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Comments to the California Air Resources Board on Safeguards for California's REDD Program

False Promises

On Monday, May 9, 2016 the San Francisco Chronicle published a story by Laurel Rosenthal, [“State’s Cap and Trade may reach rainforests,”](#) featuring Mr. Haru Kuntanawa, an indigenous man from Acre, Brazil. Supporters of the extension of AB32’s offsets to rainforests reportedly brought Indigenous peoples from Acre Brazil, Mexico and other state-level jurisdictions of Peru, Ecuador and Panama to promote the extension. It is noteworthy that supporters include the Western States Petroleum Association that cited the generation of carbon offsets and credits for the continued emission of Greenhouse Gases (GHG) as a “relatively cheap option” for California’s cap and trade programs. These supporters reportedly claim that the program will generate “probably, between \$50 million and \$200 million dollars, and promise a “boon” for Mr. Kuntanawa’s people.

Fyneface Dumnamene Fyneface, a Nigerian activist, is also quoted. He points out human rights problems in a similar program in a forest preserve in Nigeria. Forest dwellers there who rely on the forest for their means of subsistence are now banned from picking fruit, and gathering fire wood, banned from entering their forest altogether. But CARB officials promise that California’s REDD cap and trade program will include “safeguards” to guard against such abuses.

It is doubtful that Mr. Kuntanawa’s people in Acre will see much of the promised tens if not hundreds of millions of dollars. This kind of money has never ended up in the hands of Indians anywhere in the world. At best, the money generated by the cap and trade jurisdictional Reduction of Emissions from Deforestation and Degradation of Forests (REDD) program more probably will end up in the hands of the State of Acre or of Brazil itself, and carbon traders. At worst, the money will end up in the hands of corrupt public officials and carbon cowboys. Indeed, the fate of Mr. Kuntanawara’s peoples is more probably closer to Mr. Fyneface’s people of loss of livelihoods and food security and the forest itself.

A report published by the World Rainforest Movement, entitled, “[The green economy, forest peoples and territories: rights violations in the state of Acre](#)” bear this lamentable conclusion out.

Mr. Kuntanawa’s people reportedly tap rubber trees, gather nuts, and rely on their forest for their major means of subsistence. This report details the human rights violations visited upon Indigenous and forest dwelling peoples including the denial of the use of the forests for rubber tapping and production of means of subsistence, as consequences of REDD programs instituted in Acre pursuant to Brazilian “green economy, SISA, REDD programs.

Located in the southeastern corner of the Northern region of Brazil, the state of Acre is considered a world leader in the implementation of green economy policies and mechanisms including REDD. Acre is considered “excellent” by conservation organizations and governments from various parts of the world in creating harmony between economic development and environmental preservation, and as a prime example of how green markets can strengthen the forest peoples’ way of life. It is apparently the favored California REDD partner.

An on the ground visit by two “rapporteurs,” supported by various Brazilian Non-governmental Organizations (NGOs) revealed how REDD promises are broken.

The rapporteurs, upon their on-site visits, found existing and deepening territorial conflicts, “both in territories already controlled by communities and local peoples and those subject to uncertainty around land tenure;” Lack of recognition of their ownership of land is cited as a “grave vulnerability” of the communities’ capacity to guarantee their livelihoods, as well as the preservation and promotion of their culture and identity.

Brazilian law meant to guarantee the traditional and Indigenous peoples’ right to land, housing and property, and to preserve their culture and identity, such as Convention 169 of the International Labor Organization (ILO) to which Brazil is a State Party, are simply ignored.¹ The rapporteurs found that even the Brazilian constitution itself making similar guarantees is also ignored in the implementation of REDD and REDD type projects, citing, among other reasons, preparation for California’s jurisdictional REDD.

