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## **Institutions, Institutional Practices, and Global Climate Change Governance: The Case of REDD+**

### **Introduction**

According to several assessments, climate governance under the United Nations Framework Convention on Climate Change (UNFCCC) has shifted from using a top-down model to a more pragmatic approach in which national and local initiatives as well as public, private, and business ones are able to mould the convention.<sup>2</sup> This change stems from the failure of predominant climate politics in the past, which sought a comprehensive, uniform convention to mitigate climate change. In contrast, the new approach seeks to form a legally binding agreement from nationally determined contributions at the 2015 COP 21 in Paris. Although the new agreement has been hailed as a pragmatic approach that ushers in a new era of climate governance, the way in which national contributions are reached nevertheless very much depends on national governments. The Paris Agreement therefore highlights issues of integrity and fragmentation in global climate governance by a single regime from a new perspective. Indeed, climate governance already involves a mixture of states, international organizations (IOs), civil society organizations, businesses, and private actors as well as a variety of development policies and market practices; the process also accommodates both multilateral and bilateral state relations along with public–private ones. Such a fragmented governance architecture raises issues for global attempts to mitigate climate change in that it challenges states’ abilities to tackle climate change as a single institution.<sup>3</sup>

By extension, the fragmentation of governance raises questions about the relationship of governance to the UNFCCC regime. For one, how do different policies and practices in climate governance constitute a climate regime and that regime’s integrity? The characteristics of fragmentation have been set in relief in the context of Reducing Emissions from Deforestation and Forest Degradation (REDD),<sup>4</sup> the development of which also illustrates the development of the UNFCCC climate regime during the post-Copenhagen period up to the consensus that emerged at COP 21.

Secondly, it is justified to ask how bottom-up governance moulds the interpretation of norms and rules that regulate climate mitigation? Do local, private, and national practices that are now accepted as legitimate create incompatible rules and different interpretations of norms in climate mitigation, and will this lead to the disintegration of climate regimes? In the case of REDD+, one such important practice is MRV (Measuring, Reporting and Verification), which is already part of common standards and procedures among the UNFCCC. Will the bottom-up model change already established common standards of MRV? Therefore one of the main issues in this volume – thin or thick governance<sup>5</sup> – is crucial in this chapter as well.

In response, the present chapter scrutinizes the multifaceted topic of climate change governance

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<sup>1</sup> The author would like to thank Kate Dooley for her insightful and valuable comments and formulations on earlier drafts and Rowena Maguire for her suggestions in the final drafts of this article.

<sup>2</sup> Steinar Andresen, “International Climate Negotiations: Top-Down, Bottom-Up or a Combination of Both?,” *The International Spectator* 50 (1) (2015); Gregor Erbach, *Negotiating a New UN Climate Agreement: Challenges on the Road to Paris*, European Parliamentary Research Service, March 2015, <http://www.europarl.europa.eu/thinktank>. (accessed 15 December 2015); Oliver Geden, “Pragmatism in Climate Policy”, Project Syndicate, November 23, 2015, <https://www.project-syndicate.org/commentary/paris-climate-change-pragmatic-approach-by-oliver-geden-2015-11>. (accessed 15 December 2015)

<sup>3</sup> Robert O. Keohane and David G. Victor, “The Regime Complex for Climate Change,” *Perspectives on Politics* 9 (1) (2011), 8; Michael Zürn and Benjamin Faude, “On Fragmentation, Differentiation, and Coordination,” *Global Environmental Politics* 13 (3) (2013).

<sup>4</sup> Harro van Asselt, “Integrating Biodiversity in the Climate Regime’s Forest Rules: Options and Tradeoffs in Greening REDD Design,” *Review of European Community & International Environmental Law (RECIEL)* 20 (2) (2011).

<sup>5</sup> See Hugh Breakey and Tim Cadman in this volume.

from the perspective of international society's fundamental institutions. Understood here in a broad sense, *institutions* constitute established practices in the international community.<sup>6</sup> The chapter discusses whether global climate change governance is a new practice in international relations or should be considered as representing a more limited regime. In comparison to other established practices of interaction and cooperation among states, including sovereignty and justice as well as procedural practices such as diplomacy, trade, and development assistance, the fragile entrenchment of climate change mitigation as an international practice offers a new perspective. Established practices have developed into institutions with canonical norms and rules, all of which not only inform states' roles but also private actors, businesses, and individuals' actions. In that sense, climate change governance arguably cannot be deemed a strong institution, despite its incipient institutionalization.<sup>7</sup> Rather, it is formed by international society's more established institutions – sovereignty, market practices, and development assistance – which the present chapter investigates in terms of their influence on efforts to mitigate greenhouse gas (GHG) emissions and to curb global warming and both among multilateral political processes and in national and local implementations. Many initiatives nevertheless employ top-down approaches, and this paper does not suggest that international institutions constitute local practices only. Rather, it investigates how international institutions are shaped by different regional, national, and local practices.

However, a more limited definition of *institution*—that is, a rational and purposeful body—refers to the area-specific regimes upon which this chapter focuses. In line with this volume's focus, this definition also coincides with regime integrity. Accordingly, *integrity* more precisely refers to consistency or how agents (i.e., UNFCCC members) live according to the regime's principles.<sup>8</sup> The climate regime under the UNFCCC represents one such rational institution, which in the present context can be termed a *secondary institution* that has emerged to arrange collective action to mitigate climate change. The case of global and local climate change mitigation efforts that is studied here is REDD, an initiative designed to curb GHG emissions by way of forest conservation, carbon trade, and development assistance.

At the same time, the regime's rationality is examined here in the context of more fundamental international institutions. Accordingly, established practices of international interaction provide a framework that all regime members accept as the way the regime works. The examination of the regime in the framework of established practices focuses on context integrity, or integrity among the institutions that are fundamental in the climate regime: sovereignty and market and development assistance. From this perspective, the issue of the ways in which fundamental institutions influence regimes reflects how broadly members share institutions and how similarly institutions understand the content and relations among the institutions. If members of international society share numerous institutions and an approximately similar understanding of their content, norms, and procedures, then governance is deemed 'thick', and the regime works harmoniously and effectively. In a situation where few common institutions offer basic procedures for interaction, governance is termed 'thin', regimes form the setting for power struggles, and the regime's integrity is constantly at risk. The

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<sup>6</sup> Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (Basingstoke: Macmillan, 1977); Barry Buzan, *From International Society to World Society. English School Theory and the Social Structure of Globalization* (Cambridge: Cambridge University Press, 2004); Kalevi J. Holsti, *Taming the Sovereigns: Institutional Changes in International Politics* (West Nyack: Cambridge University Press, 2004).

