



## **Indigenous Environmental Network**

### **Comments to the California Air Resources Board by the Indigenous Environmental Network**

**August 28 2019**

The Indigenous Environmental Network (IEN) joins would recommend to the California Air Resources Board (the Board) not approve the CTFS.

It is not only the Amazon that is burning. The Earth is on fire. July is reportedly the hottest month ever recorded in the history of such record keeping. The 2018 Intergovernmental Panel on Climate Change (IPCC) report on 1.5° emphasized that emission of greenhouse gases (GHG) must fall by 45% from 2010 levels by 2030 and reach “net zero” by 2040, or our Mother Earth will only get hotter faster.<sup>1</sup> Predictive of the summer of 2019, they reported that uncontrolled forest fires will become more frequent and more destructive at a faster rate. Throughout the world, extreme heat waves and drought will only worsen. Violent storms will grow more frequent and more intense. Coral reefs, fundamental to the ocean’s food chain, will entirely disappear. As the IPCC states, the world’s environment and its life sustaining capacity must be protected from fossil fuels. The world needs real and immediate emissions reductions as the only true solution to climate change if global warming, catastrophic to humanity, is to be survived. Yet California’s Cap-and Trade and the proposed CTFS create a carbon lock-in and ensures continuing carbon emissions.

Worse, the CTFS inflicts this proven false solution to climate change on forest-dwelling Indigenous Peoples, that is our major concern. We, as an international Indigenous-based alliance, believe and earnestly hope that the protection and conservation of the world’s forests, both tropical and boreal, must be strengthened and allowed to thrive, and that the governance of forests should be left in the hands of those most able to achieve that end, Indigenous Peoples. But even though carbon markets do not work to reduce emissions, the CTFS invites hundreds-of millions- or even billion-dollar carbon-trading schemes that will displace and/or coerce Indigenous Peoples to give up their self-determination and their control over their forests, with only the promise of their survival as peoples.

The recent 2019 IPCC report on Land<sup>2</sup> recognized that a large and growing body of scientific literature demonstrates the critical role Indigenous Peoples play as guardians of the world’s lands and forests. They emphasized the importance of Indigenous Peoples’ land titling, control of their lands and forests, their practices of traditional knowledge and lifeways in the struggle against climate change. Indigenous peoples play a key role

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<sup>1</sup> [http://www.ipcc.ch/pdf/session48/pr\\_181008\\_P48\\_spm\\_en.pdf](http://www.ipcc.ch/pdf/session48/pr_181008_P48_spm_en.pdf)

<sup>2</sup> IPCC Special Report on Climate Change, Desertification, Land Degradation, Sustainable Land Management, Food Security, and Greenhouse gas fluxes in Terrestrial Ecosystems Summary for Policymakers Approved Draft, [https://www.ipcc.ch/site/assets/uploads/2019/08/4.-SPM\\_Approved\\_Microsite\\_FINAL.pdf](https://www.ipcc.ch/site/assets/uploads/2019/08/4.-SPM_Approved_Microsite_FINAL.pdf)

in the maintenance of land-based ecosystems, land and water use and sustainable land management in relation to climate change adaptation and mitigation, desertification, land degradation and food security.

“Insecure land tenure affects the ability of people, communities and organisations to make changes to land that can advance adaptation and mitigation. Limited recognition of customary access to land and ownership of land can result in increased vulnerability and decreased adaptive capacity. Land policies (including recognition of customary tenure, community mapping, redistribution, decentralisation, co-management, regulation of rental markets) can provide both security and flexibility response to climate change.”<sup>3</sup>

There is a growing solidarity with the Indigenous Peoples in the U.S. and Canada that maintain their defense of Sacred Water and Sacred Places. The defense of water at the traditional land and territories of Standing Rock Lakota Peoples in North Dakota, and against the Dakota Access Pipeline did not die. Neither has the struggle against the Canadian corporation, Enbridge. Solidarity has continued to be strengthened even after death of Berta Caceres, Goldman-prize winning, Indigenous Honduran woman leader, who was violently silenced to protect the interests of methane polluters. Indigenous Peoples are engaged in earnest defense of water and the Earth’s lifegiving capacity throughout the world, including the U.S. and Canada. Our articulation links the similarity in the societal violence against our women and governmental policies such as the CTFS that, in the minds and heart of many Indigenous Peoples, is a form of violence against our Mother Earth. Indigenous Peoples, including forest-dwelling, forest-dependent Indigenous Peoples, have rights, and they rise in defense of those individual and collective rights against fossil fuels and against global warming. From the perspective of the Sarayaku tribal peoples of the Ecuadorian amazon, the spirit of the forest has inherent rights that must not commodified, privatized and who’s carbon is sold and traded in the world market.

The failure of the Kyoto Protocol of 1997 has only delayed an adequate response to global warming. The details of the 2015 Paris Agreement, relying on voluntary “contributions” of emissions reductions are still mired in negotiations on the details of reporting. These “contributions,” announced prior to the Conference of Parties of the UNFCCC in their Paris meeting of 2015, are only half of the emissions reductions necessary to keep global warming under 1.5° centigrade. The IPCC’s 1.5° report indicates that without drastic reductions, we’ll likely burn through the rest of the 1.5°C carbon budget within the next three to 10 years.<sup>4</sup>

### **Safeguards and Reality**

Yet, in spite of the evidence that carbon pricing does not work, carbon-market schemes consider the world’s forests as carbon sinks and put a price on the carbon sequestered by trees. Not only has this drawn the attention of governments and financial institutions, it has led to land grabs and the violation of Indigenous rights.<sup>5</sup> Such schemes also have diverted attention away from the real causes of deforestation, as demonstrated by the conflagration in Brazil, such as oil production, legal and illegal logging, palm oil and soya plantations, and cattle ranching. Many Indigenous Peoples, their organizations, and their supporters continue to maintain that carbon trading schemes such as REDD+ are a primary cause of delays in Indigenous land titling throughout the world.

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<sup>3</sup> Id, at C.1.2.

<sup>4</sup> <http://www.ipcc.ch/report/sr15/>

<sup>5</sup> <https://www.business-humanrights.org/en/lack-of-action-plans-to-protect-indigenous-peoples%E2%80%99-rights-revealed-inreport-on-13-govt-commitments-to-reduce-forest-emissions>.

In spite of the fact that natural forests, managed by Indigenous Peoples, regenerate on their own and that old growth is best at carbon sequestration, TFS would invite enormous political and economic forces to focus on their lands and territories. As an example, the proposed CTFS cites the International Coalition for Sustainable Aviation (ICAO) plan for “reducing” the aviation industry’s GHG emissions by investing in a global market-based carbon reduction scheme. ICAO plans to cap their emissions at 2020 levels by 2030 by investing in more efficient aircraft and technologies, as well as carbon trading. Some estimate that the ICAO’s plan could “limit” emissions by as much as 2.5 billion tons of carbon in the first 15 years.<sup>6</sup> Even if technologies could serve to reduce some emissions, the other 1 billion tons (or so) of carbon, offset at the current price of California credits, would amount to an over US \$13 billion dollar global market.

The stark reality is that in order to really sequester the carbon in sufficient quantities to affect the Greenhouse gases in the atmosphere, 13 billion trees would have to be working, not planted, but sequestering carbon now. And as the California and Amazon fires clearly demonstrate, forest carbon sequestration is not permanent. The carbon will be released.

As Dr. Lauren Gifford pointed out:

“The Amazon fires are a brutal exposure of the fallacy of REDD to protect forests and sequester rogue carbon. Continued engagement with REDD exposes NGOs and governments as **strictly motivated by the business of development** – the redistribution of capital under the guise of virtue – and less concerned with climate action, and protecting forests and the communities that depend on them. NGOs increasingly tag on “co-benefits” to REDD projects, where conservation finance is spent on a range of pet projects involving gender equity, community-based forestry, or improved local livelihoods. But these are development projects, and research [by myself and others](#) have shown they do little to address climate change or carbon sequestration.”<sup>7</sup> (emphasis supplied)

Governmental as well as business enterprises (such as carbon traders, banks, investors, and oil companies) are given great leeway in determining from whom to seek and receive consent. Neighboring Indigenous Peoples share forests, their plants and medicines, their sacred areas, their wildlife and fish. Consent by those least affected is taken to mean consent by all. Consultations are, for many Indigenous Peoples faced with REDD+, equivalent to coercion and intimidation. Corruption is widespread; promises of benefit sharing rarely materialize and never compensate for what they have been forced to surrender. And an initial “no” is never binding. Colonialists have always been persistent. They keep coming back until they get what they want.

There is an ongoing power imbalance that Indigenous Peoples have endured since colonialism began. The way in which colonial and empirical power is enacted through REDD+ schemes becomes clear during the so-called consultation periods. Our Indigenous Peoples, faced with a REDD+ project, are subjected to economic and physical coercion, militarization, arrests, disappearances, and threats of death in order to secure their “consent.”

REDD + continues to divide communities. Peace and harmony between communities, within communities and within families is being broken by promises; neighbors and relatives are now at odds. Thousands, even millions of dollars are dangled in front of people’s eyes, and, as is common in all of humanity, greed and jealousy many times cloud reason.

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<sup>6</sup> <https://www.edf.org/climate/aviation>

<sup>7</sup> <https://redd-monitor.org/2019/08/28/guest-post-the-amazon-fires-mark-the-end-of-redd/>

The reality is that the safeguards are just another hoop that needs to be jumped through in order for business to prevail. And there are ways to avoid them entirely.

The UN Special Rapporteur on the rights of Indigenous Peoples, Victoria Tauli Corpuz, published a report<sup>8</sup> on so-called protected or conservation areas, a device used by governments to avoid Indigenous safeguards:

“Widespread allegations exist of human-rights abuses in protected areas [Fn. Omitted] and of the obstruction of justice by governments. And little has been done to reconstitute Indigenous Peoples and local communities for past human-rights violations, decriminalize customary practices in protected areas, or direct a greater share of conservation and climate financing (such as for reduced deforestation and forest degradation in developing countries—REDD+) to support the essential stewardship role of Indigenous Peoples and local communities.”

In an article in *Foreign Policy Magazine*, Alexander Zaitchik describes the situation of the Cofán peoples living on their ancestral lands now a “protected area.”<sup>9</sup> Relegated to guard the protected area, with their way of life, food security, and traditional practices prohibited by the state “owners,”

“... the Cofán are victims of a sort of green colonialism. Cayambe Coca and parks like it may have been founded with the best of intentions: to safeguard endangered biospheres. But the way these protected areas have been established and maintained has damaged the lives of the Indigenous Peoples who live within their borders, forcing them into what is effectively a landlord-tenant relationship with the state that deprives them of control over their land. Because the local governments often lack the will or resources to prevent industry encroachment, many such arrangements also end up undermining their creators’ explicit goal: conservation. This double failure is part of the complicated legacy of the modern conservation movement.”

The economic and social pressures on Indigenous Peoples, forced to give up their traditional lifeways and livelihoods, and forced to join those who view the forest as a “collection of economic commodities ripe for economic gain” is described by Zaitchik as “Green Colonialism.”

Zaitchik points out that international environmental NGOs are many times complicit. Citing the support of the World Wildlife Fund’s (WWF) support of the Cameroons and state park where Forest Peoples (Pygmies) are persecuted by park guards for hunting and gathering on their ancestral lands, when reached for comment, WWF responded that they take these allegations seriously and “work[s] with formal and informal actors to raise any substantiated instances with relevant authorities”-- even though the relevant authorities are the source of the Forest Peoples’ distress.

A key word in the CTFS proposed safeguard is “equivalent.” Are mass meetings, cited by the Environmental Defense Fund (EDF) with apparent approval, equivalent to “consultations” such as those mass public hearings held in Acre, in the implementation of Acre’s state forestry law?<sup>10</sup> Is a definition of forests purely as “environmental assets” providing “environmental services” devoid of the humanity, spirituality, culture,

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<sup>8</sup> [https://rightsandresources.org/en/publication/cornered-by-protected-areas/#.W8eGI\\_mP8cA](https://rightsandresources.org/en/publication/cornered-by-protected-areas/#.W8eGI_mP8cA)

<sup>9</sup> <https://foreignpolicy.com/2018/07/16/how-conservation-became-colonialism-environment-indigenous-people-ecuador-mining/>

<sup>10</sup> [https://www.edf.org/sites/default/files/Acre\\_Ready\\_for\\_REDD\\_EDF.pdf](https://www.edf.org/sites/default/files/Acre_Ready_for_REDD_EDF.pdf)

traditions and lifeways of Indigenous Peoples equivalent to respect for Indigenous Peoples? Is this not “conservation colonialism”?

The search for “safeguard equivalents” by proponents of REDD+ will surely take on many forms and rationalizations. And unfortunately, the road to full acceptance of linkages and safeguards promised by the CTFS will be long and torturous and subject to great amounts of money and “development” politics.

California’s Global Climate Action Summit (GCAS - 2018) resulted in more of the same oil and growth business as usual. It proposed “new industries” for Acre<sup>11</sup> that will serve only to draw development, roads, settlers, and condom factories that will affect the pristine forests necessary for safe and secure Indigenous Peoples and their custody and care of their forests. Ten Amazonian governors issued their “San Francisco Declaration, the Commitment of Amazonian Governors to Implement Robust Actions against Climate Change and Deforestation in their Jurisdictions”<sup>12</sup> that promises only more “protected” conservation areas leading to this same result.

Worse, so-called “global business, government and agricultural leaders” announced plans “embracing land as a climate solution,”<sup>13</sup> promising land use and land use change that would entirely remove Indigenous Peoples from their historical and millenniums-old control of their habitat, their forests, their lifeways, their food security and sovereignty, as well as their spiritual and material relationship to their land. We would call this a “land grab.” Others, like Foreign Policy Magazine, would describe it as “green colonialism.” It is a desperate attempt at an even greater geographic scale promoting development with geo-engineering as a solution to global warming, all meant to allow polluters to pollute.

What is needed is not more emissions business as usual, pretending emissions are hidden away in some far off Amazonian or Boreal forest while emitters are permitted to emit. As the IPCC and many other scientists have concluded, GHG emissions have to be reduced at the source and the window is fast closing. Many are now calling for a paradigm shift, away from a false belief that the oil-dependent economies of the developed world can continue to prosper and continue to warm the earth while “reducing” emissions via offsets.

Jason Hickel, in Foreign Policy Magazine, poses the inherent contradictions in promoting growth and extraction and calls for a new way of thinking, a new paradigm that is required to avoid catastrophic climate change:

“Preventing that outcome will require a whole new paradigm. High taxes and technological innovation will help, but they’re not going to be enough. The only realistic shot humanity has at averting ecological collapse is to impose hard caps on resource use, as the economist Daniel O’Neill recently proposed. Such caps, enforced by national governments or by international treaties, could ensure that we do not extract more from the land and the seas than the Earth can safely regenerate. We could also ditch GDP as an indicator of economic success and adopt a more balanced measure like the genuine progress indicator (GPI), which accounts for pollution and natural asset depletion. Using GPI would help us maximize socially good outcomes while minimizing ecologically bad ones.

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<sup>11</sup> <https://earthinnovation.org/publications/part-i-description-of-the-new-industries-and-cooperative-of-acre-state/>

<sup>12</sup> <https://earthinnovation.org/wp-content/uploads/2014/09/Declaracion-de-San-Francisco.pdf>

<sup>13</sup> <https://climatelandchallenge.org/>

“But there’s no escaping the obvious conclusion. Ultimately, bringing our civilization back within planetary boundaries is going to require that we liberate ourselves from our dependence on economic growth—starting with rich nations. This might sound scarier than it really is. Ending growth doesn’t mean shutting down economic activity—it simply means that next year we can’t produce and consume more than we are doing this year. It might also mean shrinking certain sectors that are particularly damaging to our ecology and that are unnecessary for human flourishing.”<sup>14</sup>

Given the “catastrophic and ongoing failure of market economics to address climate change,” others have also called for a rejection of a market capitalism that has not worked or will never work to address global warming.<sup>15</sup>

Indigenous Peoples and their forests should not be subjected to vast, political, coercive, economic forces that fail to address the real causes of global warming. For that, California and the rest of the developed world desperately needs to re-examine its own economic priorities including their fossil fuel production and their totally unsustainable consumption. At stake is humanity’s survival, as well as the well-being of tropical forest dwelling Indigenous Peoples.

For the above stated reasons, the Tropical Forest Standard should be rejected by the California Air Resources Board.

Respectfully submitted,

*Tom B.K. Goldtooth*

Indigenous Environmental Network

Contact: Tom B.K. Goldtooth, Executive Director, IEN [ientomg@gmail.com](mailto:ientomg@gmail.com)

1(218) 760-0442

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<sup>14</sup> Ibid, fn. 7, Foreign Policy Magazine, “Why Growth Can’t be Green.”

<sup>15</sup> <http://kevinanderson.info/blog/wp-content/uploads/2012/08/Pre-edited-version-A-new-paradigm-for-climate-change-2012-.pdf>, published by Nature Magazine.