

Submission to the United Nations Human Rights Council Advisory Committee  
in response to request for input on new climate technologies and human  
rights per UN HRC Resolution 48/14  
from  
**TONATIERRA**

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**“We are on a fast track to climate disaster.”**

António Guterres  
Secretary-General of the United Nations  
April 4, 2022

**New Technologies for Corporate Privilege  
NTCP  
and the  
Territorial Integrity of Mother Earth**

The Impact of NTCP on the Enjoyment of Human Rights

“The urgency of the climate crisis demands a rapid reorientation of our societies and economies away from fossil fuels, the key driver of global warming. There is no time or justification for policy scenarios that fail to center an immediate halt to oil, gas, and coal expansion and the managed phaseout of all fossil fuels. Planning for overshoot on the premise that geoengineering techno-fixes and carbon trading can reverse temperature rise or mitigate its effects is indefensible.”

Open Letter to Intergovernmental Panel P Climate Change Working Group III  
Signed by 340+ organizations  
March 28, 2022

**Context:**

On April 8, 2022, the Human Rights Council Advisory Committee conducted an informal consultation to enable representatives from Indigenous Peoples organizations to discuss their experience, expertise, and perspectives on the human rights impacts of new climate technologies with experts of the Human Rights Council's Advisory Committee. By invitation, TONATIERRA participated in this virtual consultation. During this session, a point of discussion was the exclusion and marginalization of the Indigenous Peoples of the world in the conceptualization, design, implementation, and evaluation of the “new” climate technologies being identified for the purposes of review by the Human Rights Council.

Specifically, a discussion was initiated regarding the exclusion of the Indigenous Peoples of the world in the 27<sup>th</sup> Session of the UN Human Rights

Council Advisory Committee on February 21, 2022, where the NTCP theme was presented under agenda Item 3.(d) "Impact of new technologies for climate protection."

Regarding this point, the clarification brought forward by TONATIERRA was that this pattern of exclusion and marginalization was not a case of innocent "omission" as stated by the Advisory Committee, but instead another example of the **systemic discrimination** of the entire UN system itself regarding the inherent human rights of Indigenous Peoples. It is a conceptual and structural malignancy based on a cultural paradigm of patriarchal domination that characterizes the entire Westphalian architecture of state systems globally.

In social terms, the origin of the climate crisis for which the NTCP are being rushed to the front of the line in reactionary panic, is the breakdown of the cultural climate of respect and appreciation for Mother Earth as a living entity, the indomitability of the Natural World, and the homeostasis of human cultures in equilibrium with each other and the rest of the biosphere. In the realm of information science, this is an example of a complex adaptive system not being able to process appropriately the necessary input from its environment in order to adapt and flourish in tandem with the environment.

This pattern of systemic discrimination continues and is evidenced once again now in the fact that there is no specific mention of Indigenous Peoples in the framework of questions being circulated by the Advisory Committee for comment on the NTCP issue.

Instead, on the first page footnote of the questionnaire circulated by the Human Rights Advisory Committee to which this submission is a response, there is this notation:

*The term new technologies for climate protection for the purpose of this questionnaire broadly refers to techniques of deliberate intervention in the Earth's natural system in order to prevent further climate change or reverse it. The two main kinds are (1) Solar Radiation Management SRM (i.e. stratospheric aerosols) and (2) Carbon Dioxide Removal CDR. CDR solutions can be nature-based (forestation, soil carbon sequestration, biochar, etc.) or technological (enhanced weathering, bioenergy with carbon capture and storage, direct air capture and storage, etc.).*

The branding of not only untested, but untestable corporate geoengineering NTCP projects is now given a charter of legitimacy by the UN Advisory Committee to advance within a global marketing global plan a new and improved version of "climate protection".

Where, when, and how will the UN Human Rights Council, the Special Rapporteur, and the Advisory Committee begin to integrate the Ancient Technologies of Climate Regeneration (ATCR) of the Original Nations of

Indigenous Peoples of Mother Earth in order to address the present climate disaster named by UN Secretary-General António Guterres?

This is not the first time this question has been posed to the UN.

### **Preface to Commentary**

We respectfully submit that this submission be received in response to the following question from the Advisory Committee questionnaire:

*As opposed to focusing on selected few technologies, do you think a holistic and inclusive approach will help reduce any gaps in the existing system for addressing human rights challenges from NTCP?*

What we are addressing is not just gaps, but a void. The void in systems of human cognition that are artificially constructed to align with the short-term interests of the global consortia of corporate elites that direct and benefit from the machinations of exploitation and expropriation of the fossil fuel industry: AKA Empire of Petropolis.

### **Background: Human Rights of the Future Generations**

*Before human rights can be enjoyed, they must be first recognized, respected, and effective provisions and international mechanisms for the violations of these must be in place. Even so, without the political will to being these mechanisms to bear without discrimination, the human rights of Indigenous Peoples are a dead letter in the longer narrative of the death warrant for the Original Nations of Indigenous Peoples of Mother Earth. The end game is not only genocide, but Terracide.*

### **TERRACIDE**

The willful and premeditated Crime against Humanity and the Territorial Integrity of Mother Earth that results in the destruction of the capacity of EARTH to be a Mother to the Future Generations.