<sup>7</sup> Robert Falkner, "Global Environmentalism and the Greening of International Society," *International Affairs* 88 (3) (2012); Eero Palmujoki, "Fragmentation and Diversification of Climate Change Governance in International Society," *International Relations* 27 (2) (2013); Barry Buzan, *An Introduction to the English School of International Relations: Societal Approach* (Cambridge: Polity Press, 2014), 161–163.

<sup>8</sup> Hugh Breakey and Tim Cadman, "A Comprehensive Framework for Evaluating the Integrity of the Climate Regime Complex," in *Ethical Values and the Integrity of the Climate Change Regime*, eds. Hugh Breakey, Vesselin Popovski and Rowena Maquire (Surrey: Ashgate, 2015); Hugh Breakey, Tim Cadman, and Charles Sampford, "Conceptualizing Personal and Institutional Integrity: The Comprehensive Integrity Framework," *The Ethical Contribution of Organizations to Society* (14) (2015), 6–8, <http://dx.doi.org/10.1108/S1529-2096201500000114001>.

thinness of governance, not its organizational fragmentation, poses risk to governance's integrity and the regime's effectiveness. Such concepts of thick and thin governance bear a close affinity with Breakey and Cadman's use of the terms in this volume, though for the observation of the nature of governance, the terms lack such sophisticated criteria.<sup>9</sup>

### **The Institutions of International Society and Climate Change Regime**

The concept of regime that surfaced in discussions about international relations (IR) in the 1980s was designed to round out and bolster rationalist IR theories addressing international cooperation. The aim of the concept was to explain how self-interested actors—in a word, states—negotiate the problems of collective action posed by increased interstate interaction.<sup>10</sup> The mainstream approach, which Wendt and Duval (1989) called 'New Institutionalism', is based on a choice theoretic approach and individual ontology, where the role of regimes is to organize state practices in a given area.<sup>11</sup> Regimes – or institutions – are conscious constructions of the states. Accordingly, regime came to describe the tool of a power struggle of a state in an interdependent world.

Regimes may play some independent role in light of explanations of their functions, according to which they reduce uncertainty, facilitate communication, promote learning, and disseminate information. In some studies, the political nature of regime is obscured, as regimes are perceived as technical mechanisms for solving global problems. However, regime theory has generally turned to power-based theories in explaining where the rule of regime originates—that is, if regime works, they serve the interests of most powerful, if it does not, or the regime is weak – the interests of most powerful are not involved.<sup>12</sup>

In the scholarship addressing the institutions of international society, which Wendt and Duval (1989) called 'Old Institutionalism', the emergence of regimes and international institutions has been studied from a rather distinct perspective. Accordingly, international institutions are not based on the choices of individual state agents, but are established practices that constitute and enable meaningful international interaction.<sup>13</sup> The relationship between different international institutions can be hierarchical; there are 'more' fundamental institutions that make development possible for 'less' fundamental institutions (regimes). This scholarly discussion, which involves the English School of international relations (ES), constructivist-oriented IR scholars, and even traditional IR scholars, has not produced any simple explanation for rules set by the most powerful, nor endorsed the view of regimes as technical mechanisms in problem solving, but rather focuses on the relationship between institutions.<sup>14</sup>

A regime's functional explanation is the same as in mainstream regime theories: regimes have emerged in certain areas that call for collective action. The central idea is that fundamental institutions

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<sup>9</sup> Buzan, *From International Society to World Society*; cf. Breakey and Cadman in this volume.

<sup>10</sup> Andrew Hurrell, "International Society and the Study of Regimes. A Reflective Approach," in *Regime Theory and International Relations*, ed. Volker Rittberger (Oxford: Clarendon Press, 1993); Sabine Reinecke, Till Pistorius and Michael Prefering "UNFCCC and the REDD+. Partnership from a networked governance perspective," *Environmental Science and Policy* 35, (2014).

<sup>11</sup> Alexander Wendt and Raymond Duvall, "Institutions and International Order," in *Global Changes and Theoretical Challenges. Approaches to World Politics for the 1990s*, eds. Ernst-Otto Czempiel and James N. Rosenau (Lexington, Massachusetts: Lexington Books, 1989).

<sup>12</sup> Stephen D. Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables," *International Organization* 36 (2) (1982); Hurrell, "International Society and the Study of Regimes."

<sup>13</sup> Wendt and Duvall, "Institutions and International Order."

<sup>14</sup> Wendt and Duvall, "Institutions and International Order;" Buzan, *From International Society to World Society*; Holsti, *Taming the Sovereigns*; Falkner, "Global environmentalism and the greening of international society;" Laust Schouenborg, "The English School and Institutions. British Institutionalists?," in *Guide to the English School in International Studies*, eds. Cornelia Navari and Daniel M. Green (Oxford: Willey Blackwell, 2014); Killian Spandler, "The political international society: Change in primary and secondary institutions," *Review of International Studies* 41(3) (2015); Cornelia Navari, "Primary and secondary institutions: Quo vadit?," *Cooperation and Conflict* 51 (1) (2016).

of international society constitute international regimes (i.e., secondary institutions) differently. At the same time, this does not suggest that institutions define regimes, but that regimes, in order to work, derive from the principles, norms, and procedures of institutions. These institutions provide broad frames of cooperation, yet not only demarcate its limits, but also enable interaction and cooperation.<sup>15</sup>

In mainstream IR theories, the struggle for power is arguably a permanent construct that seems inevitable. Regime characteristics are thus more static than dynamic, and changes in regimes can be explained by changes in the capacities of their members. From the perspective of Old Institutionalism, international institutions, by contrast, are dynamic; they arise, evolve, and vanish against the backdrop of civilization's transformations. The content of institutions varies and develops; for example, the principle of sovereignty takes on new content in the context of the European Union. By the same token, the market as a fundamental institution of international society has persisted since the Cold War ended.<sup>16</sup> Accordingly, changes in institutions and in their mutual relationships constitute changes in regimes. The dynamism of international institutions thus reflects on the dynamism of regimes.