Acre is described by many UN and other international organizations as a model of forest management. A substantial number of Brazilian agencies are involved in forest management, such as Nacional de Unidades de Conservação da Natureza, (SNUC), the Brazilian Forestry Service (Serviço Florestal Brasileiro, SFB), The Brazilian Institute of Environment and Renewable Natural Resources (Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais

¹ Repeatedly, Treaty Monitoring Bodies such as the UN Committee on the Elimination of all forms of racial discrimination (CERD) and the Human Rights Committee have recommended that Brazil recognize, demarcate and title Indigenous lands, to no avail. See, the most recent examinations of Brazil pursuant to the International Convention on the Elimination of all forms of Racial Discrimination, UN. Doc. CERD/C/64/CO/2, 28 April 2004; the International Covenant on Civil and Political Rights, UN Doc. E/C.12/BRA/CO/2, 12 June 2009

Renováveis, Ibama), and the Institute of Agricultural and Forest Management and Certification (Imaflora), which grants the Forest Stewardship Council's seal (FSC). These and other Brazilian agencies are charged with the task of implementation and facilitation of, "sound management of Brazilian forests according to principles and criteria that integrate environmental safeguards, social benefits, and economic viability."

State and federal public forests are also subject to management plans. The Brazilian Institute of Environment and Renewable Natural Resources (Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis, Ibama) is responsible for issuing licenses for the management of areas with more than 50,000 hectares, whereas licenses for smaller areas are emitted by the Institute of the Environment of the state in which the area in question is located.

Under their aegis, the rapporteurs found logging was part of the management plan and allowed under REDD projects. They found: a chronic failure to consult local and indigenous communities; a failure to resolve land tenure issues; the reduction of lands allowed for subsistence activities such as family farming and rubber tapping; they also found illegal logging on the fringes of Forest Management areas; permitted logging as a form of deforestation; restrictions of fire necessary for subsistence farming; and, the disappearance of game animals normally part of subsistence activities. The rapporteurs cite cases of threats to indigenous leaders, activists and members of civil society organizations defending against these human rights violations. Offices are broken into, documents and equipment destroyed, human rights defenders physically threatened, situations that call for urgent measures on the part of the state, the ultimate guarantor of human rights.

The rapporteurs ask, "How is it possible on the one hand to meet social and environmental objectives while, on the other hand, rights are being violated?"

The System of Incentives for Environmental Services (SISA) is intended to govern REDD programs in Acre. Again, a myriad of state agencies are involved: the State Commission for Validation and Monitoring (Comissão Estadual de Validação e Acompanhamento, CEVA), which approves norms, regulations and sub-programs; the Institute on Climate Change and Environmental Services Regulation (Instituto de Mudança Climática e Regulação de Serviços Ambientais, IMC), which prepares norms and regulations, approves pre-registered plans and projects, and emits certified emission reductions (CERs); the Environmental Services Development Company (Companhia de Desenvolvimento de Serviços Ambientais), which attracts and manages private investments, prepares and executes projects, and trades and sells carbon credits; the Scientific Committee (Comitê Científico), an advisory committee that provides technical guidance; and an ombudsman to receive and monitor complaints, and mediate conflicts. At the end of 2013, when the interviews with government representatives were conducted, the only body that had not yet been created was the ombudsman's office.

With regard to non-indigenous forest campesino, or small producers, land disputes have not been resolved, the government agencies, although aware of the land tenure conflicts, preferring to negotiate with large, illegal land owners instead of the communities concerned. The rapporteurs found that there were no effective consultations with these communities. Instead community leaders related that they had no copy of the signed REDD contract that apparently prohibited family farming. Hunting and fishing was also prohibited, apparently considered “commercial.”

Particularly with regard to Indigenous peoples in Acre, the rapporteurs relate that “In the communities visited by the Rapporteur, it became clear that the communities’ approach to Indigenous peoples’ rights and to the green economy’s benefits and mechanisms were different from and, in many cases contrary to, the approach presented by environmentalist and indigenist organizations and government bodies.” The logic employed is that if the land has not been demarcated, it is not indigenous land and Indigenous peoples’ rights don’t apply.

One visited community in Acre, the São Paulino indigenous village of the Jaminawá people, near the municipality of Sena Madureira, has yet to have their lands titled, even in the face of a Federal Court decree of 2012. Their lands have been invaded by loggers and cattle ranchers continually shrinking their land base, originally 6,000+ hectares, reduced to a small strip of land not allowing for their traditional subsistence. *“For the indigenous people, the promise from the Funai office in Acre to support the community by completing the demarcation process and thereby alleviating their suffering has been systematically broken.”*

In the Beco do Adriano urban village in Acre the rapporteurs found an Indigenous Jaminawá community forced to leave their traditional lands, preferring not to “get shot to death.” They fled, according to one villager, due to the violence of neighboring landowners who stop them from using the forest’s resources to build houses and meet the community’s needs, including their access to water and food. The reality of city life is brutally imposed on the Indigenous peoples, who are obliged to modify their social and family relations and relations with work, their spiritual practices, rituals and relationship with time itself, among other changes, to guarantee their survival. What is more, in the city, they are constantly the target of prejudiced, racist and violent actions.

The Beco do Adriano Jaminawá were violently displaced in the early 1990s in spite of the Brazilian Constitution and laws in force even at that time to protect them.. They have endured over 30 years for justice and the restoration of their lands under law. One has to wonder, as the rapporteurs do, how much longer will justice be denied now that REDD has added millions of dollars to the value of their stolen lands for the benefit of those who stole it in the first place. Add to this quandary the fact, as reported by NPR, that the new interim President of Brazil is a part of the “cattle caucus” and the new Minister of the Interior is part of the “soy caucus.”

These apparently are lands slated for REDD projects in Acre, including California REDD. We would ourselves ask: how is this possible given the innumerable Acre state agencies charged with forest management, its sustainable use, and social and environmental protections? How will the great State of California ensure that these human rights violations do not occur under its oversight? Will it take these Acre agencies, including the proposed Ombudsman's word for it?

Admittedly, these conflicts and human rights violations need a great deal of time and effort to overcome (even though these conflicts and human rights violations have had generations of time to be redressed.) But as the rapporteurs observe,

“However, it should be emphasized that by opting for green economy policies, the government is treating the environmental issue as a problem that must be dealt with by applying the logic of the market. By doing so, it is making a choice and exposing the population to the risks that arise from this decision, given the enormous inequality that exists between the actors involved: the communities on one hand, and the landowners and corporations on the other.

“In the drama imposed on them, then, the communities can choose between two unique and perverse options: 1—losing the forest and their territories, and dealing with the absence of public policies; 2—forest management projects, green grants or REDD. *The regularization of their land titles and recognition of rights are used as a bargaining chip to get the communities to accept the projects.* One can even note that the responsibility for resolving the settlers' land situation—which is the population's right and the State's duty—is neglected by the State and handed over directly to the “owner” of the land/project, who is in a privileged position and interested in exploiting it on the market. Also, cultural differences and the absence of work methodologies based on the local culture make it impossible for the communities to effectively appropriate the “technical” language used by the projects' proponents. *Thus, in an environment where their needs are neglected by public authorities, the communities are held hostage by technical language and promises that, judging by the community members' comments, are questionable and unlikely to be kept.* (Emphasis supplied)

These are also the promises of California's REDD “Safeguards.”

Before adopting a jurisdictional REDD program CARB should keep in mind the conclusions and observations of the rapporteurs, on the ground and witnesses of the indigenous reality in Acre:

- Coercion into accepting proposals from outsiders in hopes of having their needs fulfilled, including the titling of their lands;
- Communities' testimonies and the organizations' complaints show that social participation in the political decision-making processes is insufficient;
- Those who question the green economy expressed constant complaints and fears of persecution and of institutional surveillance;

- The limited Government bodies failure to recognize the problems and the limitations of their actions, accompanied by a generalized tendency to disqualify all criticisms and a notorious effort to build a kind of “shield”. There was not even a minimum of effort on their behalf to reflect on the situation and engage in self-criticism;
- The [REDD SISA] projects reproduce the privileges that businesspeople and landowners have in terms of access to land, the forest and the benefits from the policy;
- The communities’ limited access to important information on green economy policies and projects, which is extremely serious, as it constitutes a vulnerability factor; and,
- Most importantly, the vulnerability of the communities’ food sovereignty and security.

