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Global Shifts

Business, Politics, and Deforestation in a Changing World Economy

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6 Toward Place-Based Sustainability?

In 2017, a group of sustainability practitioners from around the world met in Brasilia, the Brazilian capital, for a workshop to exchange knowledge about new approaches in tropical forest governance. At the center of the workshop was the so-called jurisdictional approach, which has become a buzzword among practitioners. “It’s the new game in town” a forest campaigner explained at a workshop in Brussels, describing a shift from approaches centered on the supply chain to those centered on entire production landscapes or jurisdictions (policy officer, environmental NGO, personal communication, Brussels, April 2018).

In further conversations with practitioners in Brussels, Paris, and Jakarta, I learned more about this “jurisdictional turn” in tropical forest governance. When global buyers missed their no-deforestation targets, there were demands that more companies should adopt such commitments with immediate deadlines and clear sanction-based implementation mechanisms (Garrett et al. 2019). However, other analysts have noted that even if big-brand companies from the Global North were to clean up their supply chains, they would create only “islands of green in a sea of deforestation” (Gaworecki 2015). According to my interviewees, a place-based jurisdictional or landscape approach was needed to achieve “sustainability at scale” (policy officer, environmental NGO, Jakarta, May 2018).

Moving beyond a narrow focus on deforestation-free supply chains, jurisdictional programs pursue broad and integrated sustainable development agendas at the scale of entire jurisdictions. They aim to achieve this through a strong involvement of local government actors, the creation of complementarities between domestic regulation and supply chain initiatives, and the integration of environmental with economic development and social inclusion objectives. If successful, jurisdictional programs would strengthen

governance systems in the producer countries. This is essential for governing sustainability in the modern world food economy, in which emerging markets, including domestic markets, are growing rapidly (see Kharas 2010).

As part of a forward-looking research agenda, this chapter advances understanding of the jurisdictional turn in tropical forest governance. These programs are still in their infancy and apart from gray literature publications and specialized literature on tropical land use governance, they have received little attention from scholars of politics and regulation. To address this gap, I situate the jurisdictional approach in the broader sustainability governance literature. This is followed by a brief description of its conceptual foundations and institutional antecedents and a discussion of its emerging features. I then trace the development of advanced jurisdictional programs in Brazil and Indonesia in two illustrative case studies. Finally, I reflect on the opportunities and challenges of the jurisdictional approach from a political economy perspective and identify avenues for future research in this area.

The Jurisdictional Approach in the Sustainability Governance Debate

Recent decades have seen waves of institutional innovation in transnational business governance, many of them private and market-based (Hale 2020). However, despite unprecedented degrees of private regulation, global supply chains continue to cause widespread ecological and social harm around the world. Against this background, scholars of private business governance have long called for “bringing the state back in” (Mayer and Gereffi 2010, 18). In the trade in agricultural and forest commodities, the return of the state in sustainability governance is now well under way. Important state-led interventions include public orchestration of private sustainability standards in the biofuel industry through governments and international organizations (Ponte 2019, 175–211; Schleifer 2013); the assembling of a transnational legality verification regime to govern the tropical timber trade (Overdevest and Zeitlin 2014; Zeitlin and Overdevest 2021); and plans for mandatory due-diligence regulation for forest-risk supply chains in the EU, United Kingdom, and United States (Global Resource Initiative 2020; Mukpo 2020; Partiti 2020).

In recent years, also state actors linked to the supply side of global commodity chains have “brought themselves back in” (Dermawan and Hospes 2018). As described in chapter 5, the rise of these Southern sustainability

standards has often sparked conflictive interactions between domestic and transnational actors (Schouten and Hospes 2018). Against this background, the jurisdictional approach is seen as a way to overcome such antagonisms (Pacheco et al. 2018). These programs are a new type of Southern-led sustainability governance (see Sun and van der Ven 2020), conceived as experimental arenas in which domestic, transnational, and intergovernmental instruments interact in complementary ways (Nepstad et al. 2013). Instead of seeking to bypass the state in the producer countries (Bartley 2018a, 258–284), the jurisdictional approach aims to achieve a high level of local government (Earth Innovation Institute 2018). The proponents of the approach also highlight social justice and equity concerns and inclusion of marginalized stakeholders as important governance objectives (DiGiano, Stickler, and David 2020; Hovani et al. 2018).

The emerging features of the jurisdictional approach, described in detail in this chapter, situate these programs at the intersection of major debates in the sustainability governance literature. Specifically, these programs resonate with recent calls by academics for a recentering of the state in sustainability governance (Bartley 2018a), the creation of public-private complementarities (Cashore et al. 2021; Pacheco et al. 2018), and the need to prioritize the poor in earth system governance (Kashwan et al. 2020). In the age of advanced globalization, in which consumption and trade shift to the Global South (Horner and Nadvi 2018), the jurisdictional approach also promises a strengthening of governance systems at the supply side of global, regional, and local supply chains. These and other features make the jurisdictional turn an intriguing trend in sustainability governance, a trend that calls for further conceptual and empirical exploration.

Conceptual and Institutional Antecedents

Conceptually, jurisdictional programs belong to a broader class of integrated landscape approaches with roots in the biodiversity conservation literature of the 1980s (Noss 1983). Although biodiversity conservation has been practiced in a landscape context for decades, this new generation of integrated programs has a broader sustainable development agenda that evolved in response to international policy agendas, such as the United Nations Sustainable Development Goals (Reed et al. 2016). In more recent conceptualizations, the integrated landscape approach broadly refers to

governance initiatives that engage multiple stakeholders in efforts to integrate environmental, developmental, and societal policy objectives at the landscape scale (Reed et al. 2020). Against this background, the jurisdictional approach can be understood as a subset of this new class of sustainable and development-oriented landscape initiatives. However, rather than being defined by ecologically defined boundaries, it is defined by policy-relevant boundaries.

An important institutional antecedent of jurisdictional programs aiming to reducing tropical deforestation is the Program on Reducing Emissions from Deforestation and Forest Degradation, or REDD+ (Lederer and Höhne 2021; Seymour, Aurora, and Arif 2020, 4–5). Established in 2008 under the United Nations Framework Convention on Climate Change (UNFCCC), REDD+ assists developing countries in building governance capacities and providing results-based payments for forest protection. Initially focused on the project level, REDD+ has evolved to include capacity building and finance mechanisms for jurisdiction-wide initiatives. One of the best-established REDD+ jurisdictional programs is in the Brazilian state of Acre, which was the first subnational jurisdiction in the world to receive funding from the REDD+ Early Movers program. Another jurisdictional-scale REDD+ initiative was launched in Indonesia in 2009. This initiative arose from a collaboration between the local government of Berau District in East Kalimantan and the Nature Conservancy, an environmental NGO, to develop a multistakeholder institutional framework and action plan to reduce deforestation in the district (Anandi et al. 2014). Other Indonesian provinces have since received funding under REDD+, but political enthusiasm for the REDD+ agenda declined both nationally and internationally in the 2010s. Nevertheless, in Indonesia and elsewhere, REDD+ has sponsored initiatives that helped develop policy networks, knowledge, and institutional infrastructures to further develop the jurisdictional approach (Seymour, Aurora, and Arif 2020).

