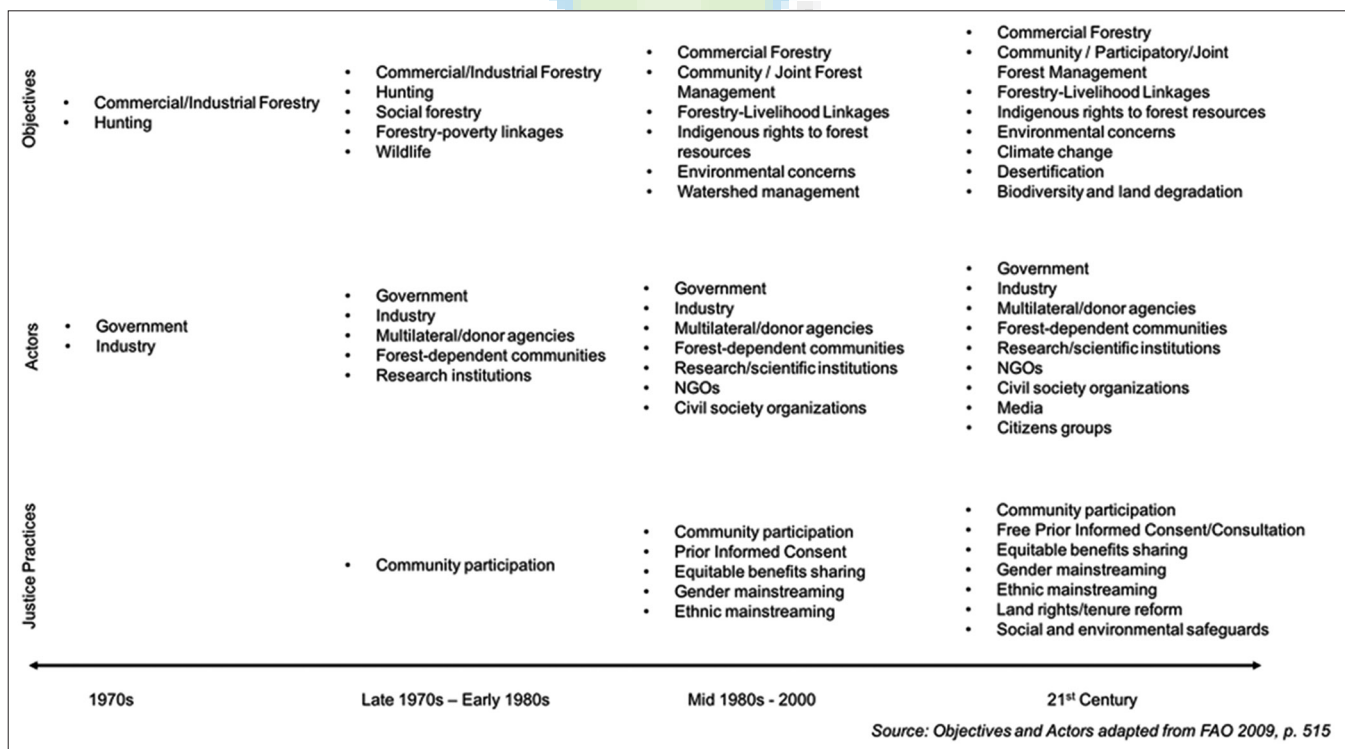
The approach herein generates analytical leverage along two fronts—1) it can illuminate the normative fabric(s) for justice; and, 2) it can generate insights into whether, how, and with what implications REDD+ moves beyond the historical trajectory in global forest governance to create and/or constrain the justice possibilities needed to redress forest peoples’ concerns. In the sections that follow I first present the results and then discussion their implications for understanding the continued justice-based resistance to REDD+.

## RESULTS: THE NATURE OF JUSTICE IN GLOBAL FOREST GOVERNANCE

### Evolution of Global Forest Justice Norms

Analyses of data from international, national, and subnational policies, programme, and project design documents suggest two main findings: first, there has been increasing attention to forest peoples’ justice concerns over time. Figure 1 shows the expansion of the objectives, actors, and justice practices of global forest governance over time and indicate increasing attention to role of communities, forest peoples, and Indigenous Peoples as core stakeholders and rights-holders in forest governance initiatives.

Second, as seen in Tables 1 and 2, three common fundamental norms of justice have remained relatively steady over time, including recognition and respect of—1) traditional and/or indigenous knowledge; 2) the relationship between culture and land or nature; and, 3) democracy via inclusive decision-making. Additionally, organising principles related to benefits sharing and consultation have remained steady, and procedures for engaging and safeguarding communities have become standardised over time. With the exception of the Cancun Safeguards, justice norms in global forest governance have mostly evolved from a preventative risk-based, or ‘do no harm’, approach articulated in the 1975 IUCN decision, towards ‘do good’ or ‘do better’ approaches exemplified by the 1992 UN Forest Principles and 2013 CCB Standards, respectively (see Table 1). ‘Do good’ and



**Figure 1**  
*Global Forest Governance Trends*

**Table 1**  
**Examples of Justice Obligations in Global Forest Governance<sup>1</sup>**

Organisation/Institution	Justice Dimensions	Description <sup>1</sup>
IUCN Resolution 1975/5 (1975)	Recognitional, distributive	Devise means by which indigenous people may bring their lands into conservation areas without relinquishing their ownership, use, or tenure rights (FPP 2013)
CBD (1992)	Recognitional, procedural, distributive	8 (j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices
Rio Declaration (1992)	Procedural	10. Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.
Agenda 21 (1992)	Recognitional, distributive	15.4 (g) Recognize and foster the traditional methods and the knowledge of indigenous people and their communities, emphasizing the particular role of women, relevant to the conservation of biological diversity and the sustainable use of biological resources, and ensure the opportunity for the participation of those groups in the economic and commercial benefits derived from the use of such traditional methods and knowledge
UN Forest Principles (1992)	Recognitional, distributive	5 (a) National forest policies should recognize and duly support the identity, culture and the rights of indigenous people, their communities and other communities and forest dwellers. Appropriate conditions should be promoted for these groups to enable them to have an economic stake in forest use, perform economic activities, and achieve and maintain cultural identity and social organization, as well as adequate levels of livelihood and well-being, through, inter alia, those land tenure arrangements which serve as incentives for the sustainable management of forests.
Forest Stewardship Council (1993)	Recognitional, procedural, distributive	PRINCIPLE #3: Indigenous Peoples Rights -The legal and customary rights of indigenous peoples to own, use and manage their lands, territories, and resources shall be recognized and respected.
UNFCCC REDD+ Standards (Cancun Safeguards) (Decision 1/CP. 16, 2010)	Procedural, recognitional	Appendix I.2:  (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...  (d) Implementation of all activities should...promote and support...the full and effective participation of all stakeholders, in particular indigenous and local communities...
Rio+20 Declaration on Justice, Governance and Law for Sustainability (2012)	Procedural, distributive	II.... Environmental sustainability can only be achieved in the context of fair, effective and transparent national governance arrangements and rule of law, predicated on: ... (b) public participation in decision-making, and access to justice and information, in accordance with Principle 10 of the Rio Declaration, including exploring the potential value of borrowing provisions from the Aarhus Convention in this regard;  ...Justice, including participatory decision-making and the protection of vulnerable groups from disproportionate negative environmental impacts must be seen as an intrinsic element of environmental sustainability.
REDD+ SES (Social and Environmental Standards (v. 2, 2012)	Recognitional, procedural, distributive	Principle 1: The REDD+ programme recognizes and respects rights to lands, territories and resources.  Principle 2: The benefits of the REDD+ programme is shared equitably among all relevant rights holders and stakeholders.  Principle 3: The REDD+ programme improves long-term livelihood security and well-being of Indigenous Peoples and local communities with special attention to women and the most marginalized and/or vulnerable people.  Principle 4: The REDD+ programme contributes to good governance, to broader sustainable development and to social justice.  Principle 6: All relevant rights holders and stakeholders participate fully and effectively in the REDD+ programme.