The power struggle is held in the context of these institutions.<sup>17</sup> In certain areas, the bargaining takes place in international organizations and regimes, which in turn influence the development and change of more fundamental institutions. Therefore, these fundamental institutions not only enable specific regimes, but the development of regimes (as a result of political bargaining) leads to changes in these fundamental institutions.<sup>18</sup>

The question of which institutions are fundamental to international society remains open, even to ES scholars, though there is a common understanding that they are established practices of interaction between states. Despite a consensus of common practices among members of international society, there is no sure agreement about which institutions are fundamental. I am inclined to follow the interpretation that stresses their importance in certain contexts. In this paper, I discuss institutions that clearly enable the climate change regime. In this sense, institutions are historical constructions, as are other conceptual structures of international relations.<sup>19</sup>

The climate regime emerged from the call to stop global warming and it is also the original rationale for REDD. However, climate mitigation does not restrict all the countries in a similar way when its practices have developed in the interplay of more established international institutions. Two institutions have stood out since the UN Conference on Environment and Development (UNCED) in 1992: the general principle of sovereignty and justice as an ethical frame of mitigation. Both guided the creation of the UN Framework Convention on Climate Change (UNFCCC) two years later. Sovereignty emphasizes that governments are the only sovereign agents responsible for fulfilling the duties that the convention assigns. The ethical frame of justice is reflected in the climate regime by the norm of equity. Equity refers to the responsibilities borne by the convention's different members and the principle of common but differentiated responsibilities. Justice is a weaker institution than sovereignty because some developed countries have reservations about it. In REDD+, justice and equity are operationalized by the procedural practices of development assistance. UNCED's important principle, the precautionary principle, is a crucial environmental principle well established

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<sup>15</sup>Wendt and Duvall, "Institutions and International Order;" Buzan, *From International Society to World Society*; Spandler, "The political international society."

<sup>16</sup>Falkner, "Global environmentalism and the greening of international society," 519.

<sup>17</sup>Andrew Hurrell, "Power, institutions, and the production of inequality," in *Power in Global Governance*, eds. Michael Barnett and Raymond Duvall (Cambridge: Cambridge University Press, 2005).

<sup>18</sup>Wendt and Duvall, "Institutions and International Order."

<sup>19</sup>Charlotta Friedner Parrat, "Reform of the United Nations. Between Great Power Management and Sovereign Equality." International Studies Association Conference 2015, New Orleans. Paper presented in the panel *International Organization in the Anarchical Society*, February 20, 2015.

in international law,<sup>20</sup> but it cannot be deemed an institution. In climate change governance, the precautionary principle is a contested norm, because it is not completely accepted in actual climate mitigation practices by some important UNCED signatories.<sup>21</sup>

Aside from these principles, the UNFCCC negotiations, the Kyoto Protocol, and subsequent initiatives have established important practices in climate change mitigation: market practices and development assistance. Market practices related first to emissions trading and were originally adopted domestically in the United States in order to create voluntary, market-based mechanisms for curbing GHG emissions. This idea was later adopted by the Kyoto Protocol's flexible mechanisms and became an established practice for curbing GHG emissions among EU members.<sup>22</sup> It calls for numerous concrete practices and technical standards intended to mitigate climate change.

Development assistance as a mitigation practice is based on justice and the concept of sustainable development. In the Kyoto Protocol, the Clean Development Mechanisms (CDMs) were the only way to include developing countries in GHG emissions mitigation and emission trading. This partly market-based practice enables developed countries to reach emissions targets by helping developing countries in their voluntary attempts to curb GHG emissions. However, the CDMs were not exploited extensively in the least developed countries, and subsequent Conferences of Parties (COPs) introduced new aid-related initiatives to bind developing countries into mitigating climate change as well. Common to all was a tendency to deviate from UNFCCC contexts and many actors, organizations, and institutions that were traditionally part of developmental cooperation business also become active in this field. In this way, the practices of development assistance became part of the global climate change regime. In the Paris Agreement, these three institutions and international practices, sovereignty, market and justice through development assistance are even more emphasised than before.

## **Positioning REDD in the Global Climate Change Regime**

### *International Institutions and the scope of REDD*

The impetus of the REDD initiative was to connect forest conservation to emissions trading and create permanent mitigation mechanisms for developing countries with tropical forests. The original idea, presented by Papua New Guinea and Costa Rica at the COP-11 in Montreal in 2005, consisted of a proposal to reduce emissions from tropical deforestation through different financial mechanisms, including market-based mechanisms and direct transactions from developed countries to REDD target countries. The establishment of national funds to allocate REDD payments was also discussed.<sup>23</sup> In order to prove that emission reductions are additional, the COP discussions suggest using national reference levels defined by international bodies to measure reductions in forest loss and to avoid national leakage problems that may occur if the reference level is based on project-oriented accounting. In COPs that followed, the original proposal was equipped with several proposals to the REDD+ initiative that connect first to sustainable forest management (forest degradation) and then to development goals for global and local environmental conservation. REDD+

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<sup>20</sup> Owen McIntyre and Thomas Mosedal, "The Precautionary Principle as a Norm of Customary International Law," *Journal of Environmental Law* 9 (2) (1997); Caroline E. Foster, "Precaution, Scientific Development and Scientific Uncertainty under the WTO Agreement on Sanitary and Phytosanitary Measures," *RECIEL* 18 (1) (2009); Jacqueline Peel, "Interpretation and Application of the Precautionary Principle: Australia's Contribution," *RECIEL* 18 (1) (2009).

<sup>21</sup> Falkner, "Global environmentalism and the greening of international society", 518.

<sup>22</sup> Loren R. Cass, *The Failures of American and European Climate Policy: International Norms, Domestic Politics and Unachievable Commitments* (New York: State University of New York Press, 2006), 174-177.

<sup>23</sup> Charlotte Streck, "Financing REDD+: Matching Needs and Ends," *Current Opinion in Environmental Sustainability* 4 (2012).

was adapted to the UNFCCC as a pivotal building block of the post-Kyoto Protocol climate regime.<sup>24</sup> In UNFCCC discussions and pilot projects, however, the idea of market mechanisms has become obscured in the preparations of REDD+, while the general principles of financing forest conservation have remained undecided. Despite some market-based pilot projects, the majority of funding has thus far been donor-based, largely owing to the fact that a great part of funding under the rubric of REDD+ has gone to REDD preparedness projects, not to compensations of forest conservation.

Significant in the present state of affairs is the exceptionally complex process to prepare both the climate change regime and potential REDD+ target countries for REDD, the diversification of REDD+ beyond the UNFCCC context, the different models for funding, and the different organizations' entry into REDD+. Similarly, if forests are understood as carbon storage, then the question may create environmental issues concerning biodiversity, which then creates questions about the general regulations of earned carbon assets and new issues of their monitoring.<sup>25</sup>

At the organizational level of the UNFCCC process, REDD+'s technical issues and some important policy questions were assigned to the Subsidiary Body for Scientific and Technological Advice (SBSTA). Proposals and discussions from the SBSTA are important to the development of REDD+ practices, as they are part of the bargaining between UNFCCC members. Although no decisions have been made based on most of these proposals, they still constitute REDD+ practices. These proposals operationalize REDD+ governance according to global climate change governance in particular and connect it to international institutions in general. These apparently technical systems, such as MRV, have already been applied to working carbon trade schemes (such as the EU's) and have enforced the climate change regime's integrity. They, nevertheless, ended up being revised in the SBSTA discussions about REDD+.

The issues did not emerge to REDD agenda simultaneously, but evolved during the UNFCCC discussions and process after the REDD was put to the UNFCCC agenda in the Montreal COP 2005. The examination of the development of REDD+ practices in the present article is based mostly on the SBSTA discussion. It should be noted that a remarkable number of concrete REDD practices developed in different REDD processes, including the UN REDD, the World Bank's Forest Carbon Partnership Facility (FCPF) programme and different donor governments programmes, which apply their own development assistance practices. Various programmes also give rise to a proliferation of REDD funding institutions. Although these programmes and their concrete projects, or domestic developments in the target REDD countries, are not covered here, they are reflected in the SBSTA discussions.

For countries to be eligible for financial compensation for REDD, forest conservation must actually reduce total emissions without creating social harm, including problems for the livelihoods of locals and rights of indigenous populations. Simply put, these issues create a complex chain of problems that seemed to be difficult to solve separately. At least three chief issues can be identified, none of which are simple governance problems, but refer to deeper international institutions—namely, how funding is managed; on what REDD MRV is based and how it is organized; and how forest conservation is organized.

#### *REDD+ practices and International Institutions*

All these issues refer, on the one hand, to the institution of the market and, on the other, to sovereignty through states' authority to manage carbon assets. The third chief issue, how forest governance is

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<sup>24</sup> Till Pistorius, "From RED to REDD+: The Evolution of a Forest-based Mitigation Approach for Developing Countries," *Current Opinion in Environmental Sustainability* 4 (2012); Constanze Haug and Joyeeta Gupta, "The emergence of REDD on the global agenda," in *Climate Change, Forests and REDD: Lessons for Institutional Design* eds. Joyeeta Gupta, Nicolien van der Grijp and Onno Kuik (Hoboken: Taylor and Francis, 2013); Jan Willem den Besten, Bas Arts and Patrick Verkooijen, "The Evolution of REDD+: An analysis of discursive-institutional dynamics," *Environmental Science and Policy* 35 (2014).

<sup>25</sup> Haug and Gupta, "The emergence of REDD on the global agenda."

organized, is addressed to development - both in the distribution of the incomes of conservation as well as in the issues of participation in the management of the forest conservation. The discussions held by the UNFCCC SBSTA seem to be very technical. In that sense they seem to refer to ‘thin’ governance values. However, apparently technical discussions refer to certain practices that are very political in nature. They include concrete practices promoted by the states to address the aspects of REDD management, such as measuring the change in carbon stock stored in the forest or the evaluation of socio-economic impact of forest conservation in mitigation activities. These issues tend to lead to ‘thicker’ governance values, including the issues of decision making, participation and local and indigenous peoples’ rights.

For the goal of curbing GHG emissions, target countries need to create credible MRV systems that ensure emissions reductions. The systems are apparently technical, but as a last resort, political and deeply attached to the international institution of sovereignty. Technical concerns appeared even in the first REDD proposal. First, the concept of additionality requires governments to establish national baseline rates. Accordingly, a mitigation measure “is additional if anthropogenic emissions of GHGs by sources are reduced below those that would occur in the absence of” that measure.<sup>26</sup> Here, baseline rates refer to the estimated emissions that would occur if no mitigation measures were taken. Second, carbon leakage can occur in numerous ways, both among states and domestically. In certain cases, leakage occurs among different production sectors of a company operating in two countries with contrasting emissions policies. In the case of REDD, the full protection of forests in a certain part of a country or district can cause deforestation in another part of the country, for the market demand for timber may remain high regardless of protection policies. Third, permanence refers to the fact that the emission reductions must be guaranteed to be permanent for a given period of time, especially if sold on a carbon market and thereby generating an offset. Therefore carbon trading mechanisms must evince an established institutional premise that sustainable mitigation is possible. Finally, efficient yet cost-effective monitoring of emissions is necessary for any mitigation process.<sup>27</sup> To activate all of these aspects, the governments’ administrative capacities should be strengthened, which also cements the sovereignty of government.<sup>28</sup>

The third issue—that is, how forest conservation is organized—reflects both a country’s administrative capacities and governance models offered by IOs. When MRV issues and definitions are developed in UNFCCC projects, the development of REDD+ governance models very much follows the models already applied in development assistance and sustainable forest management, including criteria and indicator (C&I) systems developed in IOs such as in the International Tropical Timber Organization. The development practices are consistent with the high level forums between donors and developing countries that resulted in a compilation of general practices listed in the Paris Declaration in 2005 and subsequently elaborated in the Accra (2008) and Busan (2011) forums.

