

Forest Policy, Institutions, and REDD+ in India, Tanzania, and Mexico

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Abstract

This article investigates forest policies and institutions surrounding REDD+ in three heavily forested countries: India, Tanzania, and Mexico. The comparative analysis leads to three key insights. First, each of the case study countries has multiple land tenure statutes that result in different distributions of the costs and benefits of forest protection for key stakeholders. Second, land tenure regimes that offer local communities the most secure forest rights are not necessarily those associated with benefit-sharing mechanisms outlined in national REDD+ policy proposals. Third, a credible commitment by government to share REDD+ benefits with forest-dependent people is contingent on the interests of key actors involved in the policy process. Political and administrative structures that limit the power and authority of forest government bodies lead to more responsive and accountable policy outcomes.

Lord John Prescott, former UK deputy prime minister and vice-president of the recently launched Global Legislators Organization, has argued for a “new way” to address international climate change policy. Prescott argues for an approach that “creates domestic political support for action across political divides, reduces the risk of commitments being overturned after elections, and increases prospects for implementation.”¹ Lord Prescott’s arguments are relevant for ongoing debates about developing an institutional architecture for Reducing Emissions from Deforestation and Forest Degradation (REDD+). This article examines the political drivers of domestic policy outcomes related to REDD+, which aims to create incentives for developing countries to protect, better manage, and wisely use their forest resources. The “plus” in REDD+ refers to the inclusion of the role of conservation, sustainable management of forests, and

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1. John Prescott, *The Guardian*, June 6, 2014.

enhancement of forest carbon stocks in reducing emissions. Political scientists have flagged clarity and security of forest tenure as one of the most important prerequisites for successful implementation of REDD+ and other similar market-based arrangements in the land-use sector.

Recent research into REDD+ pilot projects suggests that countries in which forest-dependent people enjoy relatively secure rights to land and forest resources also institute REDD+ benefit-sharing arrangements more favorable to forest-dependent people. This is especially true of countries in Latin America such as Brazil, Mexico, and Costa Rica.² However, countries enacted these progressive forest tenure arrangements, along with relatively successful community forestry interventions, well before REDD+ arose on the international scene.³ The enactment and the continuity of significantly more progressive policy reforms in one particular region begs an important question: Do deeply entrenched political and policy factors specific to Latin America explain much of its recently reported success with tenure arrangements related to REDD+? If this is the case, what are the implications for interventions intended to bolster REDD+ in Asia and sub-Saharan Africa?

This article compares REDD+ benefit-sharing mechanisms under development in India, Tanzania, and Mexico to answer two key questions. First, under conditions of multiple and contested forest tenure regimes, which of the multiple forms of tenure constitute the basis of benefit-sharing in REDD+ policy proposals? Second, what explains variation in the nature of benefit-sharing mechanisms outlined in national REDD+ policy proposals? To answer these questions, I contrast the Weberian institutional design view of the REDD+ policy process, which is dominant in the literature, against a more power-centric view of REDD+ institutions.

My comparative analysis demonstrates that existing land tenure regimes have shaped REDD+ benefit-sharing mechanisms to a certain extent, but land tenure regimes are not the key determining factor. Rather, the link between forest tenure regime and REDD+ benefit-sharing mechanisms is contingent on the extent to which inter-bureau checks and balances within the central government have constrained national forest administrations. Government forest administrations that enjoy wide-ranging powers with limited institutional checks and balances are likely to share fewer benefits with forest-dependent people, in contrast to forest administrations that function under more stringent political oversight.

This article draws on a larger comparative project, which combines the methods of institutional analysis with process tracing. Publicly available policy documents are the primary sources for the data and information used in this article, combined with expert interviews with researchers and scholars familiar with the politics of REDD+ policy-making in the case study countries. An

2. Corbera et al. 2011; Larson et al. 2013.

3. Klooster and Masera 2000.

analysis of the emergence of forest regimes over time provides the foundation necessary for drawing comparative inferences from the case studies. The three case study countries are among the largest forested countries in their respective regions, each with large forest-dependent populations, and among the countries to which the largest amount of REDD+ finances have been committed thus far (Table 1). Community-based forest management programs are well established in these countries, which makes it more likely that respective national governments will propose pro-community REDD+ benefit-sharing arrangements. Each of these countries has also been influential in international climate change negotiations regarding REDD+. Most importantly, the case study countries provide analytically salient variation vis-à-vis the two key factors related to REDD+ debates introduced above: national land tenure regimes and the national political and policy context as reflected in the power and authority of national forest administrations.