Contd...

**Table 1**  
*Contd...*

Organisation/Institution	Justice Dimensions	Description <sup>1</sup>
World Bank Indigenous Peoples Policy (July 2005, revised April 2013)	Recognitional, procedural	10. Consultation and Participation. Where the project affects Indigenous Peoples, the borrower engages in free, prior, and informed consultation with them. To ensure such consultation, the borrower:  (a) establishes an appropriate gender and intergenerationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation among the borrower, the affected Indigenous Peoples' communities, the Indigenous Peoples Organizations (IPOs) if any, and other local civil society organizations (CSOs) identified by the affected Indigenous Peoples' communities;  (b) uses consultation methods appropriate to the social and cultural values of the affected Indigenous Peoples' communities and their local conditions and, in designing these methods, gives special attention to the concerns of Indigenous women, youth, and children and their access to development opportunities and benefits; and  (c) provides the affected Indigenous Peoples' communities with all relevant information about the project (including an assessment of potential adverse effects of the project on the affected Indigenous Peoples' communities) in a culturally appropriate manner at each stage of project preparation and implementation.
Climate, Community, and Biodiversity Standards (3 <sup>rd</sup> ed., ition, 2013)	Distributive	CM2: The project generates net positive impacts on the well-being of communities and the community groups within them over the project lifetime. The project maintains or enhances the high conservation values in the project zone that are of importance to the well-being of communities.

<sup>1</sup>Descriptions selected directly from convention, policy, and resolution, etc., texts unless otherwise noted. Table adapted from Marion Suiseeya 2014b

**Table 2**  
*Justice Norms in Global Forest Governance*

Fundamental Norms	Organizing Principles	Standardized Procedures
Implementation guided by <i>do good</i> and <i>do better</i> principles		
Recognition and respect of: Land rights Traditional and indigenous knowledge Relationship between culture, land, and nature Democracy via inclusive decision-making	Equitable benefits sharing/co-benefits Tenure reform Free prior informed consent/consultation* Gender and ethnic mainstreaming*	Community participation Social and environmental safeguards (Free prior) informed consent/consultation* Gender and ethnic mainstreaming*

\*These organizing principles have become standardized procedures through routinization of approaches

'do better' principles promote positive or progressive norms that actively seek to promote some form of justice, including recognitional, procedural, and distributive dimensions and they complement the rights-based approaches articulated in the common justice practices in Figure 1 (Arhin 2014). For example, 'recognition of indigenous rights' can be considered a positive norm because it requires that states take affirmative action. Reactive norms are those that stipulate respond to actions, such the norms promoted when safeguards are triggered.

Notably, most of the obligations in Table 1 are 'subject to national legislation', drawing attention to another fundamental norm—states are the sole arbiters of justice (Marion Suiseeya 2014b). Thus, while translation of these norms into practice likely vary by state, they may only be relevant for those forest peoples who have already secured rights, recognition, and respect in national legal frameworks. Lastly, the Cancun Safeguards for REDD+ are a formalisation of the safeguards norm-in-practice and emphasize benefits sharing and local community and Indigenous Peoples participation, two of

the core justice norms in global forest governance. Table 2 summarizes the justice norms identified in Table 1. While it is outside the scope of this paper to explain how and why the justice norms trajectory in global forest governance has evolved to be largely progressive, its trends have been towards embracing 'do good' and 'do better' principles and rights-based approaches in implementation. Implementation challenges notwithstanding, justice is arguably a central component of global forest governance.

### Justice Norms in REDD+

Similar to the trends observed in the established justice trajectory in global forest governance, parties to the UNFCCC have recognised the need to respond to the justice concerns of forest peoples when designing agreements that target forest carbon issues. Since the 13<sup>th</sup> Conference of Parties (COP13) to the UNFCCC held in Bali, Indonesia, parties to the UNFCCC have included references to Indigenous Peoples and local communities in four REDD+-related decisions: 2/CP.13, 4/CP.15, 1/CP.16,

and 10/CP.19 (see Appendix A). Substantively the decision at COP16 in Cancun (1/CP.16) is the most comprehensive—it contains the social and environmental safeguards that parties are intended to specify and implement as part of their national REDD+ frameworks. The Cancun Safeguards are a preventative or risk-based approach designed to help parties uphold the international customary law principle, ‘do no harm’, as it applies to REDD+ activities. Specifically, parties have recognised the potential harm to Indigenous Peoples and local communities that could result if their knowledge is not respected or they are not engaged in REDD+ activities and decision-making. Table 3 maps the norms as established in UNFCCC REDD+ decisions across the three types of norms discussed earlier.

### DISCUSSION: THE PROMISES AND PITFALLS OF REDD+

#### Narrowing the Justice Trajectory

Although the UNFCCC’s REDD+ approach does include justice norms, when compared to the justice norms in global forest governance (Table 2), REDD+ demonstrates a narrower framework characterised by three main divergences from the established justice trajectory— 1) absence of land rights norms, inclusive democratic decision-making, and recognition, three fundamental norms that have endured in global forest governance since the 1970s and 1990s, respectively; 2) shift of safeguards from a less contested standardised procedure to a more contested organising principle; and, 3) shift back towards ‘do no harm’ as a guiding principle.

This divergence should not be equated with the complete absence of particular norms in REDD+. Instead REDD+ has downscaled much of the justice work, such as addressing land tenure issues and gender considerations to parties and REDD+ programme and project implementers as part of their national REDD+ strategies and action plans. This downscaling strengthens the norm of states as the sole arbiters of justice by deferring to states to identify appropriate approaches to addressing, for example, land tenure issues that may or may not include recognition and respect of land rights. Similarly, while full and effective participation remains part of the normative fabric, it is not specific to decision-making but rather related to implementation of REDD+ activities. Although not inevitable, the potential risks of downscaling these justice norms include a lack of recognition of forest peoples’ rights, including indigenous rights, and a lack of voice or representation in forest governance, especially in contexts where forest peoples have limited or non-existent rights

to land, nature, and political representation (Chomba et al. 2016).

The shift of safeguards from a standardised procedure to a more contested organising principle with a simultaneous redistribution of meaning-making (i.e. specification of safeguards) to a variety of diverse actors has similarly created justice opportunities and risks for forest peoples. Safeguards are a preventative or risk-based approach that are used as triggers in project and programme implementation; donors have effectively institutionalized safeguards as a standard procedure in conservation projects (McDermott et al. 2012: 64). For example, Indigenous Peoples safeguards are usually triggered if a project may directly or indirectly impact Indigenous Peoples. In the case of the Forest Carbon Partnership Facility safeguards, project proponents must carry out a Free Prior Informed Consultation process once the safeguard is triggered, usually resulting from information gathered during project design processes. How the shift of safeguards to an organising principle impacts justice possibilities in REDD+ remains unclear. On the one hand, shifting safeguard specification to states may allow for a broader array of values and concerns to be reflected in the safeguards, thus potentially expanding opportunities (e.g. Carodenuto and Kalame 2014). On the other hand, this shift could result in narrower safeguards that fail to capture the concerns of forest peoples or serve to enroll forest peoples in the dominant narrative, thus narrowing justice possibilities (e.g. Visseren-Hamakers et al. 2012; Dehm 2016). REDD+’ approach again downscopes justice work to states, which when viewed from the perspective of forest peoples can be problematic in contexts where rights and recognition are limited (e.g. Jagger et al. 2014). Moreover, this shift poses a moral hazard for states by altering the accountability structure for safeguards. Rather than states being accountable to globally agreed-upon safeguards, states can effectively determine the landscape of accountability. Such a shift raises the potential for a race-to-the-bottom or risk safeguards becoming empty gestures (e.g. Marion Suiseeya and Caplow 2013). States could develop national REDD+ frameworks that address only those justice concerns they are willing to address or they could shift the burden of accountability to project proponents. This shift towards state-driven, risk-based approaches, coupled with the absence of recognition as a fundamental norm, signals a significant divergence from established positive obligations in the broader justice trajectory. While states may opt to establish strong and comprehensive safeguards, there is no established set of collective expectations to guide their behavior and therein lies the risk.

**Table 3**  
*REDD+ Justice Approaches (as articulated in UNFCCC agreements, see Appendix A)*

Fundamental Norms	Organising Principles	Standardised Procedures
Implementation guided by ‘do no harm’ principles and needs-based approaches		
Respect of:	Social and environmental safeguards	National action plans and strategies to address:
Traditional and indigenous knowledge	Co-benefits	Land tenure issues
Relationship between culture, land, and nature	Full and effective participation	Gender considerations
		Safeguards

Lastly, REDD+' emphasis on 'do no harm' focuses attention on justice concerns around REDD+ activities rather than on its broader institutional architecture. As an integral part of the normative fabric in global environmental governance, especially climate governance, 'do no harm' has a long history in international law—particularly in the fields of humanitarian assistance, human rights, and international environmental policy (di Giovanni 2014). It requires that interveners, primarily states, ensure their activities will not fuel or exacerbate conflict, violate human rights, or, in the case of environmental impacts, lead to environmental degradation (i.e. transboundary pollution resulting from certain economic activities) (Roht-Arriaza 2009). Similar to a risk-based approach articulated in IUCN Resolution 1975/5 (see Table 1), 'do no harm' in REDD+ has been applied primarily through safeguards that "ensure that REDD+ activities 'do no harm' to people or the environment" (Peskest and Todd 2012: 2). 'Do no harm' is most commonly operationalised through safeguards, although REDD+ proponents have also developed different mechanisms for benefits sharing and project involvement (e.g. patrolling teams, carbon sequestration measurements and monitoring) that seek to monitor for potential harms.

Two levels of narrowing result from REDD+' emphasis on 'do no harm' and activities— 1) it limits the scope of consideration of justice concerns by parties to activities, neglecting the justice dynamics of governance – a void created by the absence of recognition as a 'do good' or 'do better' norm; and, 2) it impacts how project proponents conceptualise the justice effects of activities. In particular, this approach embodies an underlying assumption that livelihood improvement activities that emphasise participation, benefits, and benefits sharing that REDD+ can compensate for risks and harms as long as the benefits sufficiently compensate for the potential losses and community members are able to participate in activities. Such assumptions suggest that justice concerns are primarily material concerns rather than experiences of oppression and dispossession of identity tied to land and nature (see Young 1990). Such narrowing potentially renders some justice concerns invisible and limits how policy makers conceptualise solutions to narrowly defined problems, thus limiting justice possibilities.

Viewed in the context of indigenous pursuits of justice that seek to contest non-recognition and oppression by states, along with the pursuit of rights and recognition, including the right to govern their lands and resources, REDD+' divergences signal a retreat, or at a minimum a narrowing of justice possibilities. In contrast to the broader justice trajectory in global forest governance, REDD+ may constrain justice possibilities by—1) limiting the expectations of justice to those peoples with existing established rights; 2) relocating the authority to define the scope of justice to individual states; and, 3) focusing justice work in REDD+ on activities with limited or no attention to governance. While the potential of this reconfiguration of justice norms to significantly reshape on-the-ground justice work is an empirical question and outside the scope of this paper, this normative shift is significant. In particular, it

strengthens the position of states to determine what justice is, who the subjects of justice are, and where justice should be pursued. It could also reduce the leverage of non-state actors to hold states accountable outside of domestic political spheres.

### REDD+ and Opportunities for Norm Contestation

Despite the narrowing of justice possibilities resulting from its normative fabric, as a governance approach REDD+ has expanded opportunities for norm contestation and entrepreneurship across multiple policy venues, including climate and biodiversity treaty negotiations as well as conservation policy venues like the World Parks Congress and the World Conservation Congress. In adopting the term norm entrepreneurship, I draw from Sunstein (1996) to direct attention to "people interested in changing social norms" (909) who are able to introduce and catalyse the adoption of new norms, especially in state-dominated international policy venues (see also Finnemore and Sikkink 1998). In the context of global environmental governance, for example, NGOs are frequently credited as the norm entrepreneurs responsible for expanding the diversity of stakeholders in multilateral environmental treaty negotiations (Princen et al. 1994; Keck and Sikkink 1998; Wapner 1996). Norm entrepreneurs are thus considered agents of social change: beyond contesting existing norms and those introduced by others, they create and introduce new norms to reshape existing normative fabrics.

In the results presented in this paper, the complexities of REDD+ that give rise to many of its justice concerns also facilitate new opportunities for norm contestation and entrepreneurship. For example, the shift of safeguards from a standardised procedure to an organising principle could facilitate the development of a broader set of safeguards that are more relevant and contextualised to the specific conditions where they are applied. By developing these at a national or subnational level, safeguards have the potential to reflect more diverse voices and perspectives from forest peoples.

Additionally, because REDD+ enhances issue linkage, especially between forests, biodiversity, and climate change (Jinnah 2011; McDermott et al. 2011), it also increases the complexity of networks of governance actors across multiple scales of governance (Doherty and Schroeder 2011; Kashwan and Holahan 2014) and thus introduces new leverage points for norm entrepreneurship. These include, for example, the opportunities to discuss forest peoples' land rights in international climate negotiations as seen at COP21 in Paris where the 'Land Rights Now!' campaign was launched, or the ability to advocate for sovereign indigenous identities in state-dominated treaty negotiations as seen as the COP10 to the Convention on Biological Diversity in 2010 (Witter et al. 2015), as well as the expansion and strengthening of global indigenous networks that leverages REDD+ resistance as a unifying campaign. Coupled with the increasing access and presence of indigenous representatives in international environmental policy arenas (Schroeder 2010; Wallbott 2014; Marion



Suiseeya 2016a), Indigenous Peoples are able to strategically deploy resistance to REDD+ as part of a larger campaign for indigenous rights and recognition. As such, justice-based resistance to REDD+ could be understood to be not simply about REDD+, but reflects the rise of Indigenous Peoples as norm entrepreneurs pursuing alternative justice norms related to broader global governance agendas. Without REDD+ and in the absence of these conditions made possible by its rise as central to addressing climate change, forest peoples' pursuits of justice might remain siloed—and therewith silenced—by issue area.

## CONCLUSION

In this article, I have drawn attention to the importance of norms for structuring justice. In doing so, I demonstrated how REDD+ has diverged from the historical trajectory of justice norms possibilities in global forest governance. On the one hand, REDD+ could narrow justice possibilities by limiting justice to those peoples with existing established rights, relocating authority within individual states, therewith diminishing the potential influence of global justice norms, and focusing justice obligations on activities instead of governance. On the other hand, this narrowing, coupled with opportunities for issue linkage and expansion of governance networks across scales, have sparked resistance and cultivated new pathways for norm entrepreneurship. The resulting rise of Indigenous Peoples as norm entrepreneurs is evidenced both in the increased presence of indigenous voices in international environmental policy arenas. This momentum extends opportunities to also pressure other non-state actors to reexamine and reevaluate their approaches to justice in programme design and project implementation. Rather than viewing themselves as project proponents that may, in some way, fill a normative gap by adopting a 'do good' or 'do better' approach during implementation that initiatives like the REDD+ SES advance, these actors could harness their own power and agency to serve again as norm entrepreneurs in global arenas, pushing back against REDD+ narrowing of justice possibilities. Because some indigenous critiques of REDD+ are increasingly marginalised, it is especially important for NGOs in particular to revisit their roles as norm entrepreneurs (Cabello and Gilbertson 2012).