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### **Geoengineering and Indigenous Peoples Human Rights: A systemic pattern of violations of the right Free, Prior, and Informed Consent**

At its forty-eighth session (13 September-11 October 2021), the United Nations Human Rights Council adopted resolution 48/14, in which it requested the Advisory Committee to conduct a study and to prepare a report, in close cooperation with the Special Rapporteur on the promotion and protection of

human rights in the context of climate change, on the impact **of new technologies for climate protection** on the enjoyment of human rights, and to submit the report to the Council at its fifty-fourth session (September 2023).

Subsequently this issue was addressed during the 27<sup>th</sup> Session of the UN Human Rights Council Advisory Committee on February 21, 2022. Regarding the lack of inclusion of **Indigenous Peoples** in the proceedings, the **ETC Group** stated:

*This involvement is crucial, particularly given that experiments on solar geoengineering and carbon dioxide removal have already taken place in violation of the rights of Indigenous peoples and peasants. Several geoengineering projects are planned to be carried out in the territories of Indigenous Peoples in violation of their right to free prior and informed consent.*

*We are very concerned that the panel invited by the HRC Advisory Committee to make presentations on the issue is only composed of researchers from the Global North. It is a matter of public record that each of them has taken positions in favour of the advancement of geoengineering technologies.*

This point was also emphasized in the statement by the **Heinrich Böll Foundation** as follows:

*Leading legal experts have pointed at the risks that geoengineering poses to a range of rights including the right to life, the right to health, an adequate standard of living, the right to food and the right to a livelihood. In proposed projects, the full range of relevant rights, including the principle of **free prior and informed consent (FPIC)** needs to be considered - which is a challenge when considering technological interventions that aim to have transboundary and even global impact!*

*Public participation in geoengineering decision-making must be meaningful, global and transparent to ensure the severity and scale of potential impacts of geoengineering are fully recognised and taken into account. Those who are already most affected by the climate crisis and those who would suffer most from the adverse impacts of geoengineering must be given an active and leading voice in geoengineering governance and decision-making. This would include, among others, Indigenous Peoples, local communities, small-scale farmers and fisherfolk, women and youth.*

*We are surprised to see that today's panel of experts consists of only Northern/Western academic experts with a track record of support for specific geoengineering approaches and would like to encourage the*

*Advisory Committee to seek further consultation with and advice from indigenous peoples and potentially affected rights-holders from around the world.*

On March 2, 2022, contesting the denomination of NTCP by the experts of the HRC Advisory Committee an intervention by the **Indigenous Environmental Network** (IEN) stated:

*In light of this information, it is concerning that the HRC mandated the HRC Advisory Committee to evaluate geoengineering technologies that were wrongly subsumed under the title of "climate protection technologies."*

Regarding the pervasive violations of the right of **Free, Prior, and Informed Consent** in terms of geoengineering projects, the IEN also stated:

*The **Arctic Ice Project** has not been transparent about opposition or concerns that have been raised. The National Congress of American Indians passed a resolution against Solar Radiation Management in June 2021, yet these experiments continue.*

*Tribal members all across the coasts of the Arctic who rely on the Arctic ice are not fully informed about the project including its scope or the intention behind it. They have not been included in discussions on a broad scale, and there has been no formal consent of all Indigenous nations who live where this is being tested and where there is intended deployment.*

*Introducing a substance that does not normally reside on the Earth's surface is risky at best, and could be very detrimental, especially since not all coastal tribes have been consulted. Their knowledge of the lands, ocean, and ice have not been formally and fully considered. Tokenizing a few Alaska Natives by uplifting the voices of those who agree with the project and simply ignoring those who raise concerns is not consent.*

### **The Saami Peoples**

*In early 2021, Saami Council was contacted about a planned test by the project called SCoPEX (Stratospheric Controlled Perturbation Experiment) based at Harvard University. The SCoPEX project is a scientific experiment meant to advance understanding of stratospheric aerosols that could be relevant to solar geoengineering, also known as SRM - Solar Radiation Management.*

*The Saami Council was informed that after several unsuccessful plans to conduct field tests over U.S territory, the SCoPEX research team moved their first part of the experiment to Sápmi. Apart from the possible negative consequences of the technology itself, Indigenous Peoples in the*

*U.S. underlined that the testing would violate the sacred relationship between Mother Earth and Father Sky and stopped SCoPEX from proceeding. Following this, the research team turned towards the Swedish Space Corporation in Giron, the Swedish part of Sápmi.*

*In late February 2021, the Saami Council together with environmental organizations in Sweden sent an open letter to the SCoPEX advisory committee and underlined that there are no acceptable reasons for allowing the SCoPEX project to be conducted in Sweden or elsewhere. The Saami Council has also addressed the Swedish government through a letter to the three ministries responsible for environment, research and enterprise.*

The struggle of the Indigenous Peoples against colonialism and genocide on this continent of the **Great Turtle Island Abya Yala** [Americas] is marked from the beginning of World War I and the arrival of the initial invasion forces from Christendom on October 12, 1492. In 2018, the plan for the Stratospheric Controlled Perturbation Experiment (SCoPEX) in Tucson, Arizona to advance the marketing of geoengineering known as Solar Radiation Management (SRM) was brought to the attention of our organization of Indigenous Peoples, TONATIERRA.