The article proceeds as follows: I first outline a power-centric view of institutions and institutional outcomes, followed by discussion of the evolution and key elements of forest regimes in the case study countries. I then juxtapose

Table 1
Forests and Forest-Dependent People in Case Study Countries

	<i>National Territory Under Forests (%)</i>	<i>National Land Under Territorial Authority of Government Agencies (%)</i>	<i>Forest-Dependent People (millions)</i>	<i>REDD+ Funding (US dollars)</i>	<i>Carbon Stored in Community Forests (millions of tons)⁷</i>
India	23.7	23.7 ¹	100–300 ²	\$717.5 m ⁵	1085
Tanzania	46.0	36.0 ³	35 ⁴	\$93.5 m ⁶ (\$46.5 m disbursed)	1268
Mexico	36.5	5.65 ⁸	13	\$773.5 m (\$43.5 disbursed) ⁶	1440

1. This includes the forests under India's Joint Forest Management, which does not devolve discretionary management rights to local communities. Sundar 2000.
2. "There are more than 300 million forest dependent people...deriving their livelihood and substantial part of their income from forests." MoEF 2013, 28.
3. Ylhäisi 2003.
4. Projections based on Dyngeland 2013.
5. Voluntary REDD+ Database; data submitted by members of the REDD+ partnership. Available at <http://reddplusdatabase.org>, accessed December 12, 2014.
6. REDDX –Tracking Forest Finance database. Available at <http://reddx.forest-trends.org>, accessed December 10, 2014.
7. Stevens et al. 2014.
8. USAID 2010.

key forest tenures regimes to the REDD+ benefits-sharing systems proposed in each country, followed by an analysis of the REDD+ policy process to explain the variation in proposed REDD+ benefit-sharing mechanisms. In conclusion, I offer a summary of the key arguments and policy recommendations.

Policy Design amidst Competing Institutional Theories

REDD+ is a results-based program in which “developed countries pay developing countries for reductions in forest loss rates below an established baseline and/or increases in forest carbon stocks.”⁴ Since 2005, when a coalition of nine rainforest nations headed by Papua New Guinea and Costa Rica mooted the idea of financing forest protection and conservation in the developing countries, benefit-sharing has been a major point of contention. The key question is how the economic benefits from REDD+ will be shared between, on one hand, national governments and forest administrations who claim statutory ownership of more than 85 percent of the world’s forests and, on the other hand, forest-dependent people who claim traditional use and access rights to many of the very same forests.⁵

To address concerns about the distribution of REDD+ benefits, scholars and policymakers have urged national governments to establish clearly defined and secure tenure rights. They argue that such forest and land tenure regimes will create incentives for forest-dependent people to invest in forest conservation efforts, which REDD+ should reward.⁶ Presuming that in the process of establishing clearly defined tenure arrangement, governments will recognize the customary rights of forest peoples, policymakers have argued that tenure reforms will ensure that a significant proportion of economic gains that developing countries receive through REDD+ will be passed on to forest-dependent people. REDD+ scholars also emphasize the need for multi-level institutional arrangements that facilitate cross-scale forest governance.⁷ Overall, debates about institutional design are at the center of much of the current scholarship about national and international forest governance initiatives such as REDD+. In this context, it is useful to examine different strands of institutional theory.

Institutionalism is premised on the assumption that self-interested actors bargain their way under mutually agreed “rules of the game” towards an optimum solution which offers collective societal benefits. Effective institutions thus evolve through one of the following mechanisms: spontaneous emergence, exchange coordinated via the market, or social cohesion.⁸ Contextual factors—such as resource scarcity, technological changes, and changes in government

4. Lawlor et al. 2010, 1.

5. Agrawal et al. 2011.

6. Larson et al. 2013; Lawlor et al. 2010.

7. Doherty and Schroeder 2011; Kashwan and Holahan 2014.

8. Knight 1992, 5; North 1990.

policies—create incentives (or disincentives) that shape individual behavior in political and economic spheres.⁹ Some scholars argue that institutions are a by-product of conflict between actors competing for limited political and economic resources.¹⁰ In this power-centric perspective, powerful actors influence institutional design to produce outcomes that they prefer. Similarly, many scholars of public policy and administration theorize the role of public agencies and officials in light of Weberian ideals of meritocratic selection, rational/legal rules, and professional autonomy—characteristics meant to insulate bureaucrats from perverse political pressures.

Other scholars, instead of presupposing a rational legal bureaucracy, argue for greater attention to the strategic deployment of public authority by powerful actors, both within and outside the state. Scholars who consider institutions and state agencies from a power-centric perspective argue that the choice of political institutions, such as decentralization of governance and distribution of property rights, is contingent on political and economic interests of relatively powerful political actors in national and regional political arenas.¹¹ Despite these recent developments, the policy literature on REDD+ remains focused overwhelmingly on questions of institutional design and statutory reforms of national forest and land tenure regimes.

This article employs a power-centric analysis to challenge the rational/legal institutional design view of the REDD+ policy process and benefit-sharing. First, I compare the land tenure regime of each country to its prospective benefit-sharing provisions found in REDD+ policy documents. Second, I examine national REDD+ policy documents to determine if forest and land tenure statutes that confer more clearly defined and secure rights on forest-dependent people form the basis for REDD+ benefit-sharing mechanisms. These analyses highlight the importance of a system of checks and balances within different branches of the national government.

At the beginning of the twentieth century, indigenous and other forest-dependent people in the study countries faced similarly exploitative and repressive colonial or dictatorial regimes. Even so, these countries now demonstrate a wide divergence in forest tenure regimes. The following section offers an essential introduction to the histories and political-economic contexts that shaped these divergent regimes.

