

SEEING REDD: CARBON FOREST PROGRAMMES AND INDIGENOUS RIGHTS

JENNIFER TRIDGELL*

Strategies for mitigation of climate change must address social justice considerations, in addition to environmental effectiveness. For local Indigenous communities who are directly affected by forest carbon trading schemes, these two concerns are not just compatible, but closely entwined. After heads of state met at COP21, several Indigenous leaders called for them to recognise contributions of Indigenous people to climate change mitigation, and increase protection of their human rights.¹

This article analyses to what extent efforts to trade carbon stored in forests, such as the United Nations' REDD+ programme and similar forest carbon initiatives, support the welfare of indigenous land owners and what reforms would be valuable. Indigenous forest peoples stand to benefit most from forest carbon trading initiatives, as the world's poorest and most vulnerable groups often live in areas that are disproportionately affected by climate change. Yet this does not justify violations of their human rights and livelihoods under the auspices of the REDD+ programme. Overall, reform is crucial to promote both environmental and social justice.

Key Words: REDD – Forest Carbon – Climate Change Mitigation – Environmental Sustainability – Human Rights – Law Reform – United Nations – Indigenous Peoples

I INTRODUCTION

With the power to "both filter and ignore the central government's rules", local Indigenous forest communities exert considerable control over the success or failure of forest carbon schemes.² However, the United Nations' REDD+ program to mitigate climate change by

* Final year BA/LLB at Macquarie University and Editor-in-Chief of the *ILA Reporter*, official publication of the International Law Association (Australian Branch). The author wishes to thank Jonathan Symons, Evangeline Schumacher and Connor Hogg for their comments and advice. Any errors are the responsibility of the author.

¹ Alianza Mesoamericana, *Indigenous leaders from forests of Latin America, Indonesia and Africa respond to announcements of heads of state at COP* (30 November 2015) <<http://www.alianzamesoamericana.org/indigenous-leaders-from-forests-of-latin-america-indonesia-and-africa-respond-to-announcements-of-heads-of-state-at-cop/>>.

² Maron Greenleaf, 'Using Carbon Rights to Curb Deforestation and Empower Forest Communities' (2011) 18

reducing deforestation in developing countries has largely failed to recognise this. REDD+ will remain problematic unless it capitalises on environmental and economic benefits, whilst protecting the rights and livelihoods of Indigenous peoples.³

This essay will argue that, firstly, REDD+ is environmentally inefficient as it favours centralised governance over community-level forest management by Indigenous peoples. Secondly, REDD+ motivates investors to exploit Indigenous forest owners and their weak land rights. Finally, this essay asserts that Indigenous peoples are the most vulnerable to either lack of action on climate change or the implementation of a REDD+ programme. Consequently, reform is imperative to ensure both environmental effectiveness and social justice.

II REDD+ IS ENVIRONMENTALLY INEFFECTIVE

REDD+ has great potential to mitigate the climate change crisis. Whilst the acronym REDD stands for Reduced Emissions from Deforestation and Degradation, the plus symbolises the added benefit of also including the maintenance of current forest carbon stocks, as outlined in the Copenhagen Accord.⁴ Currently, tropical forests store approximately one quarter of the Earth's terrestrial carbon. According to the 2014 Intergovernmental Panel on Climate Change, 20 - 24% of annual global greenhouse gas emissions come from agriculture, forestry and other land use, yet particularly from deforestation, livestock emissions, and soil and nutrient management.⁵ REDD+ offers performance-based compensation to developing countries in exchange for forest emission reductions. Through this, REDD+ aims to slow climate change. For Stephanie Baez, the benefits are two-fold.⁶ Not only does carbon remain sequestered inside these terrestrial carbon sinks, but it also leaves more forests intact to continue to remove carbon dioxide from the atmosphere. For Indigenous people, these forests often bear cultural, spiritual and legal significance. REDD+ has been heralded as a "new direction in forest conservation", as there is now international support behind an initiative that was previously rejected from 1997 Kyoto Protocol.⁷ The poorest and most marginalised people in the world often live in areas affected by rising temperatures. As such, Indigenous people could potentially be among those who stand to benefit most from REDD+.⁸ Yet the current model of REDD+ may potentially threaten their human rights, such as through loss of traditional lands, and compromise the success of climate change mitigation strategies.

Where REDD+ has not been implemented effectively into governance regimes, its environmental benefits are limited. In their seminal work, "Tropical Forests and the Kyoto Protocol", which prompted international discourse on REDD+, Marcio Santilli et al advocate

New York University Environmental Law Journal 507, 529.

³ Stephanie Baez, 'The 'Right' REDD Framework: National Laws that Best Protect Indigenous Rights in a Global REDD Regime' (2012) 80 *Fordham Law Review* 821.

⁴ Stephanie Baez, 'The 'Right' REDD Framework: National Laws that Best Protect Indigenous Rights in a Global REDD Regime' (2012) 80 *Fordham Law Review* 821, 830.

⁵ Pete Smith et al, 'Chapter 11: Agriculture, Forestry and Other Land Use' in Ottmar Edenhofer et al, (eds) *Climate Change 2014: Mitigation of Climate Change. Contribution of Working Group III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge University Press, 2013) 811, 816.

⁶ Baez, above n 3, 827.

⁷ Betsy A Beymer-Farris et al, 'The REDD Menace: Resurgent Protectionism in Tanzania's Mangrove Forests' (2012) 20 *Global Environmental Change* 332, 333.

⁸ Baez, above n 3, 827.

a carbon credit system for tropical deforestation as a determinate means of mitigating “dangerous anthropogenic interference” with the climate system.⁹ In practice, REDD+ is not effective where it preferences a central system of governance over local, decentralised forest management schemes. Approximately 60 million Indigenous peoples depend on the world’s forests for their livelihoods.¹⁰ According to Phelps, Webb and Agrawal, increasing the rights and responsibilities of these local actors to manage their forest homes have the effect of increasing carbon storage and decreasing expenses.¹¹ This is due to their proximity, local environmental knowledge and reduction of their own impact on the forests. Even if remote forest locations make enforcement costly, a flexible governance structure delivers greater environmental outcomes.

Flexible systems of governance also allow REDD+ to be effectively implemented in a manner appropriate to each region and community. Common pool resources like forests require institutional diversity to ensure their long-term survival given the large number of stakeholders.¹² Similarly, a global issue like climate change has a variety of viable solutions. For Elinor Ostrom (2009), this necessitates a polycentric system of decision-making that has formal independent structures, but shares the cumulative benefits. Instead of having a “one-size-fits-all” policy for REDD+, policies should be developed for individual communities and nations, depending on their forest management needs.¹³

Differentiation between communities and nations on a case-by-case basis would ostensibly compromise global equality and increase complexity. Historically, Bentham would argue that an equitable REDD+ program is one that supports the “common and equal utility to all nations.”¹⁴ Nevertheless, it is more efficient and equitable than heavily centralised REDD+ implementation. A single overarching system of national governance could either help or hinder local self-organisation, particularly in regard to permanence, systematic reporting and means of verification. However, national governments have excluded local Indigenous self-organisation from REDD+. This has been to the detriment of the environment, and Indigenous empowerment.

Indigenous forest communities can effectively limit deforestation and degradation of tropical forests through a collective management strategy. A single, centralised system of ownership fails to prevent the deterioration of forests and denies Indigenous rights and responsibilities by crediting individuals with “little or no collective ability to solve collective problems among themselves”.¹⁵ Whilst individuals may be narrow, self-centred maximisers of short-term results in certain situations, they can also use reciprocity, trust and a sense of shared identity to develop norms that limit forest exploitation.¹⁶ An example of this can be seen in the experiences of Dhanamane in Nepal, where community members created rules to severely

⁹ Marcio Santilli et al, ‘Tropical Deforestation and the Kyoto Protocol: An Editorial Essay’ in Paul Moutinho and Stephen Schwartzman (eds) *Tropical Deforestation and Climate Change* (Amazon Institute for Environmental Research, 2005) 47.

¹⁰ Greenleaf, above n 2, 510.

¹¹ Jacob Phelps et al, ‘Does REDD+ threaten to recentralize forest governance?’ (2010) 328 *Science* 312, 313.

¹² Elinor Ostrom et al, ‘Revisiting the Commons: local lessons, global challenges’ (1999) 284 *Science* 278.

¹³ Elinor Ostrom, ‘Beyond Markets and States: Polycentric Governance of Complex Economic Systems’ (Paper presented at the Workshop in Political Theory and Policy Analysis at Indiana University, Bloomington, 8 December 2009) 409.

¹⁴ Jeremy Bentham, *Principles of International Law* (Simpkin, Marshall and Co., 1843) 537.

¹⁵ Ostrom, above n 13, Beyond Markets, 417.

¹⁶ Ostrom, above n 12, Revisiting the Commons, 279.

restrict the number of mature trees that were harvested.¹⁷ According to Ostrom et al, these evolved norms may not always be sufficient to prevent exploitation, but they can be sufficient to restrict access to the resource.¹⁸ That Indigenous communities may continue deforestation does not mean that rational, self-interest cannot be overcome, but rather that it depends on the community in question.

However, Garrett Hardin asserts that there is no technical solution available to prevent deforestation by communities, as this would require an impossible “fundamental extension in morality”.¹⁹ In a Hobbesian state of nature, individuals seek to maximise their individual gain rather than the group’s interest.²⁰ The case of Indonesia, where decentralisation did not lead to conservation, exemplifies this Hobbesian model. Instead, local communities felt entitled to grant small-scale logging licenses given the political instability in Indonesia and fear that the government would revoke its decision. This resulted in significant deforestation.²¹ As Alchian argued, this rational choice theory is not a broad theory of human behaviour, but a useful *model* for predicting human behaviour in a highly competitive market for private goods.²² As such, this failure of community governance in Indonesia does not mean that failure is inevitable. Indigenous communities sometimes can collectively manage their forests in the face of a common struggle against climate change.²³

III REDD+ IS EXPLOITATIVE

REDD+ disenfranchises Indigenous people by frequently failing to offer them the opportunity to advise on their forests’ management. In REDD+, there is no requirement for Indigenous peoples to give their “free, prior and informed consent”, as a form of legal empowerment.²⁴ This is inconsistent with the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”) Article 10.²⁵ Additionally, it disregards Indigenous rights to self-determination, protection from dispossession and ownership of traditional land, along with the right to redress where their land, territories and resources are used without permission.²⁶ Despite REDD+ being obliged to follow the UNDRIP, the UN has been reluctant to make REDD+ funds contingent on recognition of Indigenous rights.²⁷ This is ill-advised, especially given the pivotal role of human rights for addressing climate change in a

¹⁷ Krister Andersson et al, ‘Inequalities, Institutions and Forest Commons’ (2011) 21 *Global Environmental Change* 866, 869.

¹⁸ Ostrom, above n 12, Revisiting the Commons, 279.

¹⁹ Garrett Hardin, ‘The Tragedy of the Commons’ (1968) 162 *Science* 1243.

²⁰ Mancur Olson, *The Logic of Collective Action* (Harvard University Press, 2002) 1, 2.

²¹ Baez, above n 3, 866.

²² Ostrom, above n 13, Beyond Markets, 430.

²³ Peter Kropotkin, ‘Mutual Aid: A Factor of Evolution’ (1902) Gutenberg <<http://www.gutenberg.org/cache/epub/4341/pg4341.html>>.

²⁴ Christian Bull, *Overlapping Spaces: The Politics of REDD in Action – An Anthropological Account from the Bolivian Amazon* (MA, University of Oslo, 2013) 1, 4.

²⁵ *United Nations Declaration on the Rights of Indigenous Peoples*, UN GAOR, 107th plen mtg, UN Doc A/RES/61/295 (13 September 2007) art 10.

²⁶ *United Nations Declaration on the Rights of Indigenous Peoples*, UN GAOR, 107th plen mtg, UN Doc A/RES/61/295 (13 September 2007) art 3, 8, 26, 28.

²⁷ Tom Griffiths, ‘Seeing REDD?’ Forests, Climate Change Mitigation and the Rights of Indigenous Peoples and Local Communities’ (2009) Forest Peoples Programme <<http://www.forestpeoples.org/sites/fpp/files/publication/2010/08/seeingreddupdatedraft3dec08eng.pdf>>.

sustainable manner, with “equal attention to process and outcomes”.²⁸ Most forest governance strategies continue to be designed in metropolises or by donor agencies, without knowledge of the unique local conditions.²⁹ One reason for this is lower administrative capacity of local communities, compared to that of governments or large organisations, to meet the high international verification standards for REDD+. This process has moreover left Indigenous communities in ignorance about REDD+. Thus, a substantial gap exists between the “[rhetoric of free, prior, informed] consultation...on one hand and the actual practice on the ground”.³⁰ Consent is required if REDD+ is to respect Indigenous rights and develop a more environmentally effective program.

Placing REDD+ within the state/market dichotomy is problematic, as it stimulates commercial competition at the expense of Indigenous rights. As Ostrom argues, common pool resource phenomena like forests do not fit within this dichotomy as they are subject to polycentric governance.³¹ Nevertheless, by monetising forest carbon, the market value of forests has increased, incentivising neo-liberal competition for increased control.³² For Hobbes, it is humanity’s intrinsically self-motivated nature and greed that explains government and corporations’ desire to secure forest carbon, either to directly offset their own carbon output or to trade on the international carbon market.³³ This offers little incentive for states and markets to create local partnerships with the traditional forest stewards that could potentially increase the price of carbon.³⁴ With the REDD+ programme reaching US\$4.5 billion of funding by 2012, as a result of extensive donor investment from six developed nations, it has suited states’ interests to accumulate carbon rights that belong to Indigenous people.³⁵

REDD+ has the potential to economically empower Indigenous people, but has instead been a vehicle of exploitation and dispossession. Arvind Khare, the executive director of the Rights and Resources Initiative, argues that the rights of Indigenous peoples to their forests are already “weak and far between” but their rights to the forest’s carbon are non-existent.³⁶ This denial of rights is largely due to the state/market dichotomy, with carbon markets becoming yet another motivation for states to “dispossess their citizens from the natural resources they have cared for and depended on for generations”.³⁷ In Kenya in 2014, the government torched thousands of homes to forcibly evict 15 000 Sengwer Indigenous people from their traditional lands. This was allegedly carried out after World Bank funding was

²⁸ Leonardo Crippa et al, ‘REDD+: its potential to melt the glacial resistance to recognize human rights and indigenous peoples’ rights at the World Bank’ in Randall S Abate and Elizabeth Ann Kronk (eds) *Climate Change and Indigenous Peoples: The Search for Legal Remedies* (Edward Elgar Publishing, 2013) 123, 125.

²⁹ Thomas Dietz et al, ‘The Struggle to Govern the Commons’ (2003) 302 *Science* 1907-1910.

³⁰ Bull, above n 24, 5.

³¹ Ostrom, above n 13, *Beyond Markets*, 408.

³² Phelps, above n 11.

³³ Thomas Hobbes, ‘Levethian’ (1651) Gutenberg <http://www.gutenberg.org/files/3207/3207-h/3207-h.htm#link2H_4_0122>.

³⁴ Phelps, above n 11.

³⁵ Ibid.

³⁶ Chris Lang, ‘REDD Could Lead to a ‘Carbon Grab’ – New Report from the Rights and Resources Initiative’ (2014) REDD-Monitor <<http://www.redd-monitor.org/2014/03/20/redd-could-lead-to-a-carbon-grab-new-report-from-the-rights-and-resources-initiative/>>.

³⁷ Nafeez Ahmed, ‘World Bank and UN Carbon Offset Scheme ‘Complicit’ in Genocidal Land Grabs – NGOs’, *The Guardian* (online), 3 July 2014 <<https://www.theguardian.com/environment/earth-insight/2014/jul/03/world-bank-un-redd-genocide-land-carbon-grab-sengwer-kenya>>.

secured for “REDD+ readiness activities”, and raises concerns that the institution often neglects its role to support states in upholding human rights obligations for Bank-sponsored projects.³⁸ Despite the international consensus that Indigenous land rights should be protected, in the six years following the launch of REDD+, community ownership of forests in 28 developing countries has been reduced by 80%.³⁹ In part, these land grabs can be attributed to the hegemony of neoliberal, *laissez-faire* economic values within modern society, which promote private accumulation of forests as capital.

Treating forest carbon as a marketable commodity detracts from the greater cultural significance of the forests to the Indigenous peoples beyond that of a carbon sink. For Esteve Corbera, carbon credits represent the “neoliberalisation of nature,” by placing a price tag on forests to incentivise communities and nations into mitigating climate change.⁴⁰ However, local ecosystems are highly valued by Indigenous peoples as a source of food, fuel and medicine, as well as often being a cultural and spiritual hearth.⁴¹ Recognising this deeper value of forests might be achieved by introducing mandatory consultation and active engagement with Indigenous peoples as part of REDD+ preparation and implementation measures. Without this, the message sent to the traditional custodians of the land that their land is only worthwhile conserving “when it is, or can be made, profitable”.⁴² States also stand to benefit from engaging their Indigenous peoples, by deepening their cultural understanding and collaborating with these key REDD+ stakeholders. Therefore, each local forest carbon program must be tailored respect the cultural beliefs of each Indigenous community and region.

Even though it treats nature as a commodity, voluntary REDD+ projects offer the best option for empowering Indigenous peoples. Indigenous peoples often have a greater voice on how the project is implemented, such as the need for cultural respect for land. Additionally, they are not bound to a reciprocal exchange of credit to meet any compliance target, as funding is provided on a voluntary basis, predominantly by philanthropic organisations.⁴³ For Nicholas Anderson, this means that the “risks to the Indigenous peoples would be fewer and the quality of the projects higher.”⁴⁴ Moreover, this offers employment opportunities to some of the most poverty-stricken people in the world to reforest their land or prevent deforestation. Allegations of REDD+ unequivocally shifting from community-based forest management to fortress conservation and “resurgent protectionism” are therefore unfounded.⁴⁵ Voluntary markets offer examples of community-level REDD+ projects, although these examples are rare within a largely centralised system. As Nepstad et al assert, the recognition of these cultural factors and provision of economic alternatives for Indigenous peoples will ultimately determine the ecological integrity of their land.⁴⁶ However, a polycentric approach is

³⁸ Crippa et al, above n 28, 135.

³⁹ Lang, above n 36.

⁴⁰ Esteve Corbera, ‘Problematizing REDD as an Experiment in Payments for Ecosystem Services’ (2012) 4 *Current Opinion in Environmental Sustainability* 612.

⁴¹ Baez, above n 3, 840.

⁴² Corbera, above n 40, 613.

⁴³ Nicholas Anderson, ‘REDDy or Not? The Effects on Indigenous Peoples in Brazil of a Global Mechanism for Reducing Emissions from Deforestation and Degradation’ (2009) 2 *Journal of Sustainable Development* 18, 24.

⁴⁴ *Ibid* 26.

⁴⁵ Beymer-Farris et al, above n 7, 333.

⁴⁶ Daniel Nepstad et al, ‘Inhibition of amazon deforestation and fire by parks and indigenous lands’ (2006) 20(1) *Conservation Biology* 65, 71.

desirable as the voluntary market alone cannot dictate international REDD+ policy or provide a long-term solution to deforestation.⁴⁷

Inequality pervades the international agenda of REDD+, widening the divide between North and South. According to the Stern Review, stopping deforestation is the cheapest, most effective way to mitigate greenhouse gas emissions.⁴⁸ Following this landmark report, REDD+ moved to the forefront of international climate change discourse.⁴⁹ Santilli et al. claim that offering financial incentives to reduce emissions is a way for the global South to meaningfully participate in climate change mitigation while still respecting the UNFCCC's guiding principle of "common but differentiated responsibilities."⁵⁰ Developing countries still need sustainable development to overcome challenges of widespread poverty, so their responsibilities are different to those of countries that have already undergone economic development. Yet REDD+ has been critiqued for allowing developed nations to continue "business as usual" without making cuts to their emissions, thereby imposing a burden on Indigenous peoples to forgo exploitation of their resources.⁵¹ Whilst this does pose a moral dilemma about the future of less developed countries, this should not mean that the program is condemned outright. Where Indigenous peoples actively choose to participate, they can benefit economically and climate change can be mitigated. Condemnation should be reserved for governments that exploit the weak property rights of Indigenous peoples, to forcibly eject these custodians from their traditional lands.

IV POSSIBLE REFORM FOR REDD+

International structures must emphasise the importance of Indigenous rights and community-level collaboration. Critique of the existing framework has led to calls for the development of a global ecological debt fund to control the allocation of resources to developing countries, or a distinct "Indigenous REDD+" mechanism that ties public funding to effective reduction of greenhouse gases, outside of international carbon markets.⁵² Some Indigenous peoples, notably in Brazil, have demanded that forests are now included under the Kyoto Protocol to ensure collective international responsibility.⁵³ However, a fund would not solve the deeper systemic issues and inequalities surrounding the commercialisation of carbon credits as this would not provide recognition of Indigenous rights. Similarly, integration of REDD+ into the Kyoto Protocol would be of limited use for the actual implementation process. If the global community is going to take responsibility for REDD+, it must redesign it in a manner that is equitable for those Indigenous peoples who are disproportionately vulnerable to climate change and at risk of exploitation.⁵⁴ Making funding contingent upon Indigenous community consultation, active engagement and respect for Indigenous rights would provide one such avenue for reform.

⁴⁷ Anderson, above n 43, 26.

⁴⁸ Baez, above n 3, 829.

⁴⁹ Ibid.

⁵⁰ Santilli et al, above n 9, 48.

⁵¹ Greenleaf, above n 2, 525.

⁵² Corbera, above n 40, 616; Coordination of Indigenous Organisations of the Amazon Basin, *Indigenous REDD+ Alternative: Indigenous Territories of Harmonious Life to cool the Planet* (2013) <http://theredddesk.org/sites/default/files/resources/pdf/coica_indigenous_redd.pdf>.

⁵³ Griffiths, above n 27, 38.

⁵⁴ Benjamin Blom et al, 'Getting REDD to Work Locally: Lessons Learned from Conservation and Development Projects' (2010) 13 *Environmental Science and Policy* 164, 166.

To ensure that financial benefits flow directly to Indigenous people, the Coordinating Body of Indigenous Organizations in the Amazon Basin (“COICA”) proposed that Indigenous people in Brazil should implement their own REDD+ projects, outside of those negotiated by the UNFCCC. Subsequently, they created the Amazon Indigenous Fund, which is an independent fund that helps Indigenous people to bypass intermediaries in accessing REDD+ funds.⁵⁵ Given the diversity of Indigenous people and their views on REDD+, this model may not fit the needs of all groups. Nonetheless, REDD+ or any similar initiative should promote and protect the interests of Indigenous people.

Governance structures and national legislation must be adopted that recognise the land rights of Indigenous peoples and promote their active involvement in REDD+. Andersson and Agrawal contend that if local institutions are weak, inequalities are unaddressed and there is insufficient collective action.⁵⁶ As a result, forest conditions will deteriorate. REDD+ best practices should seek to promote project flexibility, local involvement in all phases of the project and clear community benefits.⁵⁷ To achieve best practice of REDD+ with Indigenous people, governments must first recognise the rights of Indigenous peoples in accordance with the UNDRIP and other international human rights instruments. Secondly, they must protect Indigenous land rights through national legislation in order to alleviate inequality and discourage deforestation. Finally, they must ensure the full and effective participation of Indigenous peoples with their free, prior and informed consent.⁵⁸ These reforms are essential to the future of REDD+ and Indigenous peoples, yet cannot succeed without international support.

Secure land rights increase the effectiveness of climate change mitigation and protect Indigenous rights. Greenleaf (2011, p. 543) asserts that tenure insecurity is not simply a means of exploiting Indigenous peoples, but encourages them to exploit the forest resources. These communities have no legal recourse to exclude others from exploiting the common pool resource. Instead, their own short-term consumption of these resources is the most viable option for the exclusion of others. This is likely to lead to a destructive race to “consume as much of the forest as possible, as quickly as possible”.⁵⁹ As both the Stern Review and the 2008 Eliasch Review highlighted, the danger posed for abusive contracts, land speculation and violation of customary rights by investors further necessitate clear land tenure. Finally, a recent study of Bolivia, Brazil and Colombia indicated that the cost of secure tenure over forests for Indigenous people was only one percent of the total economic benefit derived from climate change mitigation. This makes tenure a “low-cost, high benefit investment”.⁶⁰ It is therefore in the interests of both Indigenous peoples and environmental protection that their land rights are protected.

⁵⁵ Steve Zwick et al, ‘Indigenous People Build Fund for Direct Access to Climate Finance, Push for More Active Role in Proceedings’ (2015) Ecosystem Marketplace <<http://www.ecosystemmarketplace.com/articles/indigenous-people-build-fund-for-direct-access-to-climate-finance-push-for-more-active-role-in-proceedings/>>.

⁵⁶ Krister Andersson et al, ‘Inequalities, Institutions and Forest Commons’ (2011) 21 *Global Environmental Change* 866, 784.

⁵⁷ Blom et al, above n 54, 167.

⁵⁸ Annelie Fincke et al, ‘Indigenous Peoples and REDD-plus: Challenges and Opportunities for the Engagement of Indigenous Peoples and Local Communities in REDD- plus’ (2011) International Union for Conservation of Nature <https://cmsdata.iucn.org/downloads/iucn_briefing_ips_and_redd_aug_2010_summary.pdf>.

⁵⁹ Greenleaf, above n 2, 543.

⁶⁰ Helen Ding et al, ‘Climate Benefits, Tenure Costs: The Economic Case for Securing Indigenous Land Rights in the Amazon’ (2016) World Resources Institute <<http://www.wri.org/publication/climate-benefits-tenure->

V CONCLUSION

REDD+ cannot mitigate climate change in a just manner, wherever it is achieved by the dispossession of traditional custodians. Equity and, potentially, environmental effectiveness, demand the involvement of the local Indigenous communities in REDD+, as they ought to be the ones “making decisions every day as to whether to cut a tree down or leave it standing”.⁶¹ REDD+ is also undesirable in its current form, where it fails to deliver effective environmental and economic outcomes, whilst flagrantly undermining the rights of Indigenous peoples. Given the increasing international condemnation of the plight of some of the world’s poorest and most marginalised communities under REDD+, there is an “unprecedented opportunity to act”.⁶² Although a tragedy of the commons is not inevitable, until Indigenous peoples become active stakeholders in REDD+ it remains a very real threat.

costs>.

⁶¹ Anderson, above n 43, 26.

⁶² Mark Kinver, ‘Time is Right for Global Focus on Forest Land Rights’ (2014) BBC News <<http://www.bbc.com/news/science-environment-29254051>>.