We detail this report, based upon observed fact, on the reality of Acre, Brazil, as Acre is lauded as California’s most jurisdictional REDD ready partner. Yet, faced with a largely uncaring and callous state bureaucracy meant to assure their rights to their lands and territories, to their food security and sovereignty, their way of life, the prospects for Indigenous peoples under SISA programs are truly appalling. We are deeply concerned that the promise of “safeguards” will in any way meet this reality. We firmly believe that REDD promises will only result in the reality of the Jaminawá peoples, of dispossession, unemployment in a hostile and racist urban area, and the loss of their lands, their culture, language and spiritual life.

Safeguarding the State

The Green Climate Fund (GCF) is a funding mechanism of the UN Framework Convention on Climate Change. It has adopted UN IFC safeguards, including the right of Free, Prior and Informed Consent.

As one of its initial projects, in 2015, the GCF funded a REDD project on indigenous wetlands communities of Datem del Marañón in the Peruvian Amazon basin, to be administered by the Peruvian Trust Fund for National Parks and Protected Areas (PROFONANPE). As the area is a “protected area” Indigenous peoples do not own the land. Non-governmental Organizations are to provide for the participation of Indigenous peoples.

The [project description](#) provides that” the funding will support government departments in developing the land-use plan, and provide support to community-based organizations for the participation of Indigenous peoples. The largest share of funds will support bio-businesses, including for business plans, marketing and management, equipment and supplies, and the development of solar energy for operations. The nature-based products include salted fish, smoked meat, aguaje pulp (from palm trees), and “dragon’s blood,” a croton tree resin used as an anti-inflammatory and anti-viral.”

It is difficult to see how Indigenous peoples will benefit in any great degree above a few jobs as field workers caring for and harvesting nature based products or policing restrictions on traditional uses. And no doubt there will be restrictions on their use of the forest, as in Acre. The infrastructure itself for these bio-businesses and nature based products, including roads, will only attract non-indigenous workers and managers to this so-called protected area, permanently interrupting the communities' food security and ways of life.

As to the GCF safeguards, the UK Forest People's Programme (FPP) issued a [letter to the GCF](#) in early 2016, decrying the Peruvian NGO PROFONANPE failure to apply GCF safeguards.

The FPP points out repeatedly that the right of Free, Prior and Informed Consent extends to the Indigenous peoples affected directly and not through an NGO, and that it should be truly free, and prior to the project's implementation.

“When challenged by NGOs and IPOs [Indigenous People's Organizations] present at the [GCF] Zambia meeting about the obligation for project proponents to ensure that the right of IP communities give (or withhold) their Free, Prior and Informed Consent, the GCF Secretariat stressed that PROFONANPE is an NGO and therefore according to their interpretation should not be obliged to respect the principle of FPIC. Furthermore, they argued that the Implementing Entity provided extensive documentation on consultations effectively carried out and a commitment to continue consulting with communities after project approval.”

The letter goes to the basis of indigenous opposition to this REDD project:

“The Achuar and FENAP reject any project that contradicts the Achuar “Plan de vida” (“Plan of life) that could undermine their collective rights to own, manage and control an integral territory or risk violating their traditional ownership rights over natural resources. FENAP also expressed its disagreement with any project that would oblige Indigenous peoples to renounce their rights to an integrated territory and reject any contract that would imply State's control of natural resources that should be under their traditional ownership.”

There is in fact a seemingly overwhelming bureaucracy already functioning that is charged with the implementation of REDD safeguards for Indigenous peoples, as in Acre, happily willing to ignore or twist these social and environmental safeguards in order to protect the investor and the state; *not* Indigenous peoples. It is no different in Chiapas, Mexico, or any of California's REDD partnerships, nor within the UN itself.

REDD: A collection of Conflicts, Contradictions and Lies:

On December 3, 2014, the World Rainforest Movement published a collection of 24 case studies of ongoing REDD and REDD type projects designed to generate carbon offsets, demonstrating that they undermine forest peoples' rights, or fail to address deforestation. Of these 24 case studies we focus on carbon offset generating projects in proposed California REDD partners:

1. Purus REDD Project, Acre, Brazil:

This REDD project has been certified by the Verified Carbon Standard (VCS) and Climate, Community and Biodiversity Standard (CCB). The project has a CCB Gold Level distinction for being particularly "beneficial to local communities."

The reality: The Purus REDD project involves restrictions on shifting cultivation practices and agro-forestry activities on which the traditional land users in the area depend. They are rubber tapper families who also practise small-scale agriculture, largely for subsistence. The 18 families living in the project area (roughly 100 people) are classified as "deforestation agents," responsible for forest loss. As part of a community participation requirement, participants were asked to sign a document that they could not read that in reality recognized the company responsible for on the ground management of the project as owners of the land.

2. Scolel'Te forest carbon project, Chiapas, Mexico

In the face of collapsing coffee prices, indigenous coffee farmers were encouraged to join the project in order to diversify their land use.

The reality: Changes in land use have disrupted the community's food security, and payment for "environmental services" as they are dependent on the maturity of trees planted at the inception of the project, are insufficient to guarantee food security lost as a result of the project. The establishment of "environmental police" – meant to enforce conservation efforts in the project area – appears to have created fears within bordering communities that they will be driven off their land because they lack official land titles. Although the government claims that the communities wishing to stay will be allowed to do so, the Governor of Chiapas, Juan Sabines, stated that: "Of 179 'irregular' settlements within the jungle's protected area, most have been removed and only 11 remain."

3. Kalimantan Forests and Climate Partnership (KFCP), Indonesia

This project was launched in 2007 pursuant to an agreement between the Governments of Indonesia and Australia. The project was jointly administered by AusAID and the Australian Department of Climate Change and Energy Efficiency (DCCEE) and also involved several NGOs including Wetlands International, Borneo Orangutan Survival Foundation, CARE and WWF.

The reality: The project was planned without the community. Important information was withheld from them. The result is that only 50,000 trees were planted. Even fewer actually grew in the area selected for tree planting. The blocking of the drainage canals used by villagers to travel to their rubber trees also failed because of the resistance of local residents. In the Dayak Ngayu culture the very act of planting trees secures individual land tenure rights over that area. KFCP tree planting activities can thus be interpreted as a foreign assertion of ownership rights over community land. “What is noticeably absent from Australian thinking on REDD in Indonesia is an appreciation of the part played by corruption, illegal logging, poor rule of law, and the oil palm, timber, and paper/pulp industries in undermining REDD.”

The project was cancelled in June of 2013.

The conclusions of this World Rainforest Movement compilation of studies by numerous NGOs are apt:

1. Small producers and Indigenous peoples practice of shifting agriculture is wrongfully blamed for carbon pollution;
2. The real key drivers of forest loss are large-scale, often illegal deforestation. The report cites studies concluding that "nearly half (49%) of all recent tropical deforestation is the result of illegal clearing for commercial agriculture; and that "half of this illegal destruction was driven by overseas demand for agricultural commodities including palm oil, beef, soy, and wood products;²
3. Problems of leakage are not addressed.³ Surveillance and monitoring measures focus on community use of forests, not large-scale deforestation or biodiversity destruction.
4. REDD fuels conflict among and between communities: community people are many times hired as “environmental police” to enforce the prohibited traditional subsistence practices.
5. REDD undermines existing and future rights to territories. Even where land title or customary rights might be recognized on paper, implementation of REDD projects - especially those that generate carbon credits - is likely to lead to forest peoples effectively losing the control over their territories that a title document might initially grant.
6. Tradable REDD credits are a form of property title. Those who own the credit do not need to own the land nor the trees on the land. What they do own is the right to restrict traditional use practices on the land; to monitor what is happening in the territory and to request access to the territory at any time they choose as long as they own the carbon credit.
7. The suggestion that land tenure and customary rights questions can be achieved within a short timeframe shows the misconception of the tenure context in many countries where REDD initiatives are taking place.

² In addition to devastating impacts on forest-dependent people and biodiversity, the illegal conversion of tropical forests for commercial agriculture is estimated to produce 1.47 gigatonnes of carbon each year—equivalent to 25% of the EU’s annual fossil fuel-based emissions.” REDD will by definition of a market-based mechanism not address those 50% of the illegal deforestation.

³ the KFCP project with a 120,000 ha [...] project area pales in comparison with the 15.1 million ha of the total area in central Kalimantan, at least 83 per cent of which will be converted or destroyed through either oil palm, monoculture pulp plantations or mining permits issued by the relevant authorities.

8. Where communities receive benefits or are offered jobs, these often increase inequalities within the community: benefits went primarily to local elites and restrictions applied mainly to marginalized community members.
9. REDD is used as a political tool for advancing use of offsetting, including beyond the climate context. One lesson that conservation NGOs like The Nature Conservancy appear to have learned is to abandon the projects, or pass responsibility on to the local partners when conflicts arise and just set up new REDD projects in places where the illusion of success "... has not yet been pinched by reports exposing the reality of REDD conflicts, contradictions and lies."
10. REDD is immoral and unjust, as those who have contributed the least to the climate crisis and are pushed to alter the land use that provides their sustenance to allow the most affluent members of society, who have a historic responsibility for climate change, to pay their way out of the responsibility to change their lifestyle.

Other case studies point to the same failures of REDD projects in protecting Indigenous peoples⁴

CARB has received letters and comments citing Friends of the Earth International report, *The Great REDD Gamble*, available online at: <http://www.foei.org/wp-content/uploads/2014/09/The-great-REDD-gamble.pdf>, citing among other major ills, major conflicts over land tenure and ownership, where Indigenous peoples lose.

Many other studies available online also come to the conclusion that REDD not only fails to protect Indigenous peoples in spite of much hailed "safeguards" but in fact work against their rights and interests. See, e.g.,

1. Ribot and Larsen, Reducing REDD risks: affirmative policy on an uneven playing field, *International Journal of the Commons*, Vol. 6, no 2 August 2012, pp. 233–254: (Even when policies appear fair, the rural poor face severe biases in implementation. In addition, the poor must compete on an uneven playing field of class, ethnic and other social inequities and economic hurdles. With the development of the global forest (carbon) conservation strategy such as Reduced Emissions from Degradation and Deforestation (REDD), which is ushering in accelerated forest commodification, poor people living in forests risk further marginalisation, exclusion and rights abuses.)
2. Alice B. Kelly & Nancy Lee Peluso (2015) *Frontiers of Commodification: State Lands and Their Formalization*, *Society & Natural Resources*, 28:5, 473-495 (Using cases from Ethiopia, Cameroon, and Indonesia, we show how practices, institutions, and laws that expunge local rights and claims to land and replace them with state rights have been fundamental to the creation of 'new' frontiers. We argue that historical formalizations of state land created the enabling conditions for today's large-scale, international, and

⁴ With great thanks to Barbara Haya, for her research.

national acquisitions of land, in ways that were unanticipated at the time of state acquisition.)

3. Betsy A. Beymer-Farris & Thomas J. Bassett, The REDD menace: Resurgent protectionism in Tanzania's mangrove forests, *Global Environmental Change* 22 (2012) 332–341: (Through a case study of a “REDD-readiness” climate change mitigation and adaptation project, we demonstrate how a shift in resource control and management from local to global actors builds upon narratives of environmental change (forest loss) that have little factual basis in environmental histories. We argue that the proponents of REDD+ Tanzanian state, aid donors, environmental NGOs) underestimate the agency of forest-reliant communities who have played a major role in the making of the delta landscape and who will certainly resist the injustices they are facing as a result of this shift from community-based resource management to fortress conservation.)

Given Environmental Justice principles developed in the United States, it is no great stretch to describe REDD as racist. [The World Rainforest Movement](#) has compiled a website with articles and studies coming to this conclusion. Larry Lohmann's article, [“Nigger” and “Nature”: Expanding the Concept of Environmental Racism](#), is of particular relevance:

“Blowing a hole in the attitude, widespread among middle-class environmentalists, that “I’m not a racist, so don’t talk to me about racism,” the concept highlights the ways that nice guys without racist theories participate in racism, too – not only when they disregard the extent to which pollution flows toward black and brown people and away from whites, but also when they obey the rules of polite society that tend to forbid even raising such uncomfortable issues.”

Recalling Mr. Kuntanawa's comment as quoted by the above cited San Francisco Chronicle article, that, “When we look at the forest, we don’t just look at it as carbon,” Larry Lohmann observes:

“For example, REDD is racist not just because it grabs Indigenous people's land to clean up non-indigenous carbon dioxide emissions. It's also racist because it discriminates against indigenous ideas of land. Indigenous understandings of forests are not even dismissed, because they are not even recognized as existing. A similar racism is inherent in what Argentine sociologist Maristella Svampa calls “zones of sacrifice”, where indigenous valuations of land are ignored as obstacles to the commodity export economy.”

Mr. Fyनेface, also quoted in the same Chronicle article has also written a critique of REDD in Nigeria, [Seeing REDD, Communities, Forests and Carbon Trading in Nigeria](#), makes the same case:

“Appealing as the REDD option may sound, its implementations raises questions. In the first instance, REDD has been challenged as engendering a form of colonialism in that

developing countries are paid to maintain and grow forests to offset the pollution of developed countries. The viability of the scheme for actually reducing greenhouse gas emissions has been questioned. REDD may offer too little in the form of real mitigation for climate change, in that it fails to push for an end to the burning of fossil fuels. As partial as the solution REDD presents is, there is also the real possibility that while certain forests are preserved under the scheme, logging and other activities will simply gravitate to other none delineated forests thereby rendering the effort futile in reducing emissions.”

“With neither adequate consultation nor alternative livelihoods options for communities, the task force has been harassing community members that have depended on the forests for generations. Movement and trade of products deemed to have been derived from the forests are confiscated. At Nwanga Ekoi in Akpabuyo Local Government Area (LGA) for instance, the task force routinely seizes agricultural products like kola nuts and fruits meant for the market on account that they are derived from forests earmarked for REDD . The harvesting of *Afang* leaves, a local vegetable consumed in West and Central Africa, is now banned in affected forests. The hunting for bush meat, a main source of protein in the communities, as well as the tapping of palm wine from the raffia palm and associated brewing of *kaikai*, a local beverage, have been stopped.”

Conclusion

The Indigenous Environmental Network is familiar with CARB’s presentation, “Discussion on Social and Environmental Safeguard Requirements for Potential Linked Sector-Based Offset Programs of April 28, 2016. In this presentation the question is not whether REDD safeguards actually protect Indigenous and forest peoples, but which of the many safeguards developed by UN agencies such as the World Bank, the International Finance Institution, REDD readiness, the World Bank Forest Carbon Partnership Facility, to name only a few, would be “best.”

The evidence presented herein would pose an entirely different question, one of the efficacies of these so-called safeguards, of these proven false promises.

It should be kept in mind that REDD and REDD+ have been with us for over a decade. As amply shown by many studies and reports on actual REDD and REDD type projects, safeguards simply have not worked. One conclusion that is repeatedly drawn is that agencies of the State have not implemented them with any degree of good faith. Racism and social discrimination and the marginalization of Indigenous peoples are still the standard.⁵ The California REDDs

⁵ Sadly, environmental racism exists not only in other counties but in our own. The AB 32 offsets do not cut emissions at the source, failing to address the concerns of frontline racial minority communities such as those of

jurisdictional partners' legally binding human rights obligation have been on the books (and been virtually ignored) for generations. (See, e.g., fn. 1) California's REDD offset proposals will do little to accelerate their implementation. Indeed California REDD only promises to delay justice for Indigenous peoples even more.

This is the reality for Indigenous peoples. Given the proven gross inequalities as documented by numerous reports and studies, REDD will subject Indigenous peoples living their traditional lifeways to agencies of States with long histories of Indigenous peoples' marginalization and theft of their lands and resources, including forests. To subject Indigenous peoples to REDD market forces and the interests of highly capitalized industry and economic elites can only diminish them even more. This is reality.

We urge CARB not to become entangled in this endeavor, this morass. We urge the State of California to abandon once and for all, carbon market forest offsets.

Respectfully submitted

Indigenous Environmental Network, May 15, 2016

cc: Tom Goldtooth, Indigenous Environmental Network Executive Director