The critical constructivist approach in this paper thus challenges the notion that questions of justice in REDD+ are largely questions of programme design and project implementation to highlight the importance of expanding the possibilities for solutions through expanded positive normative terrains. Ultimately, however, forest peoples experience justice and injustice in their everyday lives are far removed from the opportunities for norm contestation in global environmental governance. Attention to processes of norm diffusion, which include the design and deployment of REDD+ programmes and projects, will be critical for understanding how and under what conditions positive and progressive norms can be translated into improved justice experiences in forest communities.

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## NOTES

- 1 Forest peoples are "peoples who live in and have customary rights to their forests, and have developed ways of life and traditional knowledge that are attuned to their forest environments. Forest peoples depending primarily and directly on the forest both for subsistence and trade in the form of fishing, hunting, shifting agriculture, the gathering of wild forest products and other activities" (Chao 2012, 7).
- 2 Because REDD+ is an evolving complex, fragmented, and increasingly diverse governance network, I direct attention in this paper to REDD+ as articulated in UNFCCC decisions. As the central decision-making process for REDD+, the UNFCCC Conferences of Parties (COPs) and their associated decisions construct the normative fabric that guides subsequent decisions, including programme and project design.
- 3 In 2007-2008, I also helped draft the community participation and benefits-sharing components of Laos' Readiness Plan Implementation Note (R-PIN) for the Forest Carbon Partnership Facility's REDD+ program.
- 4 The full data set is available upon request.

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**Appendix A**  
**UNFCCC REDD+ - Related decisions**

UNFCCC Decisions	References to Indigenous Peoples and Local Communities
Decision 2/CP. 13 (Reducing emissions from deforestation in developing countries: approaches to stimulate action)	Recognising also that the needs of local and indigenous communities should be addressed when action is taken to reduce emissions from deforestation and forest degradation in developing countries
Decision 4/CP. 15 (Methodological guidance for activities relating to reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries)	<p>Recognising the need for full and effective engagement of indigenous peoples and local communities in, and the potential contribution of their knowledge to, monitoring and reporting of activities relating to decision 1/CP. 13, paragraph 1 (b) (iii), ...</p> <p>3. Encourages, as appropriate, the development of guidance for effective engagement of indigenous peoples and local communities in monitoring and reporting;</p>
<p>Decision 1/CP. 16</p> <p>The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention</p> <p>C. Policy approaches and positive incentives on issues relating to reducing emissions 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</p>	72. Also requests developing country Parties, when developing and implementing their national strategies or action plans, to address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards identified in paragraph 2 of appendix I to this decision, ensuring the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities;
<p>Decision 1/CP. 16</p> <p>Appendix I: Guidance and safeguards for policy approaches and positive incentives on issues relating to reducing emissions 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</p> <p>(e.g. "Cancun Safeguards")</p>	<p>2. When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported:</p> <p>(a) That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;</p> <p>(b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;</p> <p>(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;</p> <p>(d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision;</p> <p>(e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivise the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;<sup>1</sup></p> <p>(f) Actions to address the risks of reversals</p> <p>(g) Actions to reduce displacement of emissions.</p> <p><sup>1</sup>Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as the International Mother Earth Day.</p>
<p>Decision 10/CP. 19*</p> <p>Coordination of support for the implementation of activities in relation to mitigation actions in the forest sector by developing countries, including institutional arrangements</p>	8. Decides that at the meetings referred to in paragraphs 4 and 5 above, participants may seek input from relevant bodies established under the Convention, international and regional organisations, the private sector, indigenous peoples and civil society in undertaking their work and invite the representatives of these entities to participate as observers in these meetings;