



In pursuit of procedural justice: Lessons from an analysis of 56 forest carbon project designs



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ABSTRACT

In an effort to reduce the potential for negative social impacts in forest carbon projects, private third-party actors such as the Climate, Community, and Biodiversity Alliance (Alliance) have established certification schemes (e.g. standards) to ensure that biodiversity and community livelihood goals are met through just means while also reaching carbon mitigation goals. Using a mixed methods approach including rigorous content analysis coupled with descriptive statistics on 56 Alliance project design documents, this paper seeks to understand: 1) the extent to which projects seeking Alliance certification responded to the standards criteria requiring local community participation in the project development process; and, 2) how the Alliance certification standards can serve as an instrument for procedural justice and thus contribute to narrowing the social justice gap in global forest governance. We find that while the standards could potentially help address this governance gap by serving as standards of justice, evidence suggests that projects are not fulfilling requirements to facilitate procedural justice. We suggest that the lack of information and attention to stakeholder processes represents a substantial hurdle for facilitating procedural justice for impacted communities, suggesting that forest carbon (including REDD+) projects may result in the same threats to communities and livelihoods as past forest governance interventions. Furthermore, our findings signal the possibility of future credibility problems for the Alliance.

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1. Introduction

Procedural justice, most readily understood as the fairness of the process of decision-making and/or project implementation (Clayton, 1998), has largely eluded forest peoples affected by global forest governance initiatives (Sikor and Stahl, 2011). For the last several decades, the architects of institutions and approaches for global forest governance have tried to address the social justice critiques of forest peoples and their advocates through a variety of approaches, including community-based natural resource management, joint forest management, and other participatory approaches in forest governance interventions. Conventional wisdom suggests that more involvement of local communities in the design and implementation of projects should lead to better social and environmental outcomes. In other words, procedural

justice should help improve overall project success. In the wake of increasing claims of injustice, actors engaged in forest carbon projects, including Reduced Emissions from Deforestation and Degradation (REDD+) projects, have been particularly concerned with creating and supporting institutions which can help facilitate procedural justice for communities impacted by forest carbon projects (Lawlor et al., 2010; Okereke and Dooley, 2010; Strassburg et al., 2012). The Climate, Community, and Biodiversity Alliance (hereafter Alliance) responds, in part, to such justice concerns through a set of standards (hereafter Standards) for certifying forest carbon projects. The goal of the Standards, which include 14 mandatory criteria and three optional criteria, is to facilitate multiple benefits and avoid negative social impacts through the promotion of best practices (see Appendix A, full standards available at <http://www.climate-standards.org>). Although the Alliance's Standards are the most recognized and sought-after among the forest carbon offset standards that target net positive community impacts (Richards and Panfil, 2011), little is known about the extent to which they address procedural justice concerns and thus contribute to narrowing the social justice gap in global forest governance.

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The purpose of this research is two-fold: first, we examine the Alliance's Standards using a procedural justice lens. We assess whether the Standards, if implemented as indicated, could serve as an instrument for facilitating procedural justice. Although the certification literature is rich with studies on legitimacy and effectiveness (Bernstein and Cashore, 2007; Cashore, 2002; Cashore, 2004; Gulbrandsen, 2005; Potoski and Prakash, 2005), no studies position standards as instruments for facilitating justice and only a few studies consider the justice dynamics of third-party certification schemes (see for example Boyd et al., 2007; Raines, 2003). Additionally, because forest carbon standards are so new, we found no studies published on them as of February 2013. By using a justice lens we aim to highlight the ways in which certification schemes can serve as justice-enabling institutions in global forest governance.

Second, we analyze the extent to which the Alliance contributes to narrowing the social justice gap in global forest governance by critically examining the project design documents (hereafter Designs). Using a mixed methods approach that couples content analysis with descriptive statistics, we analyze the Designs from 56 forest carbon projects that are seeking or have already obtained certification from the Alliance. We assess whether transparency and participation have been documented in compliance with the Standard's requirements promoting procedural justice. By analyzing the extent to which the Standards are rigorously enforced, we contribute to the literature examining the role of third-party certification schemes in filling governance gaps (Bartley, 2011; Falkner, 2003; Gulbrandsen, 2004).

The paper proceeds as follows: we first situate the Standards in the broader global forest governance and procedural justice literature. We then present our argument for positioning the Standards as standards of justice. This is followed by an overview of our methods and presentation of results. We conclude with an in-depth discussion of the results, their implications, and suggested avenues for future research. Overall, we seek to highlight the potential opportunities and risks associated with third-party certification for facilitating justice in forest carbon projects.

2. The social justice gap in global forest governance

Global forest governance, including interventions for sustainable forestry, forest conservation and preservation, and, most recently forest carbon sequestration, has been the focus of social justice critiques for more than 30 years (Blaikie and Brookfield, 1987; Forsyth, 2008; Peluso, 1993; West et al., 2006). An extensive body of literature documents the real or perceived inequities and injustices that have emerged in communities as the result of forest conservation and development interventions, such as protected area projects, Integrated Conservation and Development Projects, and community-based forest management projects, among others (Agrawal et al., 2011; Agrawal and Redford, 2009; Colchester, 2004; Klooster, 2000; Pagdee et al., 2006; Peluso, 1993; Roe, 2008; Singleton, 2000). Partly in response to these critiques, but largely for more pragmatic reasons, development organizations and donors pursued more participatory approaches to conservation to directly engage local communities (Campbell and Vainio-Mattila, 2003). Despite efforts to facilitate local community involvement in forest governance, forest peoples' claims of injustice persist.

In recent years, following a resurgent global interest in forest governance that positions forests as a critical resource in the battle to address climate change, the forest peoples' movement for rights and justice has gained momentum (Forsyth and Sikor, 2013; Sikor, 2012; Sikor et al., 2010). Non-governmental organizations, indigenous peoples' groups, and scholars have argued that the

fundamental challenges for forest carbon projects are not technical (i.e. carbon accounting); rather, they are rooted in the anticipated substantial negative social impacts that could result from project implementation if local communities are not adequately engaged and accounted for (Brown et al., 2008; Cotula and Mayers, 2009; Doherty and Schroeder, 2011; Peskett et al., 2008). These concerns, coupled with the historically poor performance of participatory approaches and continued loss of forests worldwide, are indicative of the critical role of community engagement for effective forest governance.

These two factors – the importance of community involvement in forest governance and the continued claims of injustice – suggest the existence of a social justice gap in global forest governance. Scholars and policy makers increasingly recognize that justice in global forest and global environmental governance may, in fact, be a necessary condition for sustainability (Agrawal and Gibson, 1999; Littig and Griessler, 2005; Okereke, 2006) yet justice for forest communities remains elusive. Questions of justice – what justice, whose justice, and how justice can be delivered – have become an important focal point for many scholars of global environmental governance (Martin et al., 2013; Okereke, 2008; Okereke and Dooley, 2010; Schroeder and Pogge, 2009). While the act of operationalizing procedural justice runs the risk of suggesting a universal conceptualization of justice – a highly contested concept – specifying a definition is necessary to evaluate whether justice concerns have been considered; for a discussion on the multivalent nature of justice, see Walker (Walker, 2012). To that end, scholars have made a number of important contributions toward conceptualizing justice in global environmental governance, namely: differentiating between intragenerational and intergenerational justice (Glottzsch and Baumgartner, 2012; Walker, 2012; Walker and Bulkeley, 2006); identifying scales of justice, such as macro- and micro-justice or the difference between societal and individual justice (Clayton, 1998); and identifying three interrelated types of justice (distributional, recognitional, and procedural) central to the study of global environmental governance (Schlosberg, 2004, 2007).

In this paper, we focus exclusively on procedural justice, adopting Clayton's (1998) definition: "procedural justice is usually considered to exist when all parties who will be affected by a decision have had a chance to participate in the decision-making process and to influence the final outcome" (Clayton, 1998, p. 164). We have opted to focus on procedural justice for two reasons: first, while distributional concerns often eclipse other justice concerns in forest projects, procedural justice is increasingly recognized as equally valid, if not more important, both among scholars, investors, policy-makers, and other forest carbon stakeholders (Brown et al., 2008; Harvey et al., 2010; Madeira, 2009; Martin et al., 2013). A growing body of literature suggests that some form of procedural justice at the community level is, in fact, a necessary condition for sustainable forest conservation and development projects (Harvey et al., 2010; Kanowski et al., 2011; McDermott and Schreckenberg, 2009; Ribot, 2011; Vandergeest, 2007; Wollenberg and Springate-Beginski, 2009). The inclusion of local stakeholder values can also help minimize conflict and negotiate tradeoffs (Ananda and Herath, 2003; Appelstrand, 2002).

Second, procedural justice can be considered a pathway to distributional justice, which is an important consideration for forest interventions that seek to provide benefits to forest communities. When a diverse and broad group of community stakeholders has capacity and opportunity to participate in project design, and when their values are taken into account, this process is more likely to lead to outcomes that are considered equitable and just by stakeholders at all levels (Brooks et al., 2006; Gross, 2008). Procedural justice vis-à-vis the inclusion of local stakeholders can also lead to improved institutional and/or project

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