TONATERRA operates as secretariat of the Continental Commission Abya Yala, and is based at the Nahuacalli, Embassy of Indigenous Peoples located in the territories of the O’otham Nations [Phoenix, Arizona].

Upon learning of the SCoPEX project in Tucson, we communicated with our networks of kinship and traditional cultural alliances as Indigenous Peoples of the territory to inquire what they knew of the project. There was a complete lack of information. We then communicated with the traditional ancestral leadership of the O’otham Nations upon whose land the city of Tucson is situated and asked for a consultation. We accompanied the Nukutham (Traditional O’otham guardians of the Sacred Sites) to visit the compound where the project was to be launched. Afterwards, the Nukutham stated that not only were they not informed of the nature and scope of the experiment, but they could not consent to such a project on any O’otham lands.

*From an Indigenous Peoples perspective, the industrial geoengineering projects we see today are a historical extension of the massacre on the great plains of the buffalo in the 1800’s and the invasion of Mexico by GMO corn products under NAFTA in 1994. These precursors of the geoengineering projects we see today, were also promoted by the same consortia of government, financial, and industrial interests that resulted in the ecological devastation, genocide, and territorial dispossession of our Original Nations.*

*With today’s geoengineering flagship projects such as SCoPEX in Tucson,*

*we see the sails on the horizon of yet another flotilla of invasions just like the Niña, the Pinta, the Santa Maria – and the Mayflower. This time it is the sky itself that is being commodified and marketed. We stand in solidarity and commitment to the Cochabamba Protocols, in defense of the Territorial Integrity of Mother Earth and say NO to Geoengineering! Hands Off Mother Earth!*

*TONATIERRA statement from the Hands Off Mother Earth Manifesto 2018*

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## **Mandate of the Indigenous Peoples**

The Resolution adopted by the Human Rights Council on 8 October 2021, 48/14 “Mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change” states in the introductory paragraph:

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations,*

*Reaffirming that States have the obligation and the primary responsibility to respect, protect and fulfil human rights and fundamental freedoms, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and all relevant international human rights instruments,*

The concluding paragraph affirms that:

*“Emphasizes that, while taking steps to respond to climate change, States must ensure that they meet their human rights obligations;”*

Prior to the convening of the General Assembly High Level Plenary Meeting in 2014, a global UN Indigenous Preparatory Meeting was held in Alta, Norway from June 10-12, 2013. The following intervention from the floor of the Alta Conference was presented by one of the indigenous delegates:

*“We call for the restitution of the primary source materials and testimony that was lent to the United Nations system as fundamental to the evidence in document form of the systemic (system to system) nature of the legal relationships between the Nations of Indigenous Peoples and the member states of the UN system for the purpose of the Treaty Study conducted by Dr. Miguel Alfonso Martinez of Cuba.*

*Such delivery should be initial act of good faith in terms of the continuing process of systemic documentation among the Nations of Indigenous Peoples and the UN system prior to and as a necessary act of condition to allow for the full and effective participation of the Indigenous Peoples in the High-Level Plenary Meeting on an equal basis and without systemic discrimination in the process of producing the Final Outcome Document of the High-Level Plenary Meeting of the General Assembly 2014.*

This intervention was never recorded in the official reports from Alta, much less integrated into the Alta Outcome document, nor considered by the UN member states at their 2014 High Level Plenary Meeting, fraudulently called the World Conference on Indigenous Peoples.

## **ALTA OUTCOME DOCUMENT (2013)**

### **Preamble**

*We further affirm that nothing in this process or its outcomes may be interpreted as diminishing or eliminating any of the rights of Indigenous Peoples contained in the Declaration, or any of the other international standards which protect, defend, and uphold the inherent economic, social, cultural, civil, political, educational and spiritual rights of Indigenous Peoples.*

*We reaffirm the peremptory norms of international law, including on equality and non-discrimination, and assert that the realization of the rights of Indigenous Peoples, including those affirmed in the Declaration, must be upheld by States, individually and collectively, free from all forms of discrimination including discrimination based on race, ethnicity, religion, gender, sexual orientation, age, and disability.*

*We affirm that the inherent and inalienable right of self-determination is preeminent and is a prerequisite for the realization of all rights. We Indigenous Peoples, have the right of self-determination and permanent sovereignty over our lands, territories, resources, air, ice, oceans and waters, mountains and forests.*

### **Theme 1: Indigenous Peoples' lands, territories, resources, oceans, and waters**

- 1. In order to fulfil their obligations to guