
Authorizing Appropriation?: Law in Contested Forested Spaces

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Christina Voigt (ed.), **Research Handbook on REDD+ and International Law**.
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Abstract

The 2015 Paris Agreement on Climate Change confirmed that the controversial reducing emissions from deforestation and forest degradation scheme, known as REDD+, will play a central role in the post-2020 climate regime. This review essay considers a recent Handbook dedicated to exploring the relationship between REDD+ and different areas of international law, which comprehensively brings together expertise on many diverse areas of international legal practice, including trade and investment, contractual and fiduciary risk as well as human rights considerations. While this valuable collection will surely become an indispensable 'toolbox' for practitioners and academics working on questions pertaining to REDD+, this review highlights some of the more complex methodological and political questions REDD+ raises and their implications for how REDD+ is characterized and its effects understood. It foregrounds the critiques by grassroots indigenous and climate justice activists, some of whom have argued that REDD+ represents a form of 'green grabbing' or 'CO₂onialism'. Additionally, it suggests that further investigation is needed into how REDD+ establishes, stabilizes and consolidates new forms of power relations and modes of authority as well greater consideration of the distributional consequences of carbon markets and their allocations of differentiated privileges, obligations and responsibilities.

In December 2015, the international community, in a moment widely heralded as 'landmark' and 'historic', agreed on a universally applicable international agreement to address climate change. The Paris Agreement sets out ambitious objectives to hold the rise in global average temperature below two degrees Celsius and to 'pursue

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efforts' to limit temperature increases to 1.5 degrees Celsius.¹ To achieve these goals, countries aim to 'reach global peaking of emissions as soon as possible' and undertake rapid emission reductions in order to 'achieve a balance between anthropogenic emissions by sources and removals by sinks'.² It thus affirmed that climate strategy is fundamentally concerned with not only the reductions of greenhouse gas emissions, but also the intensification of carbon sequestration, through forests and other carbon sinks. As such, the capacity of forests to operate as a 'carbon stocks' and to sequester carbon is confirmed as key object of concern of international climate and environmental policy.

The Paris Agreement also confirms that the contentious reducing emissions from deforestation and forest degradation (REDD+) scheme will play a central role in the future climate regime. The Agreement calls on parties to 'take action to conserve and enhance ... sinks and reservoirs of greenhouse gases ... including forests'³ and to implement and support the existing framework for Reducing Emissions from Deforestation and Forest Degradation or 'REDD+'. This 'potentially historic breakthrough' has confirmed the centrality of REDD+ as a policy objective and the continual promotion of economic incentives and practices to protect forests and promote carbon sequestration as a climate change 'solution'.⁴

Outside the Paris negotiations, grassroots indigenous and climate justice activists critiqued REDD+ as a 'land-grabbing false solution to climate change' that both 'privatize[s] the air we breathe', 'uses forests, agriculture, and water ecosystems in the Global South as sponges for industrialised countries pollution' and will 'bring trees, soil, and nature into a commodity trading system'.⁵ They condemned REDD+ as a mechanism that 'steals your future, lets polluters off the hook and is a new form of colonialism'.⁶ At the heart of these objections is the suggestion – not yet legally confirmed – that REDD+ would operate as a carbon 'offset scheme' whereby developed countries provide financial resources to promote the reduction of deforestation and forest degradation in the global South and, in return, are able to count towards their own international compliance obligations the 'saved' carbon dioxide from such 'result-based actions'.

If, as envisioned by some, such REDD+ 'offset' credits could be purchased by countries in the global North in order to meet their own domestic and international greenhouse gas reduction targets, there are concerns that it would thereby, through the operations of the transnational carbon market, displace the site and material

¹ Paris Agreement on Climate Change (Paris Agreement), UN Doc. FCCC/CP/2015/L.9/Rev.1, 12 December 2015, Art. 2(1)(a).

² *Ibid.*, Art. 4(1).

³ *Ibid.*, Art. 5(1).

⁴ See 'Inclusion of REDD+ in Paris Climate Agreement Heralded as a Major Step Forward on Deforestation', *Mongabay*, 14 December 2015, available at <https://news.mongabay.com/2015/12/inclusion-of-redd-in-paris-climate-agreement-heralded-as-major-step-forward-on-deforestation/>.

⁵ Indigenous Environment Network, *UN Promoting Potentially Genocidal Policy at World Climate Summit*, available at www.ienearth.org/un-promoting-potentially-genocidal-policy-at-world-climate-summit/.

⁶ *Ibid.*

responsibility for climate mitigation to forested countries in the global South.⁷ This spatial displacement of emission reductions through carbon markets raises important questions about how the costs of climate mitigation will be distributed globally.⁸ A recent study in *Science* found that the world's tropical forests are now a net carbon source rather than a carbon sink,⁹ highlighting the acute urgency of protecting the carbon sequestration potential of forests. Simultaneously, however, these findings speak to the critical need for increased carbon sequestration in forests to be additional to, and not a substitute for, the reduction of emissions from other sources, including from fossil fuels.

If confirmed as a market mechanism, REDD+ would thus be central to a 'new era of international carbon trading' instigated by the Paris Agreement,¹⁰ which 'set(s) up the framework for a much deeper world of cooperation'¹¹ on the development of markets that could potentially be worth US \$100 billion annually.¹² It relies upon valuing forests, and the ecosystem services they provide, in economic terms in order to provide incentives to address tropical deforestation by 'mak[ing] forests more valuable standing than they would be cut down'.¹³ REDD+ thus represents a specific way of framing and responding to the urgent challenge of addressing climate change, which is not neutral in its effects but with potential wide-ranging implications for how forests are governed and valued, for biodiversity, and for the livelihoods of the estimated 1.6 billion people who live in and around forests and depend upon them to some degree for their livelihoods.¹⁴ REDD+ is 'more than an impartial container for the various tools and actors concerned with addressing anthropogenic climate change', but it is 'already functioning as a form of governance, a particular framing of the problem of

⁷ For a discussion of country submissions and proposals, see UNFCCC Secretariat, *Financing Options for the Full Implementation of Results-based Actions Relating to the Activities Referred to in Decision 1/CP.16, paragraph 70, Including Related Modalities and Procedures: Technical Paper, Doc. FCCC/TP/2012/3*, 26 July 2012.

⁸ The UNFCCC articulates the principle that the responsibility for climate change mitigation should be based on 'common but differentiated responsibilities and respective capabilities'. United Nations Framework Convention on Climate Change (UNFCCC) 1992, 1171 UNTS 107, Art. 3(1).

⁹ A. Baccini *et al.*, 'Tropical Forests Are a Net Carbon Source Based on Aboveground Measurement of Gain and Loss', *Science*, September 2017, available at <http://science.sciencemag.org/content/early/2017/09/27/science.aam5962>.

¹⁰ 'Paris Agreement Rings in a New Era of International Carbon Trading', *Carbon Pulse*, 12 December 2016, available at <http://carbon-pulse.com/13339/>.

¹¹ 'After Paris, UN's New "Light Touch" Role on Markets to Help Spawn Carbon Clubs', *Carbon Pulse*, 15 December 2015, available at <http://carbon-pulse.com/13415/>.

¹² World Bank Group and ECOFYS, *Carbon Pricing Watch 2016: An Advanced Brief from the State and Trends of Carbon Pricing 2016 Report, to Be Released in 2016*, available at <http://documents.worldbank.org/curated/en/418161467996715909/pdf/105749-REVISED-PUBLIC-New-CPW-05-25-16.pdf>, at 3.

¹³ UN-REDD Programme, *Frequently Asked Questions and Answers: The UN-REDD Programme and REDD+*, November 2010, available at www.unredd.net/index.php?view=download&alias=6207-un-redd-faqs-and-answers-june-2010-1-6207&category_slug=additional-resources-1312&option=com_docman&Itemid=134.

¹⁴ J. Eliasch, *Climate Change: Financing Global Forests: The Eliasch Review* (2008), at 9.

climate change and its solutions that validates and legitimises specific tools, actors and solutions while marginalizing others'.¹⁵

It has been invested with great promise by its proponents and condemned as riddled with pitfalls by its opponents and critics. Former World Bank president Robert Zoellick describes REDD+ as perhaps 'the best chance, perhaps the last chance, to save the world's forests',¹⁶ while former executive secretary of the United Nations Framework Convention on Climate Change (UNFCCC), Christiana Figueres, describes REDD+ as the 'spiritual core' of a new global business plan for the planet.¹⁷ The objective of 'facilitat[ing] and execut[ing] agreements on reducing emissions from deforestation and forest degradation (REDD+) to protect forests and sustain the livelihoods of the people who depend on them' is a central part of the strategy for 'mitigation and adaptation action on the ground' to address climate change and promote sustainable development that appeared in point 2 of UN Secretary General Ban Ki-Moon's 2012 Five Year Action Agenda.¹⁸ The United Nations Environment Program has 'placed REDD+ at the heart of its climate change strategy' due to its 'transformative potential' for livelihoods and economies in forested landscapes and the opportunities it presents to 'catalyse further investments in other ecosystem services from forests, thus adding further "layers" of revenue streams from standing forests'.¹⁹ Moreover, REDD+ has become central to post-2015 development objectives to ensure that socio-economic benefits of forests are better 'valued'.²⁰

However, critics have decried carbon trading as a 'dangerous distraction' that legitimates the ongoing extraction of fossil fuels and avoids the deeper structural transformations necessary to move to a low-carbon society.²¹ Moreover, for many critics, REDD+ is not simply a 'false solution' but also a harmful project. The Indigenous Environment Network has described REDD+ as a new form of neo-colonialism or 'CO₂onialism'.²² Indonesian villages affected by a REDD+ project have described it as

¹⁵ Thompson, Baruah and Carr, 'Seeing REDD+ as a Project of Environmental Governance', 14 *Environmental Science and Policy* (2011) 100, at 100.

¹⁶ Cited in J. Conant, 'Do Trees Grow on Money?', *Earth Island Journal: News of the World's Environment* Autumn 2011, available at www.earthisland.org/journal/index.php/eij/article/do_trees_grow_on_money/.

¹⁷ Transcribed by author from Centre for International Forestry Research, *Closing Remarks: Forest Day 5, 2011* available at <http://blog.cifor.org/5782/countries-draft-%E2%80%9Cglobal-business-plan%E2%80%9D-for-planet-at-climate-summit-figueres-says/>. UNFCCC, *supra* note 8.

¹⁸ United Nations, *The Secretary-General's Five Year Action Agenda*, 25 January 2012, available at www.un.org/sg/en/priorities/index.shtml.

¹⁹ Thiauw (Direction, Division of Environmental Policy, Implementation, UNEP), 'Forward' in X. Zhu et al, *Pathways for Implementing REDD+: Experiences from Carbon Markets and Communities* (2010) 8 available at www.acp-cd4cdm.org/media/237951/pathwaysimplementingreddplus.pdf.

²⁰ Food and Agricultural Organization of the United Nations, *State of the World's Forests: Enhancing the Socioeconomic Benefits from Forests* (2014), available at www.fao.org/3/a-i3710e.pdf.

²¹ S. Bullock, M. Childs and T. Picken, *A Dangerous Distraction: Why Offsetting is Failing the Climate and People: The Evidence* (2009); for an overview of arguments against carbon trading, see Pearce and Böhm, 'Ten Reasons Why Carbon Markets Will Not Bring about Radical Emissions Reduction', 5(4) *Carbon Management* (2014) 325.

²² Indigenous Environment Network, *REDD: Reaping Profits from Evictions, Land Grabs, Deforestation and Destruction of Biodiversity* (2009), available at www.ienearth.org/REDD/index.html#36; Indigenous

the ‘new face of capitalism in the shape of ecological imperialism’ that is ‘turning our homes into a carbon toilet’.²³ For some commentators, REDD+ schemes represent a form of ‘green grabbing’, ‘the appropriation of land and resources for environmental ends’ that has been recognized as ‘an emerging process of deep and growing significance’.²⁴ Central in struggles over REDD+ are thereby the ongoing dynamics of accumulation and dispossession and the unequal geographies of authority over resources, resource control, and access.

Yet, despite high-level policy endorsements, the actual implementation of REDD+ projects on the ground is facing social, economic, regulatory and institutional challenges. Scholars have highlighted ‘furtive whispers in the halls of conservation: “REDD+ is dead; it’s time to cut our losses and move on”’²⁵ as well as suggestions that REDD+ may be the latest conservation ‘fad’, ‘embraced enthusiastically and then abandoned’.²⁶ Nonetheless, the affirmation of REDD+ in the Paris Agreement means that it will continue to limp along, with floundering implementation and actualization on the ground, but endorsed in policy and law. It is in this context that the questions addressed in the *Research Handbook on REDD+ and International Law*, skilfully edited and curated by Christina Voigt, about the legal regulatory and institutional architecture necessary to make REDD+ work take on great significance.²⁷

1 Overview of the *Handbook*

Although this *Handbook* went to print before the historic Paris Agreement was reached at the 21st Conference of the Parties (COP-21) to the UNFCCC, its timing is pertinent, and it clearly anticipates the continuing centrality of the REDD+ scheme in the post-2020 climate regime. The valuable collection comprehensively demonstrates that making REDD+ work depends on expertise in many diverse areas of international legal practice, including trade and investment, contractual and fiduciary risk as well as human rights considerations. The insights that the specialist scholars bring to their analysis will likely make this book an indispensable ‘toolbox’ for practitioners

Environment Network, *No to CO₂onialism! Indigenous Peoples’ Guide: False Solutions to Climate Change* (2009), available at www.uky.edu/~tmute2/nature-society/password-protect/nature-society-pdfs/Indigenous-Peoples-Guide-Env.pdf.

²³ P. Danum Kalimantan Tengah, *Our Land Is Not a Carbon Toilet for Dirty Industries of Developed Countries* (2012) (copy on file with author).

²⁴ See Fairhead, Leach and Scoones, ‘Green Grabbing: A New Appropriation of Nature?’, 39(2) *Journal of Peasant Studies* (2012) 237, at 238.

²⁵ Fletcher *et al.*, ‘Questioning REDD+ and the Future of Market-Based Conservation’, 30(3) *Conservation Biology* (2016) 673, at 673.

²⁶ Redford, Padoch and Sunderland, ‘Fads, Funding, and Forgetting in Three Decades of Conservation’, 27 *Conservation Biology* (2013) 437, at 437.

²⁷ Note also several other recently published and forthcoming books that further address the questions and issues raised in this review, including S. Jodoin, *Forest Preservation in a Changing Climate: REDD+ and Indigenous and Community Rights in Indonesia and Tanzania* (2017), M.F. Tehan, L.C. Godden, M.A. Young and K.A. Gover, *The Impact of Climate Change Mitigation on Indigenous and Forest Communities* (2017) as well as J. Dehm, *Reconsidering REDD+: Authority, Power and Law in the Green Economy* (forthcoming).

and academics working on questions pertaining to REDD+. The *Handbook* highlights how REDD+ is characterized by a ‘fluid, kaleidoscopic diversity of legal instruments, regime interplay, and the interaction of governance arrangements’, and it explores these multiple facets of the REDD+ ‘puzzle’ while also presenting methodologies to think through the complexities of scale, diverse levels and sites of governance and interactions, hoping to provide ‘impetus to further research on the possibilities and limitations, promises and consequences of such interplay’.²⁸ In doing so, it anticipates questions that will be of central concern to lawyers and scholars working on REDD+ as well as on climate mitigation, adaptation, climate finance and other related areas. As Christina Voigt’s opening chapter states:

The complexity of issues and interests to be taken into account will only increase when further objectives such as food and energy security, agriculture, land management, and sustainable finance and investment in land use are added to the picture. All of these diverse interests neither will, can, or perhaps should be addressed under the UNFCCC. Interaction and interplay with other legal instruments will therefore remain high on the legal and political agenda.²⁹

The chapters in this collection highlight the various important strands ‘of the complex and interwoven legal and governance tapestry in which the REDD+ financial instrument is situated’, ranging from international climate law, international investment law, indigenous rights and tenure reforms to biodiversity conservation, forest protection and global administrative law.³⁰ Antonio La Viña, Alaya de Leon and Reginald Rex Barrer situate REDD+ developments within the broader trajectory of legal norm development through decisions of the UNFCCC COP. The legal framework under the UNFCCC was first proposed in 2005 at COP-11 and was included as a key element of the ‘Paris Agreement’ adopted at COP-21 in December 2015.³¹ The most significant agreement on REDD+ was the Warsaw Framework on REDD+ (Warsaw Framework), which was adopted in December 2013 at COP-19.³² It establishes methodological rules for carbon accounting and the measurement, monitoring and reporting of ‘result-based actions’ from avoided deforestation or forest degradation.

The *Handbook* specifically focuses on this 2013 Warsaw Framework, which through a series of COP decisions created a ‘rule-book’ for REDD+ and the process of accounting for and measuring, monitoring and verifying ‘result-based actions’, which, as Christina Voigt and Felipe Ferreira show, still faces clear challenges.³³ The *Handbook* also includes chapters on safeguards, drivers of deforestation, multi-level governance and regime interaction. Annalisa Savaresi highlights how the (still vexed) question of REDD+ safeguards – how to both prevent harm and promote co-benefits – ‘raise(s) interesting questions on the interplay between international legal instruments’.³⁴

²⁸ Voigt, ‘Introduction’, in C. Voigt (ed.), *Research Handbook on REDD+ and International Law* (2016) 1, at 7.

²⁹ *Ibid.*, at 6–7.

³⁰ Cordonier Segger, Gehring and Wardell, ‘REDD+ Instruments, International Investment Rules and Sustainable Landscapes’, in Voigt, *Research Handbook*, *supra* note 27, 347, at 352.

³¹ Paris Agreement, *supra* note 1, Art. 5.

³² Warsaw Framework for REDD+ (Warsaw Framework), Decisions 9–15/CP.19, November 2013.

³³ Voigt and Ferreira, ‘The Warsaw Framework for REDD+: Implications for National Implementation and Results-based Finance’, in Voigt, *Research Handbook*, *supra* note 27, 30, at 58.

³⁴ Savaresi, ‘The Legal Status and Role of Safeguards’, in Voigt, *Research Handbook*, *supra* note 27, 126, at 137.

Margaret Young, in her chapter, theorizes REDD+ as a ‘legal regime’ and highlights the potential for conflict, rather than coordination or coherence, as it interacts with other legal regimes, especially with provisions in human rights conventions and instruments. Conflict, she suggests, is especially likely if REDD+ governance is structured by a ‘looser, experimentalist framework’ rather than a more ‘legally precise’ framework with clear rights and accountability mechanisms.³⁵

It is not surprising that substantial attention is directed to the rights of indigenous and forest peoples in the context of REDD+. Sébastien Jodoin discusses how the question of rights protection has been addressed not only through the UNFCCC and its safeguards but also through the private certification mechanisms such as the Climate, Community and Biodiversity Standards, thus raising again critical questions about the ‘normative implications of the diffusion and transformation of human rights’ in multiple – public and private – sites of law-making and governance.³⁶ Kirsty Gover questions whether the types of right-based tenure reform promoted by REDD+ implementing agencies are capable of delivering justice to indigenous communities who have historically been disenfranchised and marginalized by state laws.³⁷ She draws on extensive human rights jurisprudence on the ‘right to property’ to highlight the fraught nature of the recognition of customary rights based on historic or prior possession.

The *Handbook* also explores the intersection between REDD+ and other areas of environmental law, especially forest protection and biodiversity conservation. The interaction between REDD+ and broader efforts for forest protection is addressed by Peter Horne, who proposes five recommendations to generate synergies rather than the presently existing ‘duplication, competition and confused implementation’ by focusing on ‘bottom-up’ rather than ‘top-down’ approaches.³⁸ Andrew Long focuses on the Convention on Biological Diversity and broader objectives of forest management.³⁹ In his contribution, he examines the possibilities of promoting ‘non-carbon benefits’ – both for their own intrinsic value and to ensure the ‘legitimacy and accountability’ of REDD+ – and transferring lessons from related regimes to make REDD+ ‘effective and sustainable’.⁴⁰ His discussion of the polycentric nature of the multi-level REDD+ ‘regime complex’ is developed further in the other contributions that examine the broader global governance structures necessary for REDD+ to work. Ernesto Roessing Neto and Joyeeta Gupta analyse the multi-level nature of REDD+ governance and elucidate the multilateral, bilateral, national-level and sub-national-level processes as

³⁵ Young, ‘REDD+: An Interacting Legal Regime’, in Voigt, *Research Handbook*, *supra* note 27, 89, at 90.

³⁶ Jodoin, ‘The Human Rights of Indigenous Peoples and Forest-Dependent Communities in the Complex Legal Framework for REDD+’, in Voigt, *Research Handbook*, *supra* note 27, 157, at 184.

³⁷ Gover, ‘REDD+, Tenure and Indigenous Property: The Promise and Peril of a “Human Rights-Based Approach”’, in Voigt, *Research Handbook*, *supra* note 27, 249.

³⁸ Horne, ‘Seeing the Forest for the Trees: Getting the Post-Earth Summit Forest Protection Back on Track’, in Voigt, *Research Handbook*, *supra* note 27, 306, at 320.

³⁹ Convention on Biological Diversity 1992, 1760 UNTS 79.

⁴⁰ Long, ‘The Convention on Biological Diversity and REDD+’, in Voigt, *Research Handbook*, *supra* note 27, 186, at 186.

well as private rule making through which REDD+ is being implemented.⁴¹ Charlotte Streck and Michaela Schwedeler highlight how REDD+ can be part of broader international law efforts to address the drivers – both direct and indirect – of deforestation operating at different sites and scales through different instruments.⁴²

The final section of the book focuses on aspects of law pertaining to markets, investment and finance, which are not traditionally assumed to be within the field of international environmental law. Paul Keenlyside, John Costenbader and Charlie Parker examine different ways to manage the fiduciary risks associated with transferring REDD+ finance to governments with weak institutions, especially given the levels of corruption in the forestry sector and the implications of such risk management choices for the delivery and effectiveness of aid.⁴³ The intersection between REDD+ and international investment law is explored by Marie-Claire Cordonier Segger, Markus Gehring and Andrew Wardell. They consider how ‘investment law might best fail to frustrate, and perhaps even foster, more effective implementation of REDD+ in developing countries’⁴⁴ and suggest that investment rules could operate as either a ‘sword’ or ‘shield’ for REDD+.⁴⁵

Concluding the volume, two contributions on future legal challenges explore questions of coordination, implementation and operationalization of REDD+. Patricia Elias argues that reiterative adaptive management loops could support implementation, and she promotes the use of ‘feedback mechanisms ... to adjust approaches in order to consistently work at meeting the goal’.⁴⁶ Finally, Kristen Hite explores the global administrative law considerations applicable to the ‘competing claims to forests and the carbon they contain’ that might arise in REDD+ implementation.⁴⁷ She identifies how REDD+ implementation might generate ‘both explicit and implicit conflicts in choice of law as well as the venue for addressing disputes’ and proposes models of effective, non-judicial, rights-protective complaint mechanisms.⁴⁸

2 Characterizing REDD+

The various chapters that make up this collection highlight that REDD+ is an ‘intricate mosaic of international legal instruments, international organizations, bilateral agreements, private, public-private and subnational initiatives’ and stress that it has a ‘multi-faceted character’ and that it is ‘characterized by ... intersection’, ‘regime

⁴¹ Roessing Neto and Gupta, ‘REDD+ and Multilevel Governance beyond the Climate Negotiations’, in Voigt, *Research Handbook*, *supra* note 27, 289, at 289.

⁴² Streck and Schwedeler, ‘Addressing Drivers of Deforestation and Forest Degradation through International Law’, in Voigt, *Research Handbook*, *supra* note 27, 213, at 213.

⁴³ Keenlyside, Costenbader and Parker, ‘Managing Fiduciary Risk in REDD+’, in Voigt, *Research Handbook*, *supra* note 27, 325, at 325.

⁴⁴ Cordonier Segger, Gehring and Wardell, *supra* note 29, at 348.

⁴⁵ *Ibid.*, at 364.

⁴⁶ Elias, ‘Rediscovering Ambition, Implementation and Operationalization’, in Voigt, *Research Handbook*, *supra* note 27, 391, at 392.

⁴⁷ Hite, ‘Adjudicating Disputes across Scales: Global Administrative Law Considerations for REDD+’, in Voigt, *Research Handbook*, *supra* note 27, 408, at 408.

⁴⁸ *Ibid.*, at 409.

interaction and interplay', 'fragmentation' and 'polycentricity'.⁴⁹ The collection opens by announcing that 'REDD+ is a phenomenon', and although the *Handbook* dissects REDD+ from numerous angles and perspectives, these various impressions arrange themselves collectively more as a 'kaleidoscope' than a 'tapestry'. This problem arises, I suggest, because understanding REDD+ requires a simultaneous appreciation of the legal regimes and discursive frameworks that underpin it, the economic visions and ideas that drive it as well as its materialization through on-ground practices at multiple scales. While all of these aspects are present in the *Handbook*, they do not necessarily coalesce; the nature of the whole remains elusive.

REDD+, I suggest, needs to be analysed as a legal framework, a vision of market-orientated environmental governance as well as a project of materializing or actualizing this vision, made up of preparatory and experimental processes and dependent upon modes of technical knowledge and regimes of representation and legibility. In particular, the way in which REDD+ as a legal regime, the practices to actualize and materialize it and the driving vision of REDD+ as a market-based model of environmental governance interact to co-constitute a specific assemblage is not addressed in the *Handbook*. One of the key – and still unresolved – controversies throughout the negotiations on REDD+ has been the fraught question of whether REDD+ will operate as an 'offset' scheme that produces carbon credits from sequestration activities in the global South that can be purchased through transnational carbon markets to assist in meeting compliance obligations in the global North.

The debate essentially revolves around two models, a fund-based one whereby developed countries would financially support these activities in the global South (for example, through aid or overseas development assistance) and a market-based model where financing for forest conservation comes from global carbon markets. A market model implies that carbon credits produced from REDD+ activities can be used towards the compliance obligations of other countries.⁵⁰ The inclusion of forests in global carbon markets has been strongly opposed by many environmental justice-focused non-governmental organizations (NGOs) and social movements.⁵¹ Even after the Warsaw Framework and the Paris Agreement, this financing question remains formally open. The Warsaw Framework sets up a framework for verifying 'result-based actions' and for the transfer of 'result-based payments', but it does not elaborate from where these payments would come or the means by which they would be transferred.⁵² The Warsaw decision on financing notes the possibility of the COP developing both market-based and non-market approaches⁵³ and confirms that 'new additional

⁴⁹ Van Asselt and McDermott, 'The Institutional Complex for REDD+', in Voigt, *Research Handbook*, *supra* note 27, 81.

⁵⁰ See UNFCCC Secretariat, *supra* note 7.

⁵¹ See, e.g., Peoples Agreement: World People's Conference on Climate Change and the Rights of Mother Earth, 22 April 2010, available at <https://pwccc.wordpress.com/support/>; Margarita Declaration on Climate Change, available at <http://newsroom.unfccc.int/unfccc-newsroom/margarita-declaration-social-movements-call-for-greater-participation/>.

⁵² For a canvassing of party approaches to this question, see UNFCCC Secretariat, *supra* note 7.

⁵³ Decision 2/CP.17: Outcome of the Work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, Doc. FCCC/CP/2011/9/Add.1, 15 March 2012, paras 66–67.

and predictable' result-based finance could come from 'a wide variety of sources, public and private, bilateral and multilateral'.⁵⁴ The Paris Agreement did not provide any further legal resolution on the controversial question of whether REDD+ will operate as a 'carbon offset' as it encouraged both action to implement and support REDD+ through 'results-based payments' as well as 'alternative policy approaches'.⁵⁵

The *Handbook* avoids any detailed discussion of the proposed models for financing REDD+ or what implications the different financing models have for the operations and effects of REDD+. Some chapters in the *Handbook* briefly flag the controversial question of REDD+'s financing – public or private, market or non-market – with some contributors acknowledging that '[o]ne of the purposes of REDD+ is to provide financial compensation for the lost opportunity costs of deforestation',⁵⁶ that it was 'originally conceived as a PES [payment for environmental services] system' and that it was anticipated that the majority of funding would come from carbon markets.⁵⁷ Yet, beyond acknowledging that the 'matter of market approaches to REDD+ remains unresolved and highly polarized', the issue is not addressed in the *Handbook* in a comprehensive way.⁵⁸ While some chapters discuss the implications of a market-based REDD+ scheme (see, for example, Young, *supra* note 34, at 89), overall, the specific term 'offset' is only mentioned three times in the *Handbook*. One mention is a quick comment that back when the Kyoto Protocol's Clean Development Mechanism (CDM) was first developed it avoided deforestation.⁵⁹ The other two brief references both highlight that the decision on whether REDD+ will or will not become an offset mechanism, akin to the CDM, would have important consequences both for the legal status of safeguards⁶⁰ and for the question of 'non-carbon' benefits.⁶¹

While the question of financing remains legally unresolved, focusing only on the legal framework currently in place marginalizes insights gained from understanding how REDD+ is being actualized and implemented in practice. Arguably, the trajectory of REDD+ development strongly suggests it will be a market-based scheme.⁶² The Warsaw Framework confirms REDD+ as a staged or transitional programme that encompasses not just such 'result-based actions' but also the three-phased 'progression' towards this objective, in which each stage requires 'adequate and predictable' support from developed country parties.⁶³ The decision 'encourages' these entities, including the Green Climate Fund, that are financing such activities to

⁵⁴ Warsaw Framework, *supra* note 31, Decision 2/CP.17, para. 65 (Durban); Decision 9/CP.19, para. 1 (Warsaw).

⁵⁵ Paris Agreement, *supra* note 1, Art. 5(2).

⁵⁶ Elias, *supra* note 45, at 395.

⁵⁷ Cordonier Segger, Gehring and Wardell, *supra* note 29, at 351.

⁵⁸ Voigt and Ferreira, *supra* note 32, at 48.

⁵⁹ Streck and Schwedeler, *supra* note 41, at 226. Kyoto Protocol 1997, 37 ILM 22 (1998).

⁶⁰ Savaresi, *supra* note 33, at 134.

⁶¹ *Ibid.*, at 138.

⁶² See also Dehm, 'Indigenous People and REDD+ Safeguards: Rights as Resistance or as Disciplinary Inclusion in the Green Economy?', 7(2) *Journal of Human Rights and the Environment* (2016) 170.

⁶³ Decision 9/CP.19: Work Programme on Results-Based Finance to Progress the Full Implementation of the Activities Referred to in the Decision 1/CP.16, paragraph 70, Doc. FCCC/CP/2013/10/Add.1, 31 January 2014, para. 2.

'collectively channel' resources in a 'fair and balanced manner' with the objective of increasing the number of countries in a position to receive payment for result-based actions.⁶⁴

The Warsaw Framework also urges parties to ensure the coordination of such readiness activities⁶⁵ and to provide for developed country support 'through bilateral and multilateral channels' for these varied stages of implementation.⁶⁶ As such, REDD+ represents not simply a vision of the commodification, marketization and financialization of forest mitigation actions but also the process of constituting these markets and constructing the regulatory apparatus that are their preconditions through 'REDD+-readiness'. This understanding of REDD+ as encompassing both a process of market construction as well as market regulation unsettles simple dichotomies that at times emerge in debates on financing between public and private funding. It highlights the critical role played by public financing from bilateral and multilateral sources, including overseas development assistance, in establishing the enabling conditions of a privatized market-based regime.

Understood as a vision or idea, REDD+ represents an exemplary manifestation of the broader dominance of the field of environmental economics⁶⁷ in producing a neo-liberal model of environmentalism or 'market environmentalism' with a significant impact on law and policymaking.⁶⁸ As Robert Fletcher and colleagues have recently argued:

REDD+ is conceptualized as a quintessential MBI [market-based instrument] in its aim to incentivize forest conservation by correcting so-called market failure in sustainable forest management through ascribing monetary values to standing forests that would cover the opportunity costs of alternative land use and so make conservation more profitable than destruction.⁶⁹

Elsewhere, Arild Angelsen has noted that REDD+ 'follows textbook recommendations' from the field of environmental economics to 'create a multilevel ... system of payments for ecosystem environmental services'.⁷⁰ The more limited understanding of REDD+ in the *Handbook* is a product of taking the legal framework as the reference point rather than developing a more complex, layered and nuanced understanding of REDD+ as both legal regime, a vision or concept as well as practices of actualization; it is through the interaction of ideas, practices and regulatory frameworks that the strangeness of the 'phenomenon' of REDD+ emerges.

⁶⁴ *Ibid.*, para. 5.

⁶⁵ Cancun Agreements: Outcome of the Work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, Decision 1/CP.16, Doc. FCCC/CP/2010/7/Add.1, 15 March 2011, para. 78.

⁶⁶ *Ibid.*, para. 76.

⁶⁷ See Pearce, 'An Intellectual History of Environmental Economics', 27 *Annual Review of Energy and Environment* (2002) 57.

⁶⁸ S. Bernstein, *The Compromise of Liberal Environmentalism* (2001).

⁶⁹ Fletcher *et al.*, 'Questioning REDD+ and the Future of Market Based Conservation', 30(3) *Conservation Biology* (2016) 673, at 673.

⁷⁰ Angelsen, 'The 3 REDD "I's"', 16 *Journal of Forest Economics* (2010) 253, at 253.

Moreover, examining REDD+ additionally requires theorization of how norm development emerges from actions on the ground and the decisions of private actors as much as through formal international legal decisions. Understanding REDD+ requires grappling with the interaction of legal norms with the processes of more experimental ‘learning-by-doing’ that operate to produce specific knowledge, technologies and practices for REDD+, arguably producing norms through such on-the-ground ‘facts’ prior to formal legal agreements. In 2007, the COP encouraged parties to ‘explore a range of actions, identify options and undertake efforts, including demonstration activities, to address the drivers of deforestation relevant to their national circumstances, with a view to reducing emissions from deforestation and forest degradation’.⁷¹ Such demonstration activities are ‘activities in a particular sub-national region or unit, ie national park, with the intention of reducing deforestation or forest degradation’⁷² as well as testing REDD+ methodologies and practices. They represent another space of international/local REDD+ interaction of experimental ‘learning-by-doing’ and simultaneously operate to produce specific knowledge, technologies, practices for REDD+, arguably producing norms through these on the ground ‘facts’ prior to legal agreements.

More broadly, the REDD+ literature envisions that demonstration activities play a central role in ‘build[ing] confidence and ensur[ing] that mechanisms and institutions are fit for purpose’ as well as testing approaches to monitoring, reporting and verification of carbon reductions, benefit sharing, credit transfer, amongst others.⁷³ Already in 2009, there were approximately 100 voluntary projects or ‘demonstration activities’ in various stages of development.⁷⁴ These ‘demonstration activities’ are being implemented pursuant to bilateral or multilateral intergovernmental agreements or by private actors including partnerships between conservation NGOs and private corporations. Agencies and organizations involved in the funding or implementation of these include Merrill Lynch, Carbon Conservation, Flora and Fauna International, Macquarie Bank, World Wide Fund for Nature, Royal Society for the Protection of Birds, Birdlife International and others.⁷⁵

The process of preparing for large-scale implementation of REDD+ has been termed ‘REDD+-readiness’ and involves technical assistance, capacity building as well as law reform. Through these activities, multilateral agencies such as the World Bank’s Forest Carbon Partnership Facility (FCPF) produce and determine methodologies, processes and visions through which REDD+ is actualized, even as these may be subject to intense contestation and controversy within the deliberative and consensus-driven formal negotiating spaces. The FCPF was launched at COP-13 in Bali, was approved by

⁷¹ Reducing Emissions from Deforestation in Developing Countries: Approaches to Stimulate Action, Decision 2/CP.13, Doc. FCCC/CP/2007/6/Add.1, 14 March 2008, para. 3.

⁷² Cerbu, Swallow and Thompson, ‘Locating REDD: A Global Study and Analysis of REDD Readiness and Demonstration Activities’, 14 *Environmental Science and Policy* (2011) 168, at 170.

⁷³ J. Eliasch, *Climate Change: Financing Global Forests: The Eliasch Review* (2008), at 121.

⁷⁴ See S. Wertz-Kanounnikoff and M. Kongphan-apirak, *Emerging REDD+: A Preliminary Survey of Demonstration and Readiness Activities* (2009), Annex 5.

⁷⁵ *Ibid.*

the World Bank's Executive Board on 25 September 2007⁷⁶ and became operational in June 2008. The FCPF is one of 15 carbon initiatives of which the World Bank is trustee through its Carbon Finance Unit.⁷⁷ The FCPF describes its 'dual objectives' as both 'building capacity for REDD in developing countries in tropical and subtropical regions' and 'testing a program of performance-based incentive payments in some pilot countries, on a relatively small scale, in order to set the stage for a much larger system of positive incentives and financing flows in the future'.⁷⁸ At its launch, the aim of the FCPF was explicitly described as serving to 'jump-start a forest carbon market'.⁷⁹ The FCPF has since established itself as a key norm developer and driver in the field. A 2011 review by civil society organizations found that 'through the FCPF, the World Bank is now setting the post-Cancun agenda in terms of how forests are integrated into a global carbon regime, how the REDD will be implemented and how finance will be sourced'.⁸⁰

3 REDD+ Controversies

The *Handbook* treats questions of REDD+ operation primarily as technical questions, amenable to, and resolvable by, applied legal expertise, rather than as highly contested political issues. Beyond the discussion of how REDD+ risks affecting the rights of Indigenous and forest-dependent communities, more radical critiques of REDD+, climate justice social movement statements antagonistic to REDD+ or possible alternatives to REDD+ are all absent. Indigenous and forest-dependent communities have taken a diverse and varied positions of REDD+, with many highlighting it could either present risks or benefits depending on how it is implemented.⁸¹ Some more critical voices, such as the Indigenous Environment Network, condemned REDD+ as a form of neo-colonialism and argued it could 'result in more violations of indigenous peoples rights' and 'take more control over our forests'.⁸² As negotiators met in Paris, indigenous groups from North and South America, Indonesia and the Congo protested by paddling down the Seine River, calling for indigenous rights to be included in the Agreement.⁸³ A bracketed reference to human rights in the text of the Agreement

⁷⁶ World Bank, Forest Carbon Partnership Facility Launched at Bali Climate Meeting, media release, 11 December 2007.

⁷⁷ World Bank, *The World Bank Carbon Funds and Facilities*, available at www.worldbank.org/en/topic/climatechange/brief/world-bank-carbon-funds-facilities.

⁷⁸ World Bank, *Forest Carbon Partnership Facility*, available at www.forestcarbonpartnership.org/fcp/node/12.

⁷⁹ World Bank, Forest Carbon Partnership Facility Takes Aim at Deforestation, press release, 11 December 2007.

⁸⁰ K. Dooley et al., *Smoke and Mirrors: A Critical Assessment of the Forest Carbon Partnership Facility* (2011), available at www.redd-monitor.org/wp-content/uploads/2011/03/smokeandmirrorsinternet.pdf.

⁸¹ See Dehm, *supra* note 61.

⁸² Indigenous Environment Network, *REDD: Reaping Profits from Evictions, Land Grabs, Deforestation and Destruction of Biodiversity* (2009), available at www.ienearth.org/REDD/index.html#36.

⁸³ M. Lukas, 'Indigenous Activists Take to Seine River to Protest Axing of Rights from Paris Climate Pact', *The Guardian*, 8 December 2015, available at www.theguardian.com/environment/true-north/2015/dec/07/indigenous-activists-take-to-seine-river-to-protest-axing-of-rights-from-paris-climate-pact.

was discarded following pressure from negotiators from the USA, the European Union and Australia, and, instead, the acknowledgment that '[p]arties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights' was moved to the preamble.⁸⁴ One protest spokesperson, Berenice Sanchez, an indigenous leader from Mexico, argued 'that such offset schemes violate indigenous peoples' rights by treating their territories and forests as a carbon sink 'garbage dump' to absorb the negative impacts of rich countries' high levels of consumption'.⁸⁵ He continued:

The United Nations' climate agreements have failed to reduce greenhouse gas emissions. In fact, the mechanisms and policies that have emerged from these agreements – including REDD+ – have allowed for the continuation, legitimization and intensification of destructive activities such as mining, oil, gas and carbon extraction, tree monocultures and agroindustry, among others. These industries, which are the main ones responsible for the climate crisis, have adopted discourses on 'sustainability', 'zero deforestation', 'socio-environmental responsibility', 'decoupling' or 'low-carbon projects' all under the umbrella of the 'green' economy. But we know that beyond the propaganda used to clean up their image, the extractivist model and institutionalized global capitalism always lead to the pillaging of Mother Earth, as well as the eviction, violence, destruction and the criminalization of communities, peoples, land and territories.⁸⁶

If REDD+ is to operate as an offset mechanism, analysis of the scheme cannot be confined to the activities to reduce emissions from deforestation in developing countries. Scholars have highlighted how emissions trading can operate as a 'means to displace the emissions abatement task spatially and temporarily away from fossil fuel industries'.⁸⁷ Therefore, as an offset, REDD+ represents a relation between activities purporting to save emissions from deforestation and forest degradation and activities that are producing continual emissions elsewhere. These extractive activities fall outside the frame of the analysis presented by the *Handbook*. However, I suggest it is necessary to also foreground what is often placed in the 'background' in the analysis of REDD+ – namely, the activities of continued pollution and fossil fuel extraction that the offset concept helps to legitimate. Climate change presents a global challenge that will require everyone to take some form of action to promote mitigation and adaptation. There is, however, an acute concern about the uneven way that market-based climate governance compels climate action from different individuals and groups. There are serious concerns that carbon markets have allowed those most responsible for the climate crisis to evade certain forms of actions, while compelling action from others who have a minimal carbon footprint.

⁸⁴ The remainder of the provision reads: '[T]he right to health, the rights of indigenous peoples, local communities, migrants, children, person with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.' Paris Agreement, *supra* note 1, Preamble.

⁸⁵ 'Indigenous Leaders Canoe for Climate Justice at Paris COP21', *TeleSur*, 6 December 2015, available at www.telesur.net/english/news/Indigenous-Leaders-Canoe-for-Climate-Justice-at-Paris-COP21-2015-1206-0021.html.

⁸⁶ 'To Reject REDD+ and Extractive Industries', 1 December 2014, available at www.no-redd-africa.org/index.php/declarations/110-to-reject-redd-and-extractive-industries.

⁸⁷ Pearce, 'The Coal Question That Emissions Trading Has Not Answered', 99 *Energy Policy* (2016) 319, at 324.

4 The Work of REDD+

While the *Handbook* provides valuable insights into the preconditions and considerations necessary to make REDD+ work – in ways that are effective, efficient and equitable – it avoids interrogating its underlying premise, namely that REDD+ is a desirable climate mitigation policy intervention. The *Handbook* presents REDD+ implementation as a problem-solving challenge in which the role for lawyers is to bring the correct technical tools – laws and regulations – to bear in order to make REDD+ ‘work’. However, it is less interested in asking broader questions concerning the work that REDD+ does in the world or the productive effects, both intended and unintended, of REDD+. Elsewhere, I have argued that questions concerning the way in which international environmental law establishes, stabilizes and consolidates new forms of power relations and modes of authority, and is generative of new form of social relations, are themselves critical points of enquiry.⁸⁸ Such questions about the productive effects of novel legal arrangements push analysis beyond the space of the doctrinal to an interrogation of the generative role that law plays in making specific worlds. These arrangements also raise broader distributional questions about carbon markets and their allocations of differentiated privileges, obligations and responsibilities as well as concerns about the uneven way that market-based climate governance compels climate action from different individuals and groups, which are all side-stepped in this collection. The way in which such schemes may operate to displace the question of responsibility for carbon emissions and to allow those with the greatest historical responsibility for climate change to keep polluting requires further interrogation.

Relatedly, when analysing the fragmented legal field in which REDD+ operates, the questions posed by the *Handbook* primarily concern how to produce better integration and opportunities for greater coherence in the development of norms and standards. However, less attention is paid to the productive effects of this fragmentation and, specifically, to what forms of power and authority emerge from the overlapping regulatory spaces. The frameworks of regime interaction and polycentric and multi-layered governance are productively employed in the various contributions to map and describe the ‘complex and interwoven legal and governance tapestry in which the REDD+ financial instrument is situated, globally’.⁸⁹ Various contributions draw attention to how the ‘field of REDD+ is now governed by multiple sites of law that are characterized by different forms and modes of law-making’⁹⁰ and how these sites differ ‘in terms of the actors that are engaged in law-making, the deliberative character of the process of law-making, and the nature of authority as well as the degree of formalization that legal norms may ultimately embody as a result’.⁹¹ Moreover, it is acknowledged that this interaction is not simply a feature of REDD+ but also something the scheme facilitates with commentators noting the ‘growing significance of REDD+ in bringing together

⁸⁸ See Dehm, ‘Towards a Critical Approach to Climate Law’, *Quebec Journal of International Law* (forthcoming).

⁸⁹ Cordonier Segger, Gehring and Wardell, *supra* note 29, at 352.

⁹⁰ Jodoin, *supra* note 35, at 183.

⁹¹ *Ibid.*, at 183.

multiple actors in the loose couplings characteristic of regime complexes'.⁹² However, there is scope for further theoretical discussion of how power and authority manifest themselves in these fragmented, interacting and multi-layered legal spaces.

These questions about the productive effects of both REDD+ operation and its legal structure and form, and the new social relations and new forms of power and authority it establishes, require and deserve more attention in future scholarship on REDD+. Arguably, the scheme produces a reconfiguration of control by the global North over land and resources in the global South, not through direct appropriation but, rather, through the complex operations of legal mechanisms such as property and control that are enabled and protected by public and private international law, the disciplinary dynamics of international markets as well as the partnership and capacity-building interventions. These dynamics should be of broader interest to international lawyers, not just specialist scholars. Recently, Martti Koskenniemi has stressed the need for international legal analysis not just to focus on the 'legal trajectories of the foreign policy of states' but also to pay increased attention 'to the private law relations that undergird and support state action'.⁹³ He stresses the necessity of not sidelining the analysis of the 'relations of property and contract that support state policy' and to unsettle the 'intransgressible boundary between public and private law' and the 'prejudice that public law has to do with matters that by their nature are 'political', while private law deals with non-political and 'only technical' matters'.⁹⁴ REDD+ provides a pertinent example of how the overlapping operations of public and private law – the establishment of new forms of carbon rights, transnational conservation contracts, capacity building under the REDD+-readiness banner and 'demonstration activities' – operate to reconfigure forms of authority and power over the contested forested lands of the global South.

5 Conclusion

This *Handbook* comprehensively demonstrates the many specialist areas of international and national legal expertise necessary to understand, implement and develop REDD+ and why scholars and practitioners who work on REDD+ need a broad understanding of diverse areas of international law. However, the *Handbook* does not speak to the converse question why international lawyers, both generalists and specialists in numerous fields, should be interested in REDD+. Savaresi has recently argued that the 'experience accrued with the design and implementation of the REDD+ architecture holds important lessons for the Paris Agreement', and she suggests that REDD+ can be used as 'a lens to understand how a pledge-and-review architecture to climate change governance may work, the challenges that may be encountered in its implementation, as well as the means that may be used to overcome them'.⁹⁵ Her analysis demonstrates

⁹² Long, *supra* note 39, at 202.

⁹³ Koskenniemi, 'Expanding Histories of International Law', 56 *American Journal of Legal History* (2016) 104, at 109.

⁹⁴ *Ibid.*, at 110.

⁹⁵ Savaresi, 'A Glimpse into the Future of the Climate Regime: Lessons from the REDD+ Architecture', 25(2) *Review of European Community and International Environmental Law* (2016) 186, at 187.

how REDD+ is both a precursor to and arguably a site of experimentation for broader developments in the legal form of the climate change regime.

There are, however, broader reasons why the development and trajectory of the REDD+ regime should be of interest to international lawyers. These pertain primarily to the methodological questions that REDD+ raises and the way in which theoretical frameworks for understanding REDD+ can have broader relevance for understanding the changing contours of global governance. In particular, REDD+ provides a fascinating example of how modes of power and authority globally are being reconfigured, through the combined operation of public international law frameworks and private agreement making, in ways that have adverse distributive effects. Moreover, I suggest that REDD+ provides an illuminating site from which to understand the relationship between law and markets. It also provides a useful vantage point from which to interrogate transnationalism and the relations produced in a complex multi-layered regulatory space made up of an array of differently situated actors. REDD+ also represents an instructive example from which to think about the relationship between law, practice and norm generation. Finally, I suggest that REDD+ offers a productive site from which to interrogate North–South relations and their reconfiguration through law. As such, REDD+ should not be considered by general international lawyers to be a niche specialization but, rather, be critically examined as a field of study that makes visible key changes and reconfigurations in the techniques and means of international governance, even as it demonstrates a persistence in the (mal)distribution of authority and power.

Individual Contributions

Christina Voigt, Introduction: The Kaleidoscopic World of REDD+;

Antonio G.M. La Viña, Alaya De Leon and Reginald Rex Barrer, History and Future of REDD+ in the UNFCCC: Issues and Challenges;

Christina Voigt and Felipe Ferreira, The Warsaw Framework for REDD+: Implications for National Implementation and Results-Based Finance;

Harro Van Asselt and Constance L. Mcdermott, The Institutional Complex for REDD+: A ‘Benevolent Jigsaw’?;

Margaret A. Young, REDD+ and Interacting Legal Regimes;

Annalisa Savaresi, The Legal Status and Role of Safeguards;

Sébastien Jodoin, The Human Rights of Indigenous Peoples and Forest-Dependent Communities in the Complex Legal Framework for REDD+;

Andrew Long, The Convention on Biological Diversity and REDD+;

Charlotte Streck and Michaela Schwedeler, Addressing Drivers of Deforestation and Forest Degradation through International Law;

Kirsty Gover, REDD+, Tenure and Indigenous Property: The Promise and Peril of a ‘Human Rights-Based Approach’;

Ernesto Roessing Neto and Joyeeta Gupta, REDD+ and Multilevel Governance beyond the Climate Negotiations;

Peter Horne, Seeing the Forest for the Trees: Getting Post-Earth Summit Forest Protection Back on Track;

Paul Keenlyside, John Costenbader and Charlie Parker, Managing Fiduciary Risk in REDD+;

Marie-Claire Cordonier Segger, Markus Gehring and Andrew Wardell, REDD+ Instruments, International Investment Rules and Sustainable Landscapes;

Patricia Elias, Rediscovering Ambition, Implementation and Operationalization;

Kristen Hite, Adjudicating Disputes across Scales: Global Administrative Law Considerations for REDD+.