Forest Policy and Politics in India, Tanzania, and Mexico

So-called “scientific forestry,” first developed in Europe to maximize timber yields, was ill-suited to societies in Asia and sub-Saharan Africa in which forest-dependent people used forests for subsistence purposes.¹² Nevertheless,

9. North 1990.

10. Knight 1992; Moe 2005.

11. Boone 2013.

12. Barton 2000.

colonial governments in Asia and sub-Saharan Africa imposed scientific forestry regimes through a territorially based and legally enforced system of state forests. Such a system conflicted with the *de facto* status of land use and occupation in forested regions where indigenous and other forest-dependent groups lived. Extensive forest history literature shows that colonial reservations impeded forest peoples' access to resource use. However, colonial forestry had equally significant impact on people's land rights related to homesteads and subsistence farming.¹³ In most countries of Asia and sub-Saharan Africa, post-independence governments not only failed to resolve these conflicts but further expanded the colonial-era boundaries of state forests, and enforced them through police and semi-judicial powers vested in government forest administrations.¹⁴ The land rights conflicts institutionalized through first colonial and then post-independence interventions remain alive and relevant for REDD+.¹⁵

Emergence of Forestry Regimes in Independent India and Tanzania

Upon independence from Britain, India (1947) and Tanzania (1961) inherited forest regimes comprised of government forest administration that exercised territorial control over large state forest estates.

In 1948 the Indian government further strengthened the provisions of the colonial-era Forest Act of 1927 to make it easier for the government to declare any community or open-access land as state forestland. Before 1975, the central government and state governments shared equal jurisdiction on the subject of forests, which enabled forest-dependent people to mobilize at the state level to secure land rights denied them during the colonial era. However, as pressure increased for the expansion of smallholder agriculture and recognition of land rights of forest-dependent people, the Indian central government in 1975 wrested control of key aspects of forest administration, and prohibited state governments from addressing forest-related conflicts. The Forest Conservation Act of 1980 and the creation of the national Ministry of Environment and Forests (MoEF) in 1985 further strengthened the regulatory powers of the federal government. Moreover, these changes created a direct link between the MoEF and state forestry departments, led by members of the elite Indian Forest Service (IFS).¹⁶ Thus, even though India's forestry administration is formally divided into several state forest departments and the central MoEF, they often behave as a unified actor. This is particularly true of the forestry administration's positions on questions of forestland conflict, which the ministry determines.

The institutional historical developments and regulatory powers of post-independence forestry administration led to a significant increase in the area classified by law as state forest. Such area of legally designated forests expanded

13. Vandergeest and Peluso 1995.

14. Hirsch 1990; Kashwan 2013; Kumar and Kerr 2012; Peluso and Watts 2001.

15. Larson et al. 2013.

16. Fleischman 2012.

from 54 million hectares in 1961 to 69 million hectares in 2011. This nearly 30-percent *net* increase in forest under state ownership is remarkable considering the 168-percent increase in population and rapid expansion of agriculture, urbanization, and industrialization. Even though the MoEF recognized the historical mistakes that led to the creation of India's state forests, it has strong incentives to maintain the *status quo*.¹⁷ Forest officials often demand control over a greater share of the federal budget and a greater say in policy-making on the basis of their control of 23 percent of India's territory.¹⁸ The MoEF is the only point of contact for India's engagement with *all* regional and international agreements related to the environment, including land and forests. Because of its exclusive territorial and jurisdictional control in the important arenas of environmental and forest conservation, the MoEF functions with a high degree of autonomy.

At the time of its independence from British colonial rule in 1961, Tanganyika, as mainland Tanzania was known prior to its 1964 union with Zanzibar, inherited a network of forest and wildlife reserves. Post-independence leadership, especially that of Julius Nyerere, the country's most prominent leader and long-serving president, valued forest and wildlife reserves for the potential foreign exchange earnings related to timber exports and wildlife tourism.¹⁹ Deployment of forests as a source of foreign exchange led, over time, to the development of lucrative wildlife tourism and trophy hunting. The Tanzanian state's tight control over hunting permits and distribution of revenues from wildlife safaris led to the development of myriad rent-seeking opportunities, which feed into patronage networks.²⁰ Such perverse incentives are one of the reasons why government and parastatals claim jurisdiction over more than 40 percent of Tanzania's national territory. More importantly, national parks and wildlife reserves cover nearly 30 percent of the country's geographical area. The legal claims of the forest administration to a very large portion of the land rely on one specific interpretation of Tanzania's two key land laws, which are discussed in the next subsection.

Unlike India and Tanzania, which inherited forestry regimes from their common British colonial heritage, the Spanish colonial administration in Mexico did not establish a forestry service or set aside large territories as state forests or reserves. Moreover, Mexico's agrarian reforms and the political context created by the revolution of 1910 played an important part in limiting the territorial scope and statutory powers of its incipient national forestry administration.

The balance of power between Mexico's forest service and peasants demanding land rights saw a decisive shift during the presidency of Lázaro Cárdenas (1934–1940). Cárdenas, the strongest proponent of agrarian reforms, invited into

17. MoEF 2004.

18. MoEF 2006.

19. Neumann 1995, 365.

20. Nelson and Agrawal 2008.

his administration Miguel de Quevedo, often referred to as the father of forestry in Mexico.²¹ The European philosophy of scientific forestry, which was also the basis for exclusionary colonial regimes in Asia and sub-Saharan Africa, inspired De Quevedo's approach to forestry.²² The confrontation between the ideas of scientific forestry associated with centralized technocratic management of forests and the ideals of the revolution eventually prompted Cárdenas to dismiss de Quevedo, dissolve the independent forestry department, and move its functions to the agriculture department.²³ This, coupled with national agrarian reforms, resulted in more than 60 percent of the country's forests being vested in agrarian communities, a term that I use to refer to rural collectives called *ejidos and comunidades*.²⁴

These events set Mexico's forest administration and professionals on a path of "institutional fragility."²⁵ Relative stability returned after Mexican government divested the Ministry of Agriculture of its jurisdiction over forests in 1995 and constituted the Secretariat of the Environment and Natural Resources (SEMARNAT) in 2000. Even so, as opposed to the territorial control that forestry agencies in India and Tanzania exercise, SEMARNAT does not hold property rights over large areas of land set aside as state forests but instead has the limited role of overseeing and regulating actions that impinge on forest conservation.