Emerging Features

At this early stage of development, the jurisdictional approach continues to evolve. However, through scenario building, information gathering, and lesson drawing, several key features, practices, and viewpoints are beginning to converge (see Fishman, Oliveira, and Gamble 2017; Paoli et al. 2016). In this chapter, I draw on interviews with practitioners, gray literature, and

Table 6.1

Comparing supply chain initiatives to the jurisdictional approach

| | Supply chain initiatives | Jurisdictional approach |
|-------------------|--|--|
| Governance | Private governance: NGO-led, firm-led, or multistakeholder; transnational private actors dominate; no government involvement | Hybrid governance: multistakeholder; strong involvement of domestic government actors; transnational actors in supporting role |
| Scale | Transnational: supply chain focused; vertical logic dominates | (Sub)national: jurisdictional scale with transnational interlinkages; horizontal logic dominates |
| Scope | Narrow scope: individual sectors and land uses; farm-level focus; short-term to medium-term perspective | Broad scope: integrates multiple sectors and land uses; jurisdictional scale; long-term perspective |

specialized literature on sustainable land use governance to delineate and describe these features. The discussion is organized around the governance, scale, and scope of these initiatives. Table 6.1 summarizes the emerging features of jurisdictional programs and compares them with traditional supply chain-centered initiatives.

Governance

The multistakeholder model is widely used in sustainability governance and beyond (Scholte 2020). In the agriculture sector and elsewhere, it has become the “gold standard” to organize transnational governance processes (Schleifer 2019). Jurisdictional programs also use a form of multistakeholderism. However, unlike the first wave of multistakeholder initiatives for sustainable agriculture, which focused on collaborations between business and civil society actors, jurisdictional programs focus on local actors and governments. As a policy officer at an environmental NGO explained to me, “The essence of the approach is that there needs to be a stronger role for local governments. The traditional certification model is focused on interactions between civil society and the private sector. Governments are missing from that picture” (interview, Jakarta, May 2018).

The literature highlights this aspect of jurisdictional programs. For example, Seymour, Aurora, and Arif (2020, 1–2) define jurisdictional programs as government-led multistakeholder processes. Along similar lines, von Essen

and Lambin (2021, 3) describe them as a “formalized collaboration between government entities and actors from civil society and/or the private sector,” noting that the degree of government involvement in jurisdictional programs can vary. However, in their conceptualization, initiatives with very high or very low levels of government involvement fall outside of the jurisdictional approach parameters (also see Paoli et al. 2016). In this way, jurisdictional programs are a hybrid mode of governance.

Scale

In addition to the central role of government actors, jurisdictional programs quite literally take the multistakeholder model to another level. Transcending the vertical logic of supply chain initiatives, jurisdictional programs are place-based and defined by relevant political boundaries. The scale of the jurisdictional approach depends on the country context, including factors such as the distribution of political authority to make land-use decisions across levels of government and the existence of institutional capacity (van Houten and de Koning 2018, 7). Therefore, broader definitions of the approach include both national and subnational jurisdictional scales (von Essen and Lambin 2021, 3). However, the current commodity-focused jurisdictional programs are mostly situated at the subnational scale, typically the second or third administrative level in a country (LTKL and Tropical Forest Alliance 2020). These midsize scales represent a “sweet spot” wherein programs can be adapted to local contexts but are large enough to contribute to systemwide transformations (Boyd et al. 2018, 2; von Essen and Lambin 2021, 7).

Although grounded in the subnational, jurisdictional programs are not a purely local mode of governance, however. Transnational actors and linkages play important roles in the theory of change of these programs. Transnational actors support program development through activities within jurisdictions and through external incentives (Seymour, Aurora, and Arif 2020, 7–15). Activities within jurisdictions include supporting articulation of jurisdictional-scale visions, convening multistakeholder forums, and developing monitoring systems (Hovani et al. 2018). External incentives include mobilizing international climate finance and private green investment. In addition, transnational actors have sought to interlink the jurisdictional approach with supply chain initiatives through developing systems of “jurisdictional certification” and “jurisdictional sourcing” (Boshoven et al. 2021; Nepstad et al. 2013; van Houten and de Koning 2018).

Scope

Another salient feature of the jurisdictional approach is a broad definition of sustainability, which acknowledges the interdependences of human and natural systems and seeks to integrate environmental, economic, and social policy objectives. In particular, the approach seeks to include the concerns of smallholders and indigenous communities in these processes (members of the Climate and Land Use Alliance, personal communication, Jakarta, April 2018), which are often excluded from transnational sustainability governance (Brandi 2017). Beyond overly simplistic “win-win” narratives, the jurisdictional approach attempts to acknowledge the trade-offs and histories of conflict between groups so that they can be identified, negotiated, and settled (Reed et al. 2020, 2). Against this background, customary rights, human rights, and the settlement of land-use conflicts have emerged as salient issues for the jurisdictional approach community of practice (Colchester et al. 2020; DiGiano, Stickler, and David 2020).

However, this does not mean that all programs have the same design and thematic scope. Two recent studies describe the existing variation among jurisdictional programs aimed at sustainable resource use (LTKL and Tropical Forest Alliance 2020; von Essen and Lambin 2021). Over time, some of this variation may disappear as the “organizational field” of jurisdictional programs becomes more institutionalized (see Dingwerth and Pattberg 2009). However, local problems and political economies often vary widely and thus require contextualized solutions. The adaptability of jurisdictional approaches thus is their key strength (policy officer at an environmental NGO, interview, Jakarta, April 2018). At the same time, this integration and contextualization have resulted in highly complex programs with long-term perspectives (Fishman, Oliveira, and Gamble 2017).

Exploring the Jurisdictional Approach in Brazil and Indonesia

In recent years, the jurisdictional approach has gained significant momentum in tropical forest governance. In Brazil, Indonesia, and other tropical forest countries, numerous subnational governments have taken steps to develop policies and implementation mechanisms to advance jurisdiction-wide sustainable development agendas. Depending on the definition used, there are between twenty-five and thirty-nine deforestation-focused jurisdictional programs in development in the global tropics (Stickler et al. 2018;

von Essen and Lambin 2021). Moving “beyond certification,” jurisdictional and landscape programs have also become central to the post-2020 forest conservation strategies of many NGOs. The Nature Conservancy, the Earth Innovation Institute, the Sustainable Trade Initiative (IDH), and other NGOs have served as “backbone organizations” for many of these processes. In this role, they provide important coordination and management function to support and steer the networks of actors working toward jurisdictional sustainability (discussion with practitioners at a meeting at the Climate and Land Use Alliance, Jakarta, April 2018). While global buyers have long been reluctant to accept responsibility beyond their supply chains, this is beginning to change. After failing to meet their 2020 zero-deforestation target, members of the Consumer Goods Forum’s (CGF) newly formed Forest Positive Coalition of Action announced at the COP26 Climate Summit in Glasgow their ambition “to transform landscapes to the equivalent of the coalitions combined production base footprint of palm oil, soy, paper packaging and beef into forest positive landscapes by 2030” (UNFCCC 2021).

This section explores the institutionalization of the jurisdictional approach, with a focus on two advanced commodity-centered jurisdictional programs in Brazil (Mato Grosso) and in Indonesia (Central Kalimantan). The analysis is based on a review of gray literature, internet research, and interviews with practitioners. Information from existing studies on the jurisdictional approach in Brazil and Indonesia was also included (e.g., LTKL and Tropical Forest Alliance 2020; Milhorange and Bursztyn 2018; Seymour, Aurora, and Arif 2020; von Essen and Lambin 2021).

Mato Grosso’s Produce, Conserve, and Include Strategy

Following the end of military rule in the mid-1980s, Brazil’s new constitution devolved significant powers to subnational governments, creating a federal system. In this process of democratic transition, the country’s twenty-six states (the first level of local government) acquired wide-ranging executive, legislative, judicial, and fiscal powers, making states and their governors influential players in Brazilian politics (Samuels and Abrucio 2000). Governed by elected mayors, the second level of local government in Brazil is the municipality. Brazil’s twenty-six states together comprise 5,570 municipalities, which vary greatly in size and population. Also, municipalities in Brazil possess important executive and legislative competencies, including authority over local land use planning (OECD 2016).

It is not surprising that jurisdictional programs to govern commodity-driven deforestation first emerged in the Brazilian context (policy officer at an environmental NGO, phone interview, April 2018). The country's federalist polity and devolution of important regulatory competencies to subnational governments make it fertile ground for the jurisdictional approach. Brazil also has a history of progressive environmental legislation and executive action by subnational governments and cities (Lederer et al. 2020; Setzer 2017), including the previously described experimentation with initiatives related to REDD+. Though the political momentum behind REDD+ has waned in Brazil, activities to develop jurisdictional programs for sustainability transitions have continued.

Today, numerous states and municipalities in Brazil have taken steps to develop visions, targets, and implementation mechanisms for jurisdictional sustainability. Nine Brazilian states (Acre, Amapá, Amazonas, Maranhão, Mato Grosso, Pará, Rondônia, Roraima, and Tocantins) have joined the Governors' Climate and Forest (GCF) Task Force, a transnational network of subnational governments committed to forest protection and low emissions rural development (see figure 6.1). All nine states have developed strategies and investment plans for jurisdictional sustainability, which can be reviewed in the GCF Task Force Knowledge Database.¹ One example of an advanced initiative is the Municipal Pact to End Illegal Deforestation of São Félix do Xingu, a municipality in the state of Pará. When São Félix do Xingu was placed on the federal government's deforestation blacklist in 2008, the municipal government responded by creating a rural environmental registry, accompanied by a multistakeholder agreement to end illegal deforestation and foster economic development and social inclusion. The Nature Conservancy facilitated the process and helped develop a low-carbon agricultural strategy and build a local system for licensing and monitoring land use in the municipality. The strategies developed in São Félix do Xingu have spilled over to neighboring municipalities, and the governor of Pará has taken steps to scale the model for use in the state's 2030 sustainable development plan (Varns et al. 2018). However, the most advanced jurisdictional program to reduce tropical deforestation in the Brazilian context is the Produce, Conserve, and Include (PCI) strategy of the state of Mato Grosso (Milhorance and Bursztyn 2018). Launched at the Paris Climate Conference in 2015, it attempts to integrate the state's REDD+ program, global supply chain initiatives, and municipal-level climate actions into a statewide governance



Figure 6.1

Brazilian states with membership of the Governors' Climate and Forest Task Force
Source: Map by author with Natural Earth data

structure and agenda for low-emission rural development. The remainder of this section explores this program in more depth.

Located in the Amazon and Cerrado biomes, Mato Grosso is Brazil's agricultural powerhouse. The state is a major producer of beef, corn, and soy. Soybean agricultural in Mato Grosso covers over nine million hectares of land, contributing about a third to total national soy exports. Since the 1990s, the expansion of industrial agricultural and cattle pastures drove large-scale conversion of tropical forests and biodiverse grasslands in the state. By the mid-2000s, the annual forest loss exceeded 10,000 km² (GCFTF 2021), making Mato Grosso one of the "fastest deforesting places in the world" (policy officer development NGO, phone interview, May 2012). In 2005, Blairo Maggi, Mato Grosso's then governor, was awarded the Golden Chainsaw award by Greenpeace as the Brazilian person who most contributed to Amazon forest destruction (Environmental News Network 2005). However, the high deforestation rate in combination with increasing pressures from environmental NGOs, foreign governments, and global market actors initiated a process of institutional change in the state. Over the next

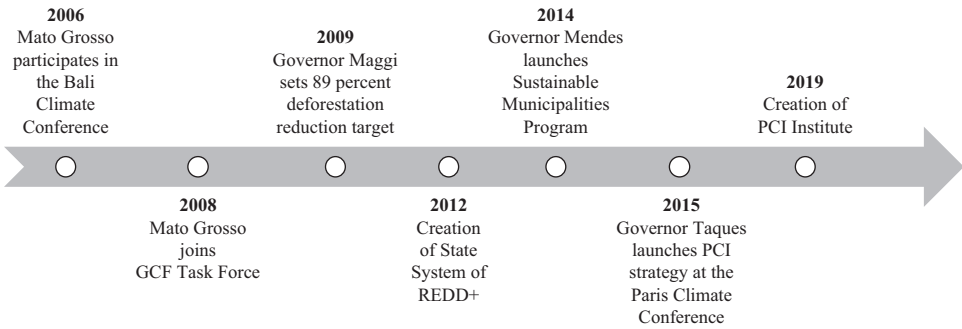


Figure 6.2
Milestones of Mato Grosso’s jurisdictional approach

decade and a half, a stepwise institutionalization of a statewide jurisdictional program for sustainable agriculture and development has occurred in Mato Grosso (see figure 6.2).

This process began in 2006, when Governor Blair Maggi participated in the United Nations Climate Conference in Bali, where commitment to low-carbon rural development was emphasized. Mato Grosso became a founding member of the GCF Task Force in 2008. These activities in the international climate policy arena were accompanied by domestic legislative action. In 2009, Governor Maggi launched the Action Plan for Prevention and Control of Deforestation and Burning. The action plan established a policy framework for cross-agency cooperation and coordination with civil society and the private sector in Mato Grosso. It included a goal to eliminate illegal deforestation and reduce statewide deforestation by 89 percent (from a baseline deforestation rate of 5,510 km²) by 2020 (GCFTF 2021). To implement its ambitious agenda, Mato Grosso turned to REDD+ and the newly created REDD+ Early Movers Program for funding. In 2013, state law No. 9878 established Mato Grosso’s State System of REDD+, which created a formal legal framework for the program. The objective was to receive results-based payments for reductions in deforestation. In the following years, Mato Grosso successfully secured US\$5 million in funding through the Early Movers program, with payouts conditional on the state keeping its annual deforestation rate below 1,788 km² (Funbio 2017).

Another building block of Mato Grosso’s jurisdictional program is the Sustainable Municipalities Program. Initiated by Governor Mendes in 2014, the program pursues three main objectives: strengthening local economies,

improving municipal-level governance, and addressing environment and social problems. Governed by a multistakeholder steering committee consisting of government agencies and civil society, the program's policy and implementation work takes place in five working groups on strategic planning, capacity building, fundraising, sustainable production chains, and land reform. As of 2019, sixty-one of Mato Grosso's 143 municipalities had joined the Sustainable Municipalities Program (SMP 2019). However, the program lost some political momentum after Governor Mendes stepped down in 2015 (Milhorange and Bursztyn 2018, 15). Recently, there have been renewed efforts to reinvigorate the program and promote it as an instrument to connect sustainability initiatives in Mato Grosso, both horizontally across municipalities and vertically across levels of government (director of Mato Grosso's PCI Institute, phone interview, April 2019).

A major push for Mato Grosso's jurisdictional approach happened under the Taques administration (2015–2019). Taques, a university professor and public attorney who became famous for his role in high-profile environmental defense cases, made advancement of a progressive sustainability agenda a political priority. After his election in 2015, he set out to integrate the existing sustainability initiatives into an overarching strategy and vision to achieve low-carbon agricultural development in Mato Grosso by 2030. A coalition of transnational and national NGOs, including the Earth Innovation Institute, the Environmental Research Institute, and the Life Centre Institute (Instituto Life), played important roles in this process, helping draft the strategy and convening a workshop where the final version of the strategy was eventually approved. The NGOs also organized a side event at the United Nations Climate Conference in Paris in 2015, where Governor Taques officially launched the PCI strategy (Milhorange and Bursztyn 2018, 13). The international launch generated international visibility, but there is criticism that the strategy was drafted before many stakeholders were brought on board (Fishman, Oliveira, and Gamble 2017, 8). Local communities and producers were not sufficiently involved in the design process, which undermined their trust in and support for its policy objectives.

As implied by its name, the PCI strategy rests on three main pillars: economic growth (produce), environmental conservation (conserve), and social policy objectives (include), as shown in table 6.2. These pillars and the objectives they contain are linked to different stakeholder groups and their positions in Mato Grosso's political landscape, such as agribusiness,

Table 6.2

Objectives of the PCI strategy

| Produce | Conserve | Include |
|--|---|--|
| Expansion and increased efficiency of agricultural, livestock, and forest production | Conservation of native vegetation and recovery of liabilities | Socio-economic inclusion of family farming and traditional populations |
| <p>Beef cattle</p> <ul style="list-style-type: none"> Recover 2.5 million ha of pasture areas of low productivity by 2030 Raise productivity from 50 to 95 kg/ha/year by 2030 <p>Agriculture</p> <ul style="list-style-type: none"> Expand areas of grains in areas of degraded pasture from 9.5 to 12.5 million ha by 2030. Increase production of grains from 50 to 92 MMT by 2030 <p>Native forests</p> <ul style="list-style-type: none"> Expand area under sustainable forest management from 2.8 to 6 million ha by 2030 <p>Planted forests</p> <ul style="list-style-type: none"> Raise timber production from 4.9 to 11.75 m³ by 2030 | <p>Deforestation</p> <ul style="list-style-type: none"> Maintain 60 percent of native vegetal coverage Reduce deforestation in the forest by 90 percent from a baseline of 5,714 km² in 2001–2010 to 571 km²/year by 2030 Reduce 95 percent of the deforestation in the Cerrado from a baseline of 3,016 km² to 150 km²/year by 2030 Eradicate illegal deforestation Conserve 1 million ha of those areas likely to be legally deforested <p>Environmental regulation</p> <ul style="list-style-type: none"> Register 90 percent of the rural properties by 2016 Validate 100 percent of declared rural properties by 2018 Recompose 1 million ha (100 percent) of degraded permanent preservation areas by 2030 Regulate 5.8 million ha (100 percent) of Legal Reserve and 1.9 million ha by reconstitution by 2030 | <p>Production and inclusion in the market</p> <ul style="list-style-type: none"> Expand technical assistance coverage and rural extension of family farming from 30 percent to 100 percent of families by 2030 Raise participation of family farming in the regional market from 20 to 70 percent by 2030 Expand participation of family farming products in all institutional markets from 15 to 30 percent by 2030 <p>Land regularization</p> <ul style="list-style-type: none"> Perform land regularization of 70 percent of family farming plots by 2030 |

Source: Adapted from PCI strategy, <http://pci.mt.gov.br>

environmental NGOs, and smallholder farmers. The PCI strategy aims to integrate these frequently conflicting positions by recognizing the underlying trade-offs (director of Mato Grosso's PCI Institute, phone interview, April 2019). As previously mentioned, the strategy also attempts to integrate governance instruments (e.g., National Forest Code, Mato Grosso's State System of REDD+, and Sustainable Municipalities Program at the national, state, and municipal level, and supply chain commitments and certification programs in the private sector) into an overarching policy agenda and institutional platform for sustainable agricultural development.

In 2016, State Decree 468/2016 turned the PCI strategy into a formal instrument for public policy planning, creating a multistakeholder governance structure. Coordinated by the Strategic Affairs Office of Mato Grosso, the governance structure comprised four constituency groups: public-sector agencies, civil society organizations, private-sector organizations, and farmers' associations. Though local stakeholders dominate the PCI governance structure, transnational actors also participate, including international NGOs such as Earth Innovation Institute and IDH, and multinational corporations such as Carrefour (PCI 2019). In 2019, this governance structure was integrated into the newly created PCI Institute, an independent not-for-profit association. Government actors serve on its board, but it is not controlled by government. This separation is meant to protect the PCI Institute from political turnover, a problem that, as shown in this chapter, has hindered jurisdictional programs in other municipalities. The main functions of the PCI Institute include multistakeholder coordination, policy advice, fundraising, and implementation and monitoring of Mato Grosso's sustainable development agenda (director of PCI Institute, phone interview, April 2019).

Most jurisdictional programs in Brazil are in the early stages of institutional development (von Essen and Lambin 2021). Mato Grosso's PCI strategy is one of the few programs that has taken measures for statewide implementation. The PCI Institute plays a central role in these activities. It developed a jurisdiction-wide plan for implementation, a system for monitoring and oversight, and a strategy to launch and coordinate multiple implementation partnerships. The implementation plan divides Mato Grosso into seven macro regions and defines indicators and timebound targets (PCI Monitor 2021).

Three municipalities (Sorriso, Juruena, and Cotriguaçu) are the furthest along in their implementations (head of markets at IDH, interview, March 2022). In 2018, Sorriso entered into a regional PCI compact with IDH. The agreement connects the state-level PCI strategy to implementation efforts

at the municipal level, including jurisdictional certification by the RTRS and plans to transform Sorriso into a “verified sourcing area” that connects global buyers of agricultural commodities to coalitions of progressive stakeholders in production areas. Numerous global buyers, including China’s largest grain trading company (COFCO), are signatories to Sorriso’s PCI compact. Similar regional compacts were signed in Juruena and Cotriguaçu.

There are also plans to transform the entire state of Mato Grosso into a verified sourcing area by 2030 (director of Global Landscapes at IDH, personal communication, April 2018). However, as these and other projects throughout the state progress, statewide implementation of the PCI strategy remains limited. An internal evaluation of the strategy’s first four years (2015–2019) reveals that progress on its core policy objectives has been slow and insufficient (PCI Monitoring Committee 2019). In an interview, the director of the PCI Institute explained that lack of funding, unclear incentives for producers, conflict between stakeholder groups, and problems with data quality and monitoring constrain the implementation efforts (phone interview, April 2019).

Central Kalimantan’s Roadmap to Low-Deforestation Rural Development

Indonesia has also emerged as an important policy laboratory for the jurisdictional approach (Seymour, Aurora, and Arif 2020). After the fall of Suharto’s New Order Regime in the late 1990s, Indonesia underwent a democratic transformation and decentralization, transferring substantial executive, legislative, and judicial authority from the national to the subnational level. Local governors gained significant powers, making them an influential force in Indonesian politics (Vickers 2013). Administratively, the country is divided into thirty-four provinces comprising 416 regencies and ninety-six cities. Following decentralization, regencies and cities became key administrative units with direct authority over a wide range of policy areas, including land-use decisions. While Indonesia’s decentralization has brought challenges, it also created opportunities for policies and regulations to be more attuned to local conditions and contexts. As in the case of Brazil, Indonesia’s decentralized polity provided an entry point for the jurisdictional approach (policy officer, environmental NGO, interview, Jakarta, April 2018).

An early pioneer in the development of a jurisdiction-wide sustainability initiative in Indonesia was Berau regency in East Kalimantan. In 2008, the governor of Berau and the Nature Conservancy began a dialogue about a

low-emissions economic development strategy for the district. Under the leadership of the local governor, a multistakeholder working group was formed to develop an institutional framework and action plan for deforestation reduction. In 2009, the Berau Forest Carbon Program was launched and began implementing pilot projects throughout the district (Anandi et al. 2014). Initially focused on the pulp and paper industry, the program soon broadened its scope to include palm oil production, the main driver of deforestation in the province (CIFOR 2019; Mafria, Rakhmadi, and Novianti 2018). Supported by the Nature Conservancy, the German International Cooperation Agency, and the Climate Policy Alliance, Berau regency launched a jurisdiction-wide sustainable palm oil program in 2015. Still in its infancy, the program seeks to increase transparency in oil palm licensing, improve the district's system for social and environmental impact assessment, and strengthen smallholder inclusion and productivity. Considered a pioneer in Indonesia's emerging jurisdictional movement, the Berau Carbon Forest Program has served as an important point of reference for other jurisdictions (Paoli et al. 2016).

Today, seven Indonesian provinces (Aceh, North Kalimantan, West Kalimantan, East Kalimantan, Central Kalimantan, West Papua, Papua) are members of the Governors' Climate and Forest Task Force formulating province-wide visions and roadmaps for low-emission rural development (see figure 6.3).

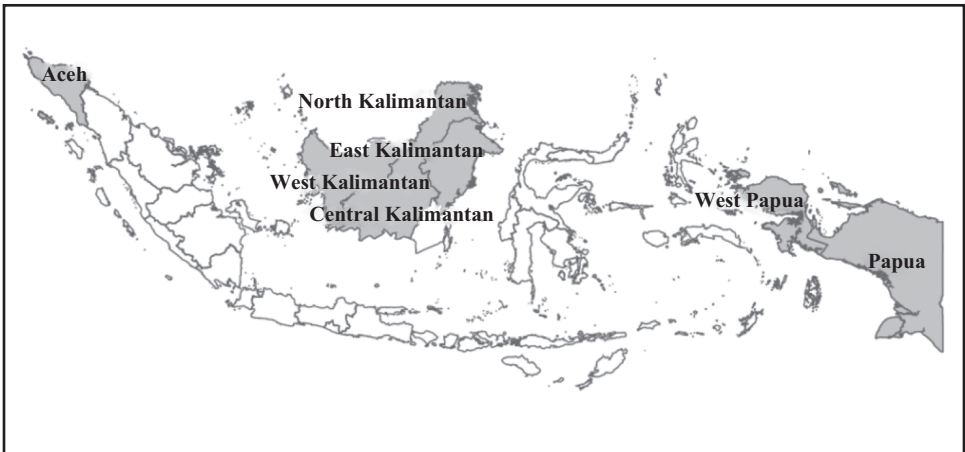


Figure 6.3

Indonesian provinces with membership in the Governors' Climate and Forest Task Force

Source: Map by author with Natural Earth data

In addition, several regencies (the second level of local government) launched jurisdictional programs, and nine regencies currently participate in the Lingkar Temu Kabupaten Lestari (Sustainable Districts Platform, LTKL) (LTKL 2021). Facilitated by the Indonesian branch of the World Resource Institute, the Sustainable Districts Platform evolved out of an informal collaboration between local heads of government (head of secretariat, LTKL, interview, Jakarta, May 2018). Like the GCF Task Force at the global level the Sustainable District Platform is a network of subnational districts in Indonesia. It has eight members, with a combined forest area of 5.5 million hectares.² While many of these initiatives are at an early stage of development (Paoli et al. 2016), this illustrates that the jurisdictional approach is gaining ground in Indonesia. To gain a better understanding of these programs and how they evolve, the remainder of this section explores Central Kalimantan's Roadmap to Low-Deforestation Rural Development, which belongs to the most advanced jurisdictional programs in Indonesia.

Central Kalimantan is one of Indonesia's primary palm oil producing provinces. The plantation sector is a key pillar of the local economy, supporting 165,000 jobs and accounting for a third of the province's gross domestic product (Plantation Office Central Kalimantan 2013). However, as elsewhere on the archipelago, the rapid expansion of industrial plantations in Central Kalimantan has caused widespread environmental degradation. Since the 1970s, the province has lost about a third (30,000 km²) of its forest cover (about the size of Massachusetts). As part of Indonesia's Green Revolution, Central Kalimantan's Mega Rice Project cleared over a million hectares of peat swamp forest in the 1990s (GCFTF 2019). In the 2000s, oil palm plantations replaced rice agricultural and timber and pulp wood plantations as the main drivers of land use change in the province. The total oil palm area in Central Kalimantan reached 2.5 million hectares in 2015, and is estimated to exceed 3.5 million hectares by 2025 if left unchecked (researcher at the Forestry Department of Palangka Raya University, personal communication, May 2018). To develop a more sustainable plantation sector, the government of Central Kalimantan, with support from international NGOs, has taken steps to develop a province-wide agenda and policy framework for low-emissions rural development. Figure 6.4 depicts the milestones of this process.

As in the case of Mato Grosso, the United Nations REDD+ program provided an entry point for the development of a jurisdictional program for sustainable land use in Central Kalimantan. As one of four REDD+ pilot

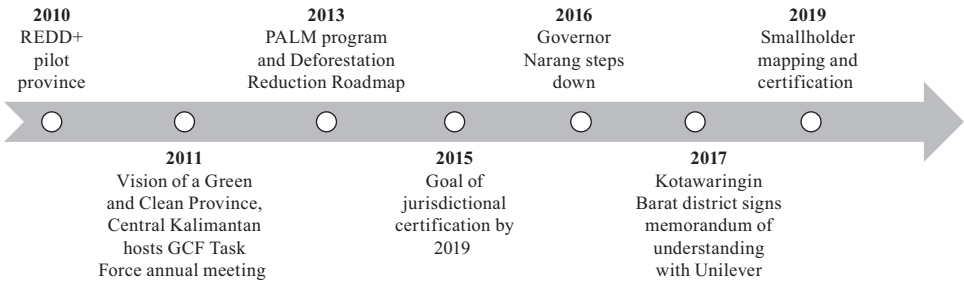


Figure 6.4

Milestones of Central Kalimantan's jurisdictional approach

projects in Indonesia, the Kalimantan Forests and Climate Partnership was launched in 2010. Funded by the government of Australia with approximately US\$30 million, the partnership's goal was to reduce carbon emissions due to peatland degradation. Conservation efforts focused on the environmental impact of the Mega Rice Project and the conversion of peatlands in the rapidly expanding palm oil sector. However, a poor information strategy, disputes over the right approach, and a lack of demonstrable progress attracted criticism in both Indonesia and Australia, and the program officially ended in 2014 (Atmadja et al. 2014). Despite its mixed record, the Kalimantan Forests and Climate Partnership created an initial infrastructure and policy network for further collective action to advance the jurisdictional approach in Central Kalimantan (policy officer at Climate and Land use Alliance, interview, Jakarta, April 2018).

An important supporter of a progressive environmental agenda in the province was Governor Teras Narang. In 2011, his administration announced a vision of Central Kalimantan as a "green and clean province" and several accompanying policies and regulations (Government Central Kalimantan 2015), including development of a "sustainable plantation sector" and a two-year moratorium on new permits for primary forests and peatlands. Provincial regulation (*perda*) 5/2011 provided the legal foundation for the moratorium. The governor also issued a decree 36/2012 to reduce greenhouse gas emissions in the agriculture sector. Another milestone was hosting the annual meeting of the GCF Task Force, which Central Kalimantan joined shortly after the network's inception in 2008 (GCFTF 2019).

Further steps toward jurisdictional sustainability were taken in subsequent years. In 2013, the provincial government of Central Kalimantan, in

partnership with the Climate Policy Institute and the University of Palangka Raya, launched the Production and Protection Approach to Landscape Management (PALM) program. In two districts (Kotawaringin Timur and Katingan), pilot projects were established to develop strategies for a district-wide approach to sustainable oil palm development (researcher at the Forestry Department of Palangka Raya University, personal communication, May 2018). These activities on the ground were supported by development of an overall strategy and roadmap for the province. Launched in 2013, Central Kalimantan's Roadmap to Low-Deforestation Rural Development defines immediate and medium-term actions and targets for deforestation reduction, institutional development, and smallholder inclusion (see table 6.3). The provincial government also expressed its intent to have the entire province acquire jurisdictional certification from the Roundtable on Sustainable Palm Oil and Indonesia Sustainable Palm Oil program (Plantation Office Central Kalimantan 2013).

In 2015, several measures were taken to advance jurisdictional certification in Central Kalimantan. Governor Narang issued Decree No. 188.44/435/2015, which reiterated the commitment to zero deforestation in the palm oil sector for the entire province. It also included the objective to have all oil palm plantations certified by 2019 (Watts and Irawan 2018). To advance this agenda, a Jurisdictional Certification Working Group was formed and held its first meeting in Jakarta in May 2015. Chaired by the head of Central Kalimantan's Plantation Office and facilitated by Inobu, the Indonesian sister organization of the Earth Innovation Institute, the working group united a broad coalition of stakeholders, including government officials, palm oil companies, indigenous people's organizations, and local and international NGOs (Plantation Office Central Kalimantan 2015). The working group identified the mapping of the fast-expanding independent smallholder sector as a priority. In cooperation with Inobu and the RSPO, jurisdictional certification pilot projects were established in three districts: Gunung Mas, Kotawaringin Barat, and Seruyan (member of the secretariat of the RSPO Indonesia, interview, Jakarta, April 2018).

Until 2015, Central Kalimantan had made good progress with its jurisdictional program. As described above, REDD+ provided an entry point, and the agenda was driven by a coalition of actors including the provincial government, several district governments, and transnational NGOs. However, political turnover at the province level slowed collective action for

Table 6.3

The Central Kalimantan Roadmap to Low-Deforestation Rural Development

| Immediate goals and actions | Medium-term goals and actions |
|---|---|
| <p>Agreement on land classification and forest cover</p> <ul style="list-style-type: none"> • Creation of a working group consisting of the Ministry of Agriculture of Central Kalimantan and other relevant stakeholder <p>New plantation permits only for degraded land</p> <ul style="list-style-type: none"> • Based on provincial regulation 5/2011 • Pilot projects in Kotawaringin Barat and Barito Selatan <p>Registration and monitoring system</p> <ul style="list-style-type: none"> • Designing an online permit, registration, and monitoring system • Building capacity and installing necessary equipment • Institutionalizing civil society involvement in the processes of registration and monitoring processes, including the Dayak Council <p>Primary forests and peatlands in nonforest areas</p> <ul style="list-style-type: none"> • Preserve remaining primary forest and peatlands in areas classified as “nonforest” <p>Promotion of smallholder plantations and increasing their productivity levels</p> <ul style="list-style-type: none"> • Increase the role of smallholders, particularly Dayak farmers, as proportion of total production • Analysis of profile of smallholder farmers in Central Kalimantan | <p>2020 Goals</p> <ul style="list-style-type: none"> • Province-wide deforestation declines to 20 percent of 2006–2009 level • Zero deforestation in the palm oil sector • Smallholder palm oil production reaches 20 percent of total <p>Impacts</p> <ul style="list-style-type: none"> • 1.2 million hectares of deforestation avoided • 0.6 billion tons CO₂ emissions avoided • Reduced poverty among Dayak community <p>Support needed to achieve goals</p> <ul style="list-style-type: none"> • Commitment from buyers to buy sustainable palm oil • Collaboration to help overcome bureaucratic obstacles • Financing to build institutional capacity of provincial and district governments • Financing and technical support for smallholders and Dayak communities to participate in palm oil supply chain |

Source: Adapted from Plantation Office Central Kalimantan (2013)

sustainability in Central Kalimantan. After ten years in office, Teras Narang stepped down as governor in 2016, resulting in a critical loss of political momentum as the new governor was less supportive of the low-carbon rural development roadmap. Several district governments continued to develop their sustainability initiatives, but progress was slower and even partly reversed (Boyd et al. 2018, 5–6).

An exception is Seruyan regency, which is a major palm oil–producing district in midwestern Central Kalimantan. In 2016, a multistakeholder steering group for jurisdiction-wide certification was established under the chairmanship of the district governor (Seruyan Regency 2016). The working group initiated a process to identify and protect high conservation value and high carbon stock areas in Seruyan (van Houten and de Koning 2018, 31). It also began mapping and certifying the district’s oil palm smallholders. In 2017, coordinated by Inobu, Seruyan began implementing SPIKEBUN, a digital tool for mapping smallholders. Over the next year, 2,560 smallholders were mapped and catalogued through SPIKEBUN (Fitri 2016). These mappings were complemented with measures to prepare smallholders for certification. The district government of Seruyan and Inobu, with support from the United Nations Environmental Program, also established a new agricultural facility for training and technical assistance (Pro Sampit 2019).

Bordering Seruyan, Kotawaringin Barat district also has made progress toward jurisdictional certification. In 2017, the district signed the first jurisdictional sourcing agreement with an international buyer. Following a memorandum of understanding between the district government and Unilever, the company committed to source palm oil from 600 certified smallholders from the village of Pangkalan Tiga (Unilever 2017). Since then, Inobu and its partners have continued to conduct smallholder mappings and prepare for certification in Kotawaringin Barat, Seruyan, and Gunung Mas districts. By 2019, thousands of smallholders had been mapped under these programs. However, four years after Central Kalimantan announced its jurisdictional certification goal, progress stalled. Certification of the entire province and its palm oil sector remains a distant goal. One reason for this delay has been a lack of clear commitments from global buyers to engage in jurisdictional sourcing (policy officer at an environmental NGO, interview, Jakarta, April 2018). Moreover, in light of deep-seated problems with corruption, land disputes, and complex histories of conflict over land

rights in the district, observers have raised critical questions about jurisdictional sustainability in places like Seruyan (Gecko Project 2017).

The Opportunities and Challenges of the Jurisdictional Approach

The previous sections explored two case studies illustrating the evolution and emerging features of the jurisdictional approach, focusing on two advanced programs in Brazil and Indonesia. The remainder of this chapter discusses the potential and limits of the approach to contribute to large-scale sustainability transitions in tropical forest countries. However, beyond traditional concerns with institutional effectiveness, the focus of the discussion is not on measures and measurements of “jurisdictional sustainability” (see Stickler et al. 2018). Instead, drawing on the political economy perspective developed in chapter 2, I reflect on the opportunities and challenges of these programs to recenter the state, create public-private complementarities, and prioritize marginalized actors in tropical forest governance. In doing so, the discussion draws analytical attention to the political, economic, and historical dimensions of jurisdictional transitions. The reflections presented here aim to stimulate future research in these areas.

Opportunities

Recentering the State One of the most promising features of the jurisdictional approach is its attempt to recenter domestic government actors in sustainability governance. This is a response to the perceived limits of transnational private regulation, which has long been criticized for bypassing the state in the producer countries (Bartley 2018a, 258–284). This lack of domestic government involvement in the agenda setting, negotiation, implementation, monitoring, and enforcement stages of sustainability governance has undermined the effectiveness and legitimacy of these arrangements. Jurisdictional programs are designed to overcome these limitations. Their theory of change aims to harness the convening and regulatory powers of domestic government actors to galvanize support and to scale sustainability across entire jurisdictions, as opposed to individual supply chains. For this theory to work, participating government actors need to possess the willingness and authority (e.g., authority over land-use decisions) to enact jurisdiction-wide regulatory reforms (see RSPO 2021c, 14). Therefore, depending on the distribution of regulatory authority in a country, the level of jurisdictional

programs can vary. As previously described, in most countries, including Brazil and Indonesia, it is the second or third administrative level. If successful, this recentering of domestic state actors at these levels has potential to create more legitimate and effective regulatory systems on the supply side of global, regional, and local supply chains. This is of key importance in a changing world food economy, in which domestic and regional consumption increasingly drive agricultural expansion and environmental change.

Creating Public-Private Complementarities Conceived as arenas in which REDD+, global supply chain initiatives, and domestic policies interact (Nepstad et al. 2013), jurisdictional programs are thought to enhance public-private complementarities in sustainability governance (Pacheco et al. 2018). However, despite high initial expectations, REDD+ finance has turned out to be “too low, too slow, and too constrained as aid” (Seymour and Busch 2016, 359). The “pay for performance” approach of REDD+, which makes payments conditional on achieving timebound carbon emission reduction targets, limits its usefulness to support long-term oriented sustainability transitions. In particular, the governance structures and nonenvironmental policy objectives of jurisdictional programs (e.g., economic development and social inclusion) are difficult to finance through REDD+. Searching for alternatives, sustainability practitioners have increasingly focused their attention on linking jurisdictional programs to global supply chain initiatives. The declared goal is to generate “global value propositions” for local stakeholders through mechanisms of “jurisdictional sourcing” (Boshoven et al. 2021; van Houten and de Koning 2018). While global lead firms have long been reluctant to accept responsibilities beyond their supply chains, the failure to meet their 2020 zero-deforestation targets has created pressures for a broader engagement in production landscapes. This has led the CGF’s Forest Positive Coalition of Action to embrace jurisdictional and landscape programs as a key element of its post-2020 forest conservation strategy. As part of the strategy, the coalition has developed plans to scale up twenty-two jurisdictional and landscape initiatives in Brazil, Chile, Indonesia, Malaysia, Mexico, and Russia (CGF Forest Positive Coalition of Action 2021). NGOs and certification organization, including the ISEAL Alliance, the RSPO, and IDH, have also intensified their efforts to develop the infrastructure of standards, verification systems, and platforms necessary to enable large-scale jurisdictional sourcing. As observed in the case studies, Mato Grosso plans to become a “verified sourcing area,” and Central Kalimantan and several of its districts have formulated plans to

achieve jurisdiction-wide certification. By creating linkages with global supply chain initiatives, practitioners hope to give a major push to the development of jurisdictional programs in tropical forest countries.

Including Marginalized Stakeholders The multistakeholder model has attracted much criticism in recent years. Scholars cite an imbalanced focus on certain discourses, power asymmetries between participants, and exclusion of marginalized actors (Cheyns 2011, 2014; Fransen and Kolk 2007; MSI Integrity 2020; Ponte 2008; Schouten, Leroy, and Glasbergen 2012). More broadly, scholars are concerned about a lack of inclusion and accountability in the design phase of environmental governance institutions (Park and Kramarz 2019). Against this background, the jurisdictional approach resonates with recent calls for more participation from, social justice for, and prioritization of the poor in sustainability governance (Kashwan et al. 2020). Particularly, local communities, smallholders, and indigenous people are often excluded from systems of socioeconomic and environmental governance. Consequently, their traditions, values, and customary rights are poorly reflected in these institutions. At least in theory, the jurisdictional approach offers more access points to these stakeholders and is more attuned to their concerns. Sustainability practitioners highlight that participation from all affected segments of society in all phases of a jurisdictional program is essential to the approach (Fishman, Oliveira, and Gamble 2017, 8; Hovani et al. 2018, 31–33). As illustrated in the case studies, these concerns also figure prominently in the visions and roadmaps of jurisdictional programs, at least on paper. For example, the “I” (Include) in Mato Grosso’s PCI strategy sets ambitious goals for economic inclusion and regularization of small-scale farmers. Smallholder and indigenous rights also feature prominently in Central Kalimantan’s Low-Deforestation Rural Developmental Strategy. The jurisdictional approach thus creates opportunities to better advance the livelihood and justice concerns of local communities. Including these traditionally marginalized actors also increases the likelihood that they will accept and lend their support to low-carbon rural development agendas.

Challenges

Succumbing to “Dreams of Domestication” There is growing consensus that transnational private regulation cannot replace or transcend the state in the producer countries and that domestic political economy contexts matter greatly for the adoption and implementation of sustainability

governance (Bartley 2018a; Distelhorst et al. 2015). There are thus good reasons to welcome the jurisdictional approach and its efforts to recenter domestic state actors in sustainability governance. At the same time, it is important to remember that transnational private regulation developed in response to the perceived weakness of systems of environmental and social governance in the producer countries in the Global South. Of course, these institutional weaknesses have not disappeared, creating a risk that the proponents of the jurisdictional approach succumb to “dreams of domestication” by creating expectations and agendas that are far too ambitious for local authorities, regulatory institutions, and the realities on the ground (see Quack 2020). In Indonesia and other tropical countries, governments often have weak managerial and enforcement capacity, problems with collusion and corruption are widespread, and longstanding conflicts over land rights undermine public trust in the state and its institutions (Aspinall and Berenschot 2019; Gecko Project 2017). Closely tying the success of jurisdictional programs to the support of local heads of government may also compromise the longevity of these programs. As illustrated in the case of Central Kalimantan and its jurisdictional approach, political turnover after elections can quickly undo years of progress and reverse past achievements (Boyd et al. 2018). Another risk is that local elites use these programs to “greenwash” past environmental destruction for global market actors demanding sustainably produced commodities. Indeed, there is evidence to suggest that many jurisdictions with high-profile sustainability agendas have historical deforestation rates that far exceed the global average for the tropics (von Essen and Lambin 2021, 5).

Limits to Big-Brand Sustainability As the world’s leading retailers and consumer goods manufacturers pledge to support jurisdictional and landscape programs to meet their global climate and deforestation commitments, the limits of big-brand sustainability should not be forgotten. Students of political economy have long pointed out that the environmental benefits of big brands’ sustainability strategies are undermined by their business models, which, based on perpetual economic growth, drive overexploitation and overconsumption in the global economy (Dauvergne and Lister 2012). As argued throughout this book, the declining market power of Northern lead firms in a world of “polycentric trade” (Horner and Nadvi 2018), in which forest-risk commodities are increasingly traded within South-South supply chains, is another limitation. As yet, no retailer or consumer goods

manufacturer from China or India—the largest importers of forest-risk commodities—has joined the CGF's Forest Positive Coalition of Action. If corporate engagement in jurisdictional and landscape programs remains limited to only a small group of big brand companies from the Global North, so will the power of “jurisdictional sourcing” (Boshoven et al. 2021) to incentivize local business and government actors to support jurisdictional transformations. But also, the commitments of the small group of leading companies organized in the Forest Positive Coalition of Action need to be treated with care. As the experience with the CGF's 2020 zero-deforestation agenda shows, ambitious targets have been set and missed before. Against this background, the coalition's newly formulated Strategy for Collective Action in Production Landscapes lack of detail (e.g., no indication of the land area that is to be transformed, no clear financial commitments, little information about the ways in which the coalition plans to engage in jurisdictional/landscape programs) is not a promising sign. Another reason for concern is the strategy's highly ambitious timeline. After a short start-up and learning phase (until 2023), an implementation and scaling-up phase (2023–2025) is supposed to lead to “steady phase” (from 2025 onward), in which programs are “scaled up and deliver landscape/jurisdictional level forest positive outcomes” (CGF Forest Positive Coalition of Action 2021, 22). There is a risk that big-brand companies, eager to demonstrate bold action in light of past failings, greatly underestimate the complexity of these processes and the time and resources needed to develop them.

Persistence of Exclusionary Practices The jurisdictional approach community of practice highlights the promotion of social inclusion as an important policy objective. This includes the empowerment of indigenous people and local community-based conservation (Hovani et al. 2018, 31). But existing research on community-based natural resource governance in the Global South shows that power asymmetries and exclusionary practices are very difficult to overcome. In complex multistakeholder settings, imbalances in power and resources between stakeholders often lead to political compromises being imposed in a top-down manner (Ponte, Noe, and Mwamfupe 2021). This also poses a challenge for the jurisdictional approach and its theory of change. While the attempt to “recenter the state” in sustainability governance is one of the most celebrated features of these programs, it is important not to forget the history of state formation in the global tropics. In Brazil, Indonesia, and other parts of the tropical world, state

formation is deeply entangled with colonial histories and legacies, and often involves the development of powerful state-industrial agricultural complexes (Cramb and McCarthy 2016b; Giacomini 2018). As described by McCarthy (2000, 103), “the colonial regime set up a regulatory order that overlaid a pre-existing customary regime with its own concepts of property rights. The scene was set for conflict in the post-colonial period between elites using national law to justify access to local resources, and local people seeking to preserve their own tenure systems.” Indeed, in modern times, transnational and national elites have continued to impose hegemonic notions of legality, land ownership, and land use on local communities in the Global South, often ignoring their customary claims to land (Myers et al. 2020). Hence, when placed in the historical context, the jurisdictional approach’s focus on public law and state-led multistakeholder governance becomes more controversial. There is a risk that it perpetuates a dynamic in which powerful government and business actors and their transnational partners impose their visions of sustainable land use and political compromises on local communities in a top-down manner. For example, in Mato Grosso, there was little participation from local communities and small-scale producers in the design phase of the PCI strategy, which undermined support and trust in the state’s jurisdictional program (Fishman, Oliveira, and Gamble 2017). In Central Kalimantan, protracted conflict over land rights between government officials, palm oil companies, and local communities has cast doubt on the government’s plan to make Seruyan a model district for “jurisdictional sustainability” (Gecko Project 2017). There also is more systematic evidence to suggest that social inclusion is a weak spot of the jurisdictional approach. In this regard, a study, examining how jurisdictional programs across eleven tropical forest jurisdictions protect the rights of local communities and indigenous people, finds that the rights of these groups are often not formally recognized and that this limits their ability to participate in policy formulation (DiGiano, Stickler, and David 2020).

Conclusion

As part of a forward-looking research agenda, this chapter explores the jurisdictional turn in sustainability governance. Jurisdictional programs are state-led multistakeholder initiatives with jurisdiction-wide sustainability goals. They differ from programs centered on supply chains, among others,

through their larger scale, broader scope, and longer timeframe. In the context of polycentric trade, they promise to strengthen governance system at the supply side of global, regional, and local production networks. Moreover, what makes these programs so intriguing is that they resonate with recent calls by academics to recenter the state in sustainability governance (Bartley 2018a), to resolve the disconnects between transnational and domestic actors (Cashore et al. 2021; Pacheco et al. 2018), and to prioritize the poor in earth system governance (Kashwan et al. 2020).

Against this background, this chapter explores the potential and limits of the jurisdictional approach to contribute to sustainability transitions in tropical forest landscapes. I debate the opportunities and challenges of the approach and conclude that jurisdictional programs have potential to address gaps and limitations in the regime complex for tropical deforestation. At the same time, the explorations in this chapter suggest that these programs do not constitute a paradigm shift for sustainability governance. The jurisdictional approach is not a radical change project, striving to fundamentally reform the ways in which natural resources are produced, traded, and consumed. Instead, it is a reformist project, which, conforming to dominant global discourses on sustainable development, aims to reconcile economic, environmental, and social-inclusion objectives in rural areas. How progressive the reform agendas of these programs will be is ultimately a political question, which needs to be answered by the actors involved. Worryingly, recent developments in advanced jurisdictional programs in Brazil and Indonesia suggest that transnational and local elites are compromising on a rather conservative version of the approach. In this version, marginalized groups are excluded from the design phase of these programs, economic concerns often take precedence over environmental ones, and important human rights issues are not addressed. Moreover, private market-driven instruments are increasingly central to the overall approach, as practitioners seek to deliver global value propositions to local businesses and political elites. If these tendencies prevail, the jurisdictional approach is unlikely to become a catalyst for progressive reform in tropical forest countries. Instead, the approach risks to reify existing policy paradigms, modes of governance, and their power asymmetries and exclusionary practices.

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