The IOs – the WB particularly – have used different assessment tools of governance in guiding and reviewing the governance quality of their development projects. These tools have been applied in the REDD projects, too. IOs and donors endorse the models that try to realize good governance by aiming to consider civil society when making decisions and implementing development projects. The models are based on different kinds of stakeholder models first used in business and routinely applied in development projects since the 1990s. These civil society engagement models seek to lessen the problems of corruption and unworkable administration via the participation of stakeholders and by

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<sup>26</sup> CDM Rulebook, <http://cdmrulebook.org/84>. (accessed 12 November 2014); UNFCCC/CCNUCC Glossary of CDM Terms. Version 06.0, CDM Executive Board, EB 66, Report, Anex 63, March 2. 2012.

[http://cdm.unfccc.int/Reference/Guidclarif/glos\\_CDM.pdf](http://cdm.unfccc.int/Reference/Guidclarif/glos_CDM.pdf). (accessed 12 November 2014).

<sup>27</sup> UNFCCC, FCCC/CP/2005/MISC.1, Conference of Parties, Eleventh Session, Montreal, 28 November to 9 December 2005, Item 6 of the provisional agenda.

<sup>28</sup> Jacob Phelbs, Edward L. Webb and Arun Agrawal, “Does REDD+ Threaten to Recentralize Forest Governance?,” *Science* 328, 16 April (2010).

disseminating information about on-going projects to local beneficiaries.<sup>29</sup> The problem, however, is that successful development cooperation calls for a sound, functioning relationship between donors and governments, and situating civil society actors between donors and governments does not work in most cases. The governance issue in REDD+ emerges when many mitigation measures require the strengthening of governments, while the IOs development model suggests more power for civil society. Substantial issues with structural governance models surface, for example, in different conservation models that can vary from partial conservation, which guarantees the economic conditions of locals, to fortress conservation, which disallows all exploitation of natural resources by local populations.<sup>30</sup>

REDD preparedness projects implemented by several IOs, including the UN (UNREDD) and the World Bank, show direct concern for the two latter issues, though the idea of the market was emphasized in the UNFCCC discussion. The experiences of REDD+ projects and their cooperation with REDD+ preparedness projects have not yet elucidated what the funding model of the REDD should be, while more established practices of MRV and governance models have already been established in REDD governance. Different REDD projects, owing to the procedural governance standards of the IOs and donors, may reflect on thick governance values at least in the paper, but at national levels their implementation may be different. These experiences reflect back on UNFCCC discussions.<sup>31</sup>

#### *The Evolution of the REDD Practices in the UNFCCC SBSTA Conversations*

When the original RED - Reducing Emissions from Forest Deforestation initiative - focused only on deforestation, the monitoring of changes in forest cover was believed to be easily done by GIS (Geographic Information System) based on satellite-based remote sensing technologies together with ground-truthing.<sup>32</sup> However, as it became obvious that forest cover does not indicate the size of the carbon stock or that the changes in forest cover do not indicate the changes in the size of emissions, forest degradation was added to RED, making it REDD. This made the verification process of the forests far more complicated and added sustainable forest management as a crucial part of REDD governance. Degradation and its monitoring, including the definition of forest degradation, whether this should be defined according to universal or local definitions and whether MRV should be based on international or national governance, became a dividing line in the SBSTA in two respects: general definitions and global surveillance are the preconditions for any meaningful market-based carbon trade system, but they also divide different country groups in the SBSTA. The issue was not necessarily a market or non-market based system, but a country's ability to control its climate policies and manage its natural resources.<sup>33</sup> When forest cover can be monitored with remote sensing, forest degradation with the changes in carbon stocks call for on-the-ground measurements.<sup>34</sup> Therefore, the question arises: to what extent is this monitoring a national question and to what extent should the surveillance be the responsibility of an international body? In REDD, the submissions of the parties have not followed the general line between developing and developed and developing countries. In fact, the majority of the REDD+ target countries have supported a market-based approach as well as universal definitions and common rules.<sup>35</sup> Similarly, as shown in Table 1, some developed countries

<sup>29</sup> Eero Palmujoki and Pekka Virtanen, "Global, National, or Market? Emerging REDD+ Governance Practices in Mozambique and Tanzania," *Global Environmental Politics* 16 (1) (2016).

<sup>30</sup> Betsy A. Beymer-Farris and Thomas J. Bassett, "The REDD menace: Resurgent protectionism in Tanzania's mangrove forests," *Global Environmental Change* 22 (2012).

<sup>31</sup> Palmujoki and Virtanen, "Global, National, or Market."

<sup>32</sup> UNFCCC, FCCC/CP/2005/MISC.1.

<sup>33</sup> UNFCCC, FCCC/SBSTA/2007/MISC.2/Add.1 Views on the range of topics and other relevant information relating to reducing emissions from deforestation in developing countries. Submissions from the Parties, 3 April 2007.

<sup>34</sup> UNFCCC, Working Paper 1, Background Paper for the Workshop on Reducing Emissions from Deforestation in Developing Countries. UNFCCC Secretariat, 17, August 2006.

<sup>35</sup> UNFCCC, FCCC/SBSTA/2007/MISC.2/Add.1.



have sympathized with the arguments for country specific deviations and MRV systems.

Naturally, concrete interests between the countries, surely in the context of international institutions, are obvious in the submissions. This is particularly apparent in the way that national reference levels (to which the forest conservation measures are compared) are defined. By this, different governments argue for justice in REDD governance. The historical baseline (HB) represents the average level of historical deforestation that has taken place during the last decades in the country. The definition favours emerging countries that have had strong deforestation rates during recent decades. The historical adjusted baseline (HAB) tries to correct the distortion that HB creates to those countries where the forest cover is high and deforestation rates have been rather low, but which could potentially be higher in the future. The project based (PB) reference level allows the most detailed set of guidance for creating baselines and focuses on local circumstances, but this is difficult to apply to international level carbon trade.<sup>36</sup> Although much discussed, these reference levels have not been widely bargained, as the UNFCCC has been rather flexible in applying reference levels.

The emphasis on technical aspects in the implementation of REDD, including general accounting systems and the definition of baselines, indicates the aim for a market-based system. Though REDD originated partly as a market-based concept to connect developing countries to global emissions trading,<sup>37</sup> pilot projects have already revealed problems due to price variance in global carbon markets.<sup>38</sup> Such problems will obstruct longstanding conservation if there is no certainty of income for conservation. Though funding is either market or donor based, the target countries must construct a system for distributing assets among beneficiaries, which calls for a firm grip and the credible governance of governments. Interestingly enough, according to their submissions, the majority of the REDD target countries supported a market-based approach that connects their forest carbon stocks to the existing global carbon trade schemes. It should be noted, however, that the functioning carbon trade in the REDD system is expected to be reached after the different stages of REDD's development with diverse funding instruments. The EU's REDD has strictly followed the idea that REDD should be linked to carbon trade through the market instruments defined by the UNFCCC and not through private, national, and regional carbon trade schemes outside the UNFCCC system, which seems to be acceptable to most of the governments (see Table 1).

At the regime level, the problem was how to harmonize the accounting of carbon assets of different conservation measures based on different kinds of funding mechanisms. The problem not only dealt with REDD but also actualized the importance of REDD as a mitigation measure, which took on more weight after the Copenhagen COP 15 in 2009. The issue has been addressed in the UNFCCC SBSTA for several years. Since 2012, the discussion has centred on the framework for various approaches (FVAs).<sup>39</sup> In this context, the starting point is how carbon units created in domestic or private systems can be used in compliance with UNFCCC obligations. FVAs do not concern the units used exclusively in domestic accounting, but those in international transfers. FVAs include different kinds of market mechanisms and partly non-market-based approaches (NMAs). NMAs dealt with by SBSTA are accountable for an emissions reduction target of any contributor country and are thereby relevant to the limits agreed to in the UNFCCC. Market-based mechanisms include those agreed in Kyoto (International Emissions Trading, Joint Implementation, and Clean Development

<sup>36</sup> the REDD Desk (2015) Reference levels, <http://theredddesk.org/markets-standards/design-features/reference-levels>. (accessed 15 December 2015)

<sup>37</sup> Chukwumerije Okereke and Kate Dooley, "Principles of justice in proposals and policy approaches to avoided deforestation: Towards a post-Kyoto climate agreement," *Global Climate Change* 20, (2010), 82-95.

<sup>38</sup> Willy Makundi, "African forests and trees in the global carbon market," in *Climate change and African forest and wildlife resources*, eds. Emmanuel Chidumayo, David Okali, Goodwin Kowero, and Muhamane Larwanou (Nairobi: African Forest Forum, 2011), 194-196; Godwell Nhamo and Alfred Bimha, "Carbon pricing in cap-and-trade systems: International perspectives and lessons for Africa," in *Green economy and climate mitigation: Topics of relevance to Africa ed. Godwell Nhamo* (Pretoria: Africa Institute of South Africa, 2011), 118-123.

<sup>39</sup> UNFCCC, FCCC/CP/2012/L.14/Rev.1, Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention. Doha, 26 November to 7 December 2012.

Mechanisms) and new market-based mechanisms (NMM) defined in the Durban COP 13 in 2011.

The SBSTA discussions are included in the Paris Agreement in the article 6. The article uses a little bit different vocabulary, instead of FVAs it refers to internationally transferred mitigation outcomes, and in Article 6.4. the agreement introduces a new sustainable development mechanisms, which has similar content to NMM discussed in the SBSTA without mentioning it in the agreement.<sup>40</sup>

The crucial technical issue is double accounting, which can occur for different reasons. For example, it can be a result of carbon markets' having multiple parties, any of which can claim reductions in units for itself. Double accounting can also occur when carbon credits are claimed both from financial contributions and mitigation purposes, or result from the fact that in combining carbon trade with different unit systems, both systems count the same units. The discussion on FVAs attempted to solve these problems, but the parties have not been able to reach any concrete solution.<sup>41</sup> The Paris Agreement emphasises that “the use of internationally transferred mitigation outcomes towards nationally determined contributions ... shall apply robust accounting to ensure, inter alia, the avoidance of double counting, consistent with the guidance adopted by the Conference of Parties serving as the meeting of the Parties to the Paris Agreement”.<sup>42</sup> According to the Paris agreement, specific rules to avoid double accounting will further elaborated in the SBSTA.

The discussion of the UNFCCC SBSTA highlighted the different interests of country groups and their bargaining in the climate change regime. This bargaining and the arguments of the country groups followed the lines of international institutions, and as always, there were different grouping-dependent issues involved. A rough division can be made according to the kind of approaches that should be taken under the rubric of FVAs. The EU's approach was the narrowest; it was ready to discuss under FVAs only market mechanisms defined in the UNFCCC (i.e., the Kyoto Protocol and COP 13 in Durban). The situation differed with countries that have already used different accounting systems than the UNFCCC system—namely, domestic and regional systems, including those used by the United States, Japan, and Australia, all of which have advocated for a broader recognition of different market-based systems, which has also been included the Paris agreement.<sup>43</sup> The broadest interpretation of FVAs included developing countries that have adopted REDD+ non-market-based systems that did not involve carbon exchange units. The broadest interpretation has been adapted to the Paris agreement, when non-market approaches has been included as Article 6.9. Accordingly, FVAs, or as the Paris agreement referred them, internationally transferred mitigation units, recognize the actions and mechanisms that include net reductions and the avoidance of GHG emissions by sources and removal of sinks due to forest conservation. Similarly, a group of developed and developing countries, the Environmental Integrity Group, supported a broad approach entailing voluntary activities to transfer some GHG emissions reductions to another country, all developed in and out of the UNFCCC in the case that they meet commonly defined requirements.<sup>44</sup>

There are more detailed proposals for dealing with the rules of measurement and reporting, how an independent verification process should proceed, how net emissions reductions are counted, and what kind of institutional requirements are needed. As such, discussions in the UNFCCC SBSTA will

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<sup>40</sup>UNFCCC, FCCC/CP2015/L.9 Rev.1. Paris Agreement, Article 6.2 and 6.4.

<sup>41</sup> UNFCCC, FCCC/SBSTA/2015/2 Report of the Subsidiary Body for Scientific and Technological Advice on its forty-second session, held in Bonn from 1 to 11 June 2015.

<sup>42</sup> Paris Agreement, Article 6.2, see also Article 6.5.

<sup>43</sup> Paris Agreement, Article 6.2.

<sup>44</sup> Environmental Integrity Group (EIG) Liechtenstein, Mexico, Monaco, Republic of Korea, Switzerland. Framework for various approaches. SBSTA 39, 09.09.2013, [https://unfccc.int/files/cooperation\\_support/market\\_and\\_non-market\\_mechanisms/application/pdf/fva\\_environmental\\_integrity\\_group.pdf](https://unfccc.int/files/cooperation_support/market_and_non-market_mechanisms/application/pdf/fva_environmental_integrity_group.pdf). (accessed 14 November 2014); Submission by Italy and the European Commission on behalf of the European Union and Its Member States, Rome, 29 September 2014, [https://unfccc.int/files/kyoto\\_protocol/mechanisms/application/pdf/it-09-29-fva\\_eu\\_submission.pdf](https://unfccc.int/files/kyoto_protocol/mechanisms/application/pdf/it-09-29-fva_eu_submission.pdf). (accessed 14 November 2014); UNFCCC. FCCC/SBSTA/2014/INF.13 Report on the in-session expert meeting on matters relating to non-market-based approaches to support the implementation of the activities in decision 1/CP.16, paragraph 70. Note by the secretariat.

most likely continue to follow those issues already set in relief amid different REDD preparedness projects carried out in the UNREDD, under the World Bank's Forest Carbon Partnership Facility, and in different donors' projects. Although the issues seem merely technical instead of political, their development in several COPs reflects their political nature and indicates how international institutions mould regimes via domestic experiences.

Several emergent issues in the REDD initiative in annual COPs address the influence of domestic experiences and practices in REDD+ target countries with the global regime. Owing to different social and environmental issues involved in REDD+ and its governance, UNFCCC COPs adopted safeguards to prevent environmental and social harms that implementing REDD+ may create. Many government and civil society actors have expressed their concern that the new wave of investment and competing interests for forest resources brought by REDD will further compromise the rights and resources of local communities. Safeguards constitute a mechanism developed by IOs to ensure that their investments do not create such negative outcomes. In 2010, parties to the UNFCCC agreed to a procedural practice consisting of such safeguards. Known as the Cancun Safeguards, these measures define broad criteria and principles intended to help developing countries create and implement their own national safeguards that can be used to enhance the role of the central government in the REDD+ process<sup>45</sup>.

From the perspective of justice, the way in which local communities share costs and benefits related to REDD+ projects is critical.<sup>46</sup> Although advocates of REDD+ argue that participation in the program is likely to strengthen local access and property rights, both of which constitute a key institutional requirement for access to REDD+ financing (COP 16, paragraph 72), past experiences have shown that administrative frameworks based on civil society engagement models to secure local rights are not enough if enforcement mechanisms are weak and subject to manipulation by more powerful political and economic elites in development assistance. The creation of safeguards sheds light on the workings of international institutions in this particular case. Social issues respecting the status of local and indigenous peoples' socioeconomic conditions and positioning in deciding on REDD projects that affect their livelihood were constituted by justice and are established in international development assistance practices. The ethical considerations framed by justice suggest to thick governance values in REDD projects and may influence the social and political governance of REDD target countries.<sup>47</sup>

Safeguards represent the system by which donors and REDD countries can verify that environmental and social standards are met in REDD projects. They, however, differ from the principles, criteria, and indicator (PC&I) systems that private bodies have developed in order to guarantee the quality and legitimacy of governance with particular respect to environmental and social standards.<sup>48</sup> When PC&I systems aim to forge comprehensive governance by controlling different phases of production using environmental, social, and economic principles, safeguards represent a compromise between national sovereignty (i.e., a government's control) and international monitoring. Safeguards thus play a merely guiding role in national REDD projects. Therefore thick governance values which consist the participation of all stakeholders in decision making and in benefit sharing seem to drain away in the REDD project routines and represent thin governance values at best. At the regime level thin governance values were further emphasised: In SBSTA discussions, a general understanding has prevailed regarding the content of safeguards, though disagreement persist concerning how they should be connected to the UNFCCC. Although the positions of parties

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<sup>45</sup> Stephanie Roe, Charlotte Streck, Luke Pritchard and John Costenbader, *Safeguards in REDD+ and forest carbon standards: A review of social, environmental and procedural concepts and application* (Amsterdam: Climate Focus, 2013).

<sup>46</sup> Rowena Maguire, "Designing REDD+ to be Just: Considerations for a Legally Binding Instrument," *Asian Journal of International Law* 4 (1) (2014).

<sup>47</sup> Haug and Gupta, "The emergence of REDD on the global agenda," 89-91.

<sup>48</sup> See Timothy Cadman, *Quality and Legitimacy of Global Governance: Case Lessons from Forestry* (Basingstoke: Palgrave Macmillan, 2011), 1-24.

regarding the safeguards' information system (SIS) were far from definite, the demarcation represents how much guidance remains for (international) UNFCCC bodies as well as national ones. Although the majority of parties accept international monitoring, Brazil refused this already in Cancun COP 16 and has strictly defended her national control over safeguards.<sup>49</sup> Following the established decision-making process of the UNFCCC based on consensus, the Brazilian interpretation clearly survived in the Paris agreement. The further discussions in the SBSTA after Paris will deal with on how REDD, including safeguards, is included in detailed rules that will be developed to support the Paris agreement.

**[Insert Table 1. – here]**

Table 1 does not directly reflect the different interests and bargaining positions, as there are several items where the countries have not made submissions, although they are known to support a certain approach. The table indicates the submission that the states or state groups have presented during the development of RED to REDD+. Therefore, for example, all the countries accept the scope of the REDD+, although their original submission was more limited. Similarly, although the original initiators of RED expressed market-based mechanisms on the basis of funding, they have accepted other types of funding, too. Submissions reflect to concrete interests of the governments in REDD and when the mitigation efforts threaten their particular interests, sovereignty as a basic institution in the UNFCCC process matches them together. In the REDD process, this has meant that most important issues concerning funding and accounting are left to the governments. However, the emphasis of sovereignty in REDD at the UNFCCC level does not mean that the other institutions are without significance in the REDD+ governance practices. The discussions and the submissions of the REDD in the UNFCCC reflect back to IOs and donors and to the ways in which they define their policy line. Therefore, those aspects on which the UNFCCC has not been able to decide can appear in the policies of the IOs and other actors in different REDD+ projects.

**Conclusion: International Institutions and the Evolution of REDD Practices**

When examining the experience of the REDD+ process within the new governance model confirmed in Paris in December 2015, the present chapter bases its interpretations on the relationship between fundamental institutions and REDD+ debates. Different institutions have shaped REDD's development in several ways. Despite broadly accepted objectives for climate mitigation, the basic institutions of sovereignty, the market, and justice via procedural practices of development assistance determine the borders of REDD governance. Despite UNFCCC members' broad understanding of the concept, the basic institution of sovereignty has yet to be seriously challenged in climate change governance. Through development assistance, concepts of both the market and justice have prompted unifying practices, and together with environmental norms, they are apparent in REDD's adoption of safeguards from COP meetings. These established practices have quite possibly helped formulate REDD+ as well as helped highlight the need to increase context-integrity among UNFCCC members. In SBSTA submissions on REDD, this need has been emphasized by the fact that submissions have failed to follow any pure division of developed–developing countries. It furthermore suggests that climate governance has become thicker, to use the previously defined terminology.

In the Paris agreement's finalisation, very few binding rules emphasised the UNFCCC's diverse and even fragmented nature. Due to the role of the regime in reconciling different interests, different countries and country groups have congregated around certain institutions and norms: developing countries around sovereignty and justice (equity) on the one hand, and developed countries around the concepts of the market, justice, and transparency on the other. Although SBSTA discussions about REDD have indicated the blurring of such a division, the final preparation of the climate agreement

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<sup>49</sup> World Resources Institute, *Map of SBSTA Submissions: REDD+ Safeguard Information System*, WRI Working Paper, 2012.

illuminates old divisions and points to the thinness of UNFCCC governance as well as more reduced consistency-integrity than many SBSTA submissions have indicated. In the SBSTA REDD negotiations, such thinness and reduced integrity are apparent in the failure to align domestic conservation measures with global carbon markets in a way that is compatible with the UNFCCC and can thereby be ruled in official measures toward mitigating GHG emissions.

In investigating the international climate change regime through the framework of international institutions, several issues stand out. The UNFCCC's drafted governance architecture based on UNCED and the Kyoto Protocol follows the idea of a coherent structure for a climate change regime, which suggests that the UNFCCC has created a top-down process that is oversimplified and unrealistic. Such an approach supposes above all that an intergovernmental climate change regime regulates climate policies by way of a hierarchical governance structure. In one respect, agents such as the European Union are used to constructing climate policies on that model, though interactions in any climate change regime are far more diverse. The Paris agreement is now a more flexible bottom-up model, quite different from the Kyoto Protocol. Whether the model leads to overall thinness of climate governance remains unclear. The SBSTA discussions about REDD+'s MRV apparently indicate this. On-going discussion and new proposals reflect the influence of domestic and regional practices as well as their own respective debates, all while the climate change regime expands by co-opting new elements. The regime is transformed via the constitutive role of the same international institutions of sovereignty, justice, and the market—all clearly foundational to the Kyoto Protocol—in other international practices. In the case of REDD in particular, development assistance practices are crucial to producing REDD+ governance. In that light, the climate change regime's development not only emphasizes the importance of international institutions, but also indicates how that development is a reflection of those institutions, possibly enabling new international institutions to develop in an attempt to mitigate climate change.

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**Table 1. Approaches by some countries and country groups toward REDD<sup>1</sup>**

	Scope	Financing	Reference level	FVA	Safeguard SIS
AOSIS <sup>2</sup>	REDD	F	HAB	B	
Australia	REDD+	MB+FVA	PB	M	International
Brazil	RED	F	HB		National
CRFN <sup>3</sup>	REDD	MB+FVA	HAB	B	International
China	REDD+				
Colombia	REDD+	F	HAB		International
EU	REDD+	ML	HAB	N	International
India	REDD+	MB	HB		
Indonesia	REDD+	MB+FVA	HB	B	National
Japan	REDD+			M	International
Mexico	REDD	MB+FVA	HAB	B	International
New Zealand	REDD	FVA		M	
Norway	REDD+	FVA	HAB		
Panama	REDD	MB	HAB		International
USA	REDD+			M	

*Note:* F=fund; MB=market-based; ML=market-linked; PB=project based; FVA(B)=broad including Kyoto mechanisms, new market-based mechanisms, non-Kyoto market-based systems and non-market-based approaches; FVA(M)=same as previous, but without non-market based approaches FVA(N)=only the Kyoto mechanisms with new market based mechanisms.

<sup>1</sup> The table is compiled from the following sources: The Global Canopy Programme, *The Little REDD+ Book*, [www.littleREDDbook.org](http://www.littleREDDbook.org). (accessed 3 October 2015); World Resources Institute, *Map of SBSTA submissions*; Environmental Integrity Group (EIG); Coalition of Rainforest Nations on Framework for Various Approaches 30 August 2013,

[https://unfccc.int/files/documentation/submissions\\_from\\_parties/application/pdf/fva\\_coalition\\_for\\_rainforest\\_nations\\_15092013.pdf](https://unfccc.int/files/documentation/submissions_from_parties/application/pdf/fva_coalition_for_rainforest_nations_15092013.pdf). (accessed 14 November 2014); UNFCCC, FCCC/SBSTA/2014/INF.13; Mary Menton, Clare Ferguson, Roosa Leimu-Brown, Stephen Leonard, Maria Brockhaus, Amy E Duchelle and Christopher Martius, "Further guidance for REDD+ safeguard information systems? An analysis of positions in the UNFCCC negotiations" *CIFOR Infobrief*, 99, November 2014; Ministry of Environment, Brazil, *Summary of information on how the Cancun safeguards were addressed and respected by Brazil throughout the implementation of actions to reduce emissions from deforestation in the Amazon biome between 2006 and 2010*. Brasilia, DF, May 2015.

<sup>2</sup> Alliance of Small Island States (includes 38 of Caribbean, Indian Ocean and Pacific Island States).

<sup>3</sup> Coalition of Rainforest Nations (Bangladesh, Belize, Chad, Cote d'Ivoire, Democratic Republic of Congo, Dominica, Dominican Republic, Fiji, Gabon, Guyana, Honduras, Kenya, Liberia, Nigeria, Panama, Papua New Guinea, Republic of Congo, Sierra Leone, Uganda).