Overall, differences in the historical legacy and contemporary form of forest regimes of India, Tanzania, and Mexico are important determinants of their national forest policies. In the next section, I examine forest reforms over past two decades in the case-study countries, which are relevant to debates about the institutional architecture of REDD+.

Forest "Reforms" and Conflicts in India, Tanzania, and Mexico

In what became a much-discussed policy, India's Joint Forest Management (JFM), introduced in 1990, promised a share of timber revenues in return for local communities' contribution to forest protection. However, because the statute did not protect JFM provisions, the program lacked accountability and led to few benefits for community members despite many successful cases of forest protection.²⁶ State forest departments also used JFM and conservation-related international aid to coerce community members to give up their land claims, thereby reinforcing and even expanding the area of *de jure* state forest.²⁷ This activity on the part of the state forest departments reached its peak in 2002,

21. Klooster 2003.

22. Barton 2000.

23. Klooster 2003, 99–101.

24. Corbera et al. 2011; Bray 2013.

25. Mathews 2011, 46–47.

26. For recent reviews, see Lélé and Menon 2014.

27. Kashwan 2013.

when they dispossessed over 150,000 families of farmland within territory legally reclassified as state forest.²⁸ Amnesty International noted that the evictions led to many human rights violations.²⁹ A large-scale mobilization against the evictions, coupled with fortuitous political circumstances, led to the enactment of the Forest Rights Act (FRA) of 2006.

The FRA provides for the statutory protection of land rights for forest-dependent people who live on and farm land classified by law as state forests. The FRA also grants forest-dependent groups collective rights to manage and benefit from community forest resources. Prominent international conservation groups recognized the FRA as a fairer and potentially more effective approach for the conservation of India's forests.³⁰ Such endorsement notwithstanding, the MoEF and state forest departments resisted and actively subverted the implementation of the FRA. As India's MoEF continues to operate based on exclusionary forest laws first enacted during the colonial era, forest land rights conflicts continue unabated.³¹

Tanzania also implemented forest decentralization policies, largely through the adoption of two laws in 1999: the Land Act (LA) and Village Land Act (VLA). The VLA defines "village land" as one of the Tanzania's three land tenure categories and grants village councils secure jurisdiction over all land within village boundaries. The central government retains ownership. According to the VLA, the jurisdiction of village councils also extends to nearly 19 million hectares of unreserved forestland, which might be considered "unoccupied and unused" village lands.³² However, the Forestry and Beekeeping Division (FBD) interprets such forest as being located instead on "general land"—another land tenure category in Tanzania directly under the control of the central government. In contrast to the VLA, the LA definition of "general land" includes "unoccupied or unused village land."³³ Significantly, the provisions of the LA prevail if there is a conflict between the two pieces of legislation.³⁴

These legal ambiguities, coupled with the expansion of Tanzania's national parks and wildlife reserves since the 1970s, have led to a variety of land conflicts and displacement of many people because of the expanding or newly constituted nature reserves.³⁵ The Tanzania Investment Centre also sought to use the centralizing provisions of the 1999 Land Law to lease to private corporations large areas of forest or woodlands, which indigenous, pastoralist, and peasant groups claim as their customary lands.³⁶

Table 2 summarizes the key statutes related to forest tenure regimes and categorizes each as either "strong" or "weak" depending on the strength of local

28. *Frontline* October 12–25, 2002.

29. Amnesty International, 2007.

30. *The Hindu*, December 27, 2007.

31. Jayal 2001; Kumar and Kerr 2012.

32. Blomley 2006.

33. Purdon 2013, 1145.

34. Purdon 2013.

35. Brockington 2002.

36. Nelson et al. 2012.

Table 2
Key Forest Tenure Laws in Case Study Countries

	<i>Legal Framework/ Statutes</i>	<i>Who Holds Land Rights?</i>	<i>What Types of Community Rights Are Recognized?</i>	<i>Strength of Community Rights</i>
India	Indian Forest Act 1927; Forest Conservation Act 1980; Joint Forest Management circular 1990 Forest Rights Act 2006	State forestry departments/ Ministry of Environment and Forests (MoEF) Village general assemblies (Over forests & land brought within the purview of the FRA).	Limited to harvesting of firewood and collection of fodder in limited quantities. Rights to manage community forests, and to harvest and market non-timber forest produce; timber rights unclear. Very few rights unless village boundaries are registered and delineated, which is uncommon; no rights within the boundaries of national parks and reserves.	Very weak Strong Weak
Tanzania	Land Act 1999; The Forest Act 2002; Wildlife Policy 2007	The state—"Unoccupied and unused village land" considered "general land," which is under the authority of the central government represented by FBD; the 2002 act provides for creation of village land forest reserves. Village councils—"Unoccupied and unused" village lands vested in village councils.	Significantly strong rights under community-based forest management (CBFM); Practically difficult because of the red tape. Rights of timber harvesting with appropriate management plans & safeguards. All of the above plus forest rights of the tenants	Strong Strong
Mexico	Agrarian Law of 1992 General Law on Sustainable Forest Development of 2012	Members of agrarian communities Members of agrarian communities		Strong Strong

tenure rights. Governments in India and Tanzania rely on a selective application of forest and land laws to secure centralized control over these resources. As a result, despite participatory forestry policies, forest land conflicts largely remain unaddressed.³⁷ However, Mexico's 1992 reforms, which brought to a close the country's longstanding agrarian reforms, allowed rural communities to retain collective tenure rights over forests and pastures situated within *ejido* boundaries. The 1992 reforms significantly reduced the extent to which the Mexican state could meddle in the exercise of community rights.³⁸ However, these reforms did not recognize the rights of women and non-land-owning community members (*posesionarios legales*). The General Law on Sustainable Forest Development of 2002 addressed these gaps, granting previously excluded groups legitimate rights over common forests and pastures.³⁹

All study countries have more than one land tenure law, each of which entails a different distribution of rights. The next section examines how conflict-ridden forest tenure systems in these countries shape REDD+ benefit-sharing arrangements.

Benefit-Sharing Mechanisms in REDD+: Is Tenure the Limiting Factor?

Officially, REDD+ has yet to be implemented under the UNFCCC framework. While previous scholarship has analyzed REDD+ pilot projects, most of which have been funded by donors, in this article I examine the REDD+ benefit-sharing mechanisms outlined in the government policy documents. First, I examine if policy documents related to REDD+ offer a clear and unambiguous division of benefits (carbon rights) between forest-dependent people and other stakeholders. Second, I investigate if the benefit-sharing proposals are linked to legislation that grant secure forest land rights to forest-dependent people. Finally, I explore the distinction between formal benefit-sharing mechanisms and "social safeguards."

The term "safeguards" deflects attention from the fact that it is typically used to describe non-binding commitments. "Unlike rules, which have sanctions associated with failure to comply, REDD+ safeguards provide a set of guiding principles."⁴⁰ As some experts have argued, REDD+ safeguards "lack specificity and authority."⁴¹ Defining some goals as safeguards relegates them to the sidelines of multi-lateral negotiations, pushes the related provisions to the appendices, and leaves their implementation to the discretion of government. Accordingly, when a REDD+ policy document describes certain benefits only as "safeguards," they constitute a much weaker commitment than if they were discussed in terms of REDD+ "benefit-sharing."

37. Neumann 2001; Sundar 2000; Vira 2005.

38. Bray 2013.

39. Balderas Torres and Skutsch 2014.

40. Jagger et al. 2012.

41. Visseren-Hamakers et al. 2012.

Officials from India's MoEF declared, "100 percent of the funding from REDD+ will flow to local communities."⁴² However, no mechanisms exist to facilitate transparent and timely flow of funds to local communities. India's REDD+ benefit-sharing proposals are linked to the JFM program which, as we have seen, grants the government forest administration considerable discretionary powers.⁴³ A history of unfulfilled promises related to JFM benefits makes it difficult for local actors to believe in the promises being made under REDD+. To make things worse, India's top officials argue, "India does not want to have any more safeguards imposed on it by the UNFCCC. India is confident that it has enough safeguards set in place."⁴⁴ Notwithstanding these pronouncements, the MoEF and state forest department officials have been involved in frequent violations of the very same laws which they cite as homegrown safeguards, such as the FRA.⁴⁵

In Tanzania, the REDD+ strategy document describes community-based forest management (CBFM) as the "most appropriate way to achieve forest landscape restoration" because it entails the allocation of "clear forest land rights."⁴⁶ However, CBFM has benefitted few communities because of the long-winded bureaucratic approval process needed before a village can participate. Instead of utilizing REDD+ as an opportunity to promote CBFM, REDD+ policy documents undermine its credibility. These policy documents characterize all village lands as "open access" land, which the commons literature often associates with the tragedy of the commons. Such portrayal of village lands reinforces stereotyped views of local communities being incapable of managing local resources.⁴⁷ REDD+ policy proposals thus do not delegate responsibility for forest management to "the lowest possible level of local management" as called for under the 2002 Forest Act.⁴⁸ Tanzania's REDD+ strategy posits that social and ecological *safeguards* will "give special consideration to livelihoods, resource use rights...conservation of biodiversity...and good governance as reflected in the Action Plan."⁴⁹ As discussed earlier, including a plethora of goals under the category of "safeguards" pushes such goals to the margins of the program, and leaves implementation to the discretion of government.

Interestingly, policy proposals from both India and Tanzania used organograms to make substantive claims about some of the most contested policy questions. For instance, consider "encroachment," which is how the MoEF refers to land claims contested by forest-dependent people. Even though the 2006 FRA legally recognize these land claims, India's REDD+ organogram—the

42. Vijge and Gupta 2014, 24.

43. MoEF 2013, 64.

44. Vijge and Gupta 2014, 21 quoting the Director General of the Ministry of Environment and Forests.

45. Kashwan 2013; Kumar and Kerr 2012.

46. URT 2013, 13.

47. Ylhäisi 2003.

48. Blomley 2006, 9.

49. URT 2013.

diagram showing organizational arrangements related to policy implementation—prominently displays the following declaration: “no regularization of existing encroachments.”⁵⁰ The REDD+ reference document thus reasserts the Ministry’s claims, which contravene the provisions of the FRA. In an interesting coincidence, the organogram depicted in Tanzania’s REDD+ strategy document, “Institutional Structure for REDD+ Implementation and Reporting,” also shows “general lands” exclusively under “Forest Agency/Department” without any links to “Local Government Authorities” such as villages.⁵¹ Had the government been keen on promoting CBFM, the REDD+ policy documents could have made use of the provisions of Village Land Act of 1999, according to which a large percentage of “unoccupied and unused” lands are adjudicated by locally elected village councils and not the central government.

India and Tanzania both describe the REDD+ benefit-sharing mechanisms in a fragmented and ambiguous manner. Neither country provides a rationale for benefit-sharing, a question that has been debated under the guise of “carbon rights” in the literature.⁵² Second, the policy documents discuss benefit-sharing mechanisms from the vantage point of tenure arrangements and administrative structures that favor forest administrations. India’s policy documents link REDD+ implementation and benefit-sharing arrangements to JFM, which lacks statutory support, grants discretionary powers to forestry agencies, and has a weak track record of fulfilling commitments. The “Institutional Arrangement for REDD+” shown in India’s REDD+ reference document constitutes a reproduction of the hierarchical structure of the ministry and state forest departments.⁵³ This also holds true for the Tanzanian REDD+ policy documents.⁵⁴

On the other end of the spectrum, Mexico’s REDD+ strategy document not only reasserts the strong community rights contained in the Agrarian Law of 1992, but also explicitly attaches “carbon rights” to members of agrarian communities (Table 3). Moreover, following the 2002 General Law of Sustainable Forest Management, the safeguards outlined in the strategy document even protect the rights of “claimants” *who did not have rights* according to the Agrarian Law. Mexico’s approach employs REDD+ as an opportunity to *further strengthen* and secure the rights of indigenous and forest-dependent people.

Faced with ambiguities and multiple tenure laws, REDD+ policymakers in India, Tanzania, and Mexico selectively deploy aspects of land tenure legislation, but with very different outcomes. This demonstrates that a *lack* of strong tenure regimes does not explain why India and Tanzania have failed to commit a significant proportion of REDD+ benefits to forest-dependent people. Instead, REDD+ policy positions reflect a carefully curated mix of legal provisions that serve the interests of those who wield power in the policy-making process.⁵⁵ In

50. MoEF 2013, 61.

51. URT 2013, 22.

52. Corbera et al. 2011.

53. MoEF 2013, 61.

54. URT 2013, 22.

55. Larson et al. 2013.

Table 3
National Benefit-Sharing Arrangements

Country	Climate Change Program	Type	REDD+ Benefit-Sharing Provisions	Additional Provisions Listed Under "Safeguards"	Land Tenure Regime that Informs Benefit-Sharing/Safeguards	Strength of Tenure Regime (Strong/Weak) ¹	Level of Ambiguity (High/Low)
India	National Action Plan on Climate Change (NAPCC)	Executive Order	"To encourage and incentivize local communities for their role in conservation by transferring the financial benefits accrued on account of REDD+ ... based on their performance" (MoEF 2014)	"Safeguarding existing traditional rights of local communities.... Fair and transparent accounting and disbursement of benefits and REDD+ incentives" (MoEF 2014, 6)	Refers most frequently to JFM. Safeguards: The progressive Forest Rights of 2006.	Weak	High
Tanzania	National REDD+ Strategy	Executive Order	"Provision of sufficient incentives/compensation to motivate stakeholders" (URT 2013a).	"...ensure environmental safeguards and possible impacts on the environment as well as livelihoods and rights of communities" (URT 2013, p.53).	The Land Act of 1999; Draft National REDD+ Strategy classifies village land as state forestland.	Weak	High

Low²

Strong

Combines the progressive aspects of Agrarian Law of 1992 and the General Law on Sustainable Forest Development 2002 (amended in 2012).

Safeguards to respect “gender considerations and guaranteeing the *certainty over property rights and economic competitiveness*” (Balderas Torres and Skutsch 2014, p.7 citing the National REDD+ Strategy 2012)

“...the property rights relating to...carbon lie with the legal owners of land (e.g. *ejidos*, communities, indigenous groups, individuals, firms)... activities that generate more social benefits and support rural sustainable development” (Balderas Torres and Skutsch 2014, p.7 citing the National REDD+ Strategy 2012)

Law

Mexico
Climate
Change
Law 2012

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1. Based on the assessment presented in Table 2.
 2. Some level of ambiguity is inherent to the nature of international REDD+ regime (see Balderas Torres and Skutsch 2014).

the following section, I analyze the history of the national REDD+ policy process in each country to explain this variation in the REDD+ benefit-sharing arrangements.

Accountability and REDD+ Policy

Forest policy and REDD+ literature describe Mexico as an exceptional case in which the country's progressive laws drive progressive forest policy outcomes.⁵⁶ Those attentive to the influence of political context suggest that the history of the Mexican revolution explains why land reforms retain a powerful influence over the country's forest-related policies.⁵⁷ However, considering that the Mexican government officially brought land reforms to a close in 1992, it is puzzling that the rights of agrarian communities continue to resonate strongly with regard to REDD+. I argue that this outcome is attributable to two important drivers inherent to the contemporary Mexican forest policy process: a system of checks and balances built into Mexico's forest regime and the political leverage that forest-dependent people continue to exercise.

Unlike India and Tanzania, Mexico does not have a forest administration vested with property rights and territorial control over large areas of the hinterlands. More importantly, Mexico's forest administrative bodies are also subjected to intra-government checks and balances. Within the Secretariat of the Environment and Natural Resources (SEMARNAT), executive and monitoring functions are vested in two different administrative units. The National Forestry Commission (CONAFOR) is the key government body in charge of designing and implementing forestry policies and programs, including REDD+. The Federal Environmental Protection Office (PROFEPA) handles law enforcement, licensing of forestry concessions, and the monitoring of forestry projects implemented by CONAFOR and other government agencies. Mexico's forestry regime is thus structured to create mechanisms of inter-bureau checks and balances, which manifest in a variety of ways in the ongoing REDD+ process.

Even though CONAFOR is responsible for implementing REDD+, PROFEPA has been working with agrarian communities to set up local Environmental Watchdog Committees (CVAP), which function under the general assembly of the agrarian communities that own 60 percent of Mexico's forests. Similar structures to facilitate policy deliberations and accountability also exist at the municipal and regional levels.⁵⁸ Significantly, Mexico constituted a multi-party special commission to write a climate change law, one of the first countries to do so. The commission organized more than seventy brainstorming sessions and meetings with scientists, scholars, government representatives, NGOs, and international organizations.⁵⁹ These wide-ranging consultations also continued

56. Bray 2013; Corbera et al. 2011.

57. Bray 2013; Mathews 2011.

58. IDLO 2011.

59. USAID 2010.

during the formulation of the REDD+ policy framework, which brought forth some contentious issues.

An initial Emissions Reduction Program document that the National Forestry Commission (CONAFOR) submitted to the World Bank's Forest Carbon Partnership Facility proposed to divert the communities' share of REDD+ proceeds to "activities that diminish deforestation and degradation."⁶⁰ Civil society groups forced the commission to drop this proviso in favor of resource transfers directly to agrarian communities, and pressured CONAFOR to formally acknowledge and integrate it into the recommendations of the National REDD+ Strategy (ENAREDD+) Working Group. This working group is a multi-stakeholder participatory body comprising representatives from seven sectors, including indigenous peoples.

The specific contours of Mexico's REDD+ policy proposals reflect a system of checks and balances as much as they do a progressive land tenure regime inherited from the past. Moreover, linkages between agrarian communities and the country's political leadership put important constraints on the power and authority of various forest administrative bodies and actors.⁶¹ As discussed above, these aspects of Mexico's institutional structures shaped the outcomes of REDD+ policies. Studies of Mexico's Payment for Environmental Services (PES) program also show that the need to attract the support of peasants, who have traditionally supported the Institutional Revolutionary Party (PRI), prompted President Felipe Calderón, a conservative, to use PES as a poverty alleviation program.⁶² This suggests that Mexico's increasingly competitive politics offers better protection to the interests of agrarian communities than do the left-of-center governments in India and Tanzania.⁶³

In both India and Tanzania, elected leaders and legislators have been rather inactive in the realm of REDD+ policy.⁶⁴ The executive-heavy policy-making process dominates in India because a majority of its forest-dependent people are not mobilized into a salient electoral constituency.⁶⁵ Such lack of political salience has important implications, as evident in the outcomes of the Minister of Environment and Forests Jairam Ramesh's proposals to reform the colonial-era Indian Forest Act (IFA) of 1927. Senior forest officials openly opposed and successfully stalled the proposal and the IFA continues to be the backbone of contemporary forest management in India.⁶⁶ Ramesh's party isolated him even though his senior party colleagues had argued strongly in the past for similar reforms, especially because these antiquated forestry laws were directly linked to the Naxalite unrest in India's forested regions.⁶⁷ Similarly, Tanzanian leadership has

60. Anon 2014, 3–6.

61. Mathews 2011.

62. Shapiro-Garza 2013, 7.

63. Bray 2013; Klooster and Masera 2000.

64. Harris et al. 2011.

65. Chhatre and Saberwal 2005.

66. *Tehelka*, March 16, 2011.

67. *Economic Times*, Aug 13, 2014.

been ambivalent, to say the least, toward the interests of pastoralists, agro-pastoralists, and other forest-dependent groups. The indifference of political leaders in both countries facilitates the continued dominance of government administrative bodies responsible for forests.⁶⁸

The above analysis shows that even though history has shaped the forest regimes in these countries, the effects of formal forest institutions on REDD+ policy outcomes are mediated through contemporary political processes. Most importantly, an understanding of institutional mechanisms that foster accountability of ministries and government agencies can inform national and international policy interventions.

Institutional Interventions for Improved REDD+ Accountability

Scholars recommend institutional arrangements, in particular monitoring, reporting, and verification (MRV) systems, to improve accountability in REDD+. Recent analyses show, however, that donors and investors focus mainly on carbon and risk mitigation, while NGOs tend to emphasize social rights and benefits.⁶⁹ Such a division can still lead to improvements in REDD+ accountability in the presence of mechanisms of inter-agency accountability. These mechanisms of horizontal accountability ensure that government bodies are able to exercise countervailing power against others and that competing concerns are articulated within the policy process. The Mexican case, for instance, suits this model of REDD+ accountability.⁷⁰ However, institutional reform does not always address more formidable barriers.

The FRA of India illustrates perfectly the types of tenure reforms that REDD+ advocates often demand. However, because the REDD+ policy process is disconnected from the mainstream political process, the FRA has been marginalized within the REDD+ policy. The outcomes would be different if the Ministry of Tribal Affairs (MoTA), which oversees the implementation of the FRA, was able to veto REDD+ policy provisions that failed to meet the government's statutory obligations to forest-dependent people. The interventions of MoTA have helped prevent violation of the rights of forest-dependent people in the context of siting foreign-backed industrial projects.⁷¹ Similarly, a more robust policy framework would be likely if Parliament had enacted a climate change law.⁷²

In contrast to India, where the donor community has little leverage, the international community has been much more influential in Tanzania.⁷³ Recently, donors helped the country establish the Tanzania Forest Service (TFS),

68. Harris et al. 2011.

69. Visseren-Hamakers et al. 2012.

70. Corbera et al. 2011.

71. Kumar and Kerr 2012.

72. For comparative analyses of climate change-related legislative initiatives, see, Nachmany et al. 2014.

73. Harris et al. 2011; Vira 2005.

a semi-autonomous government executive agency by carving it out of the Forestry and Beekeeping Division (FBD). What remains of the FBD will take on functions similar to Mexico's PROFEPA: policy and planning, research, training, licensing and quality control in the forestry sector. Tanzania National Parks (TANAPA), a parastatal body, manages the country's national parks and wildlife reserves. Such separation of regulatory and executive powers between the FBD, the TFS, and TANAPA, combined with heightened political competition in recent years, increases the potential for improved accountability.⁷⁴ Whether these goals will be realized remains to be seen; thus far, the transition has been poorly managed. Researchers argue that the process has led to "blurred lines of responsibility," "competing incentives," and "creation of parallel structures," thereby weakening the accountability and effectiveness of personnel on the ground.⁷⁵

International policymakers invested in the success of REDD+ and other similar environmental conservation interventions must broaden the purview of reforms to demand substantive improvements in government administration. Active engagement of political actors and a divided executive are important prerequisites for successful domestic deliberations. As Lord Prescott has argued, such reforms are crucial for cultivating domestic support of international environmental policies and programs. Recent reforms of Tanzania's forestry sector and the increased demands for reform of India's forestry sector suggest that donors may have an important role to play. Indeed, in countries such as India, international donors will need to join hands with grassroots movements.

Conclusions

Policymakers and scholars often emphasize the importance of tenure security as a prerequisite for the success of REDD+. While REDD+ policy has developed apace, calls for tenure reforms have gone unheeded in most participating countries.⁷⁶ This article examined national REDD+ policies of India, Tanzania, and Mexico to determine if REDD+ benefit-sharing arrangements align with the more progressive forest tenure statutes that the study countries have already enacted.

The evidence shows that the forest administrations of both India and Tanzania deploy REDD+ as a venue for consolidating their gains in a rapidly changing political and economic context. Both India and Tanzania use the language of REDD+ safeguards as a shield for policy equivocation, while Mexico uses these instruments to outline measures to protect the rights of groups that are excluded in national forest and land tenure regimes. Such divergent outcomes are possible because political representatives in India and Tanzania wield authority over forest policy-making differently than their Mexican counterparts. Differences in the nature of political decision-making also affect the extent to

74. Nelson et al. 2012.

75. Harris et al. 2011, 12–13; Personal Interview, Tanzania Forest Policy Expert, June 20, 2014.

76. Larson et al. 2013.

which REDD+ policy-making is open to input from civil society actors who seek to represent the interests of forest-dependent groups. In sum, REDD+ benefit-sharing mechanisms mirror the power and authority that national forestry agencies wield in the domestic policy process.

The effectiveness of institutional design of policies such as REDD+ depends on political checks and balances that constrain forest administrations and force them to implement pro-poor policy reforms. Only in conjunction with such reforms can forest tenure reforms channel a significant share of REDD+ benefits to forest-dependent people. This suggests that international policymakers should make REDD+ payments conditional on participant countries' commitment to unequivocal, enforceable benefit-sharing mechanisms.⁷⁷ Without such active intervention, policymakers in developing countries are likely to deploy social and ecological safeguards as the primary means of signaling their commitment to reforms.⁷⁸ Good policy outcomes are more likely to result when smart institutions are coupled with political-administrative mechanisms that ensure the accountability and responsiveness of forest administrations.

I have used the power-centric framework to analyze drivers of institutional change in three developing countries. Future research may benefit from applying a more fully developed framework to a larger number of countries. Ongoing debates and academic inquiry into REDD+ and related outcomes offer a suitable venue for research of this kind. I expect that such research will contribute to a new framework for understanding institutional change under conditions of entrenched power asymmetries.

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77. Larson et al. 2013.
78. Andrews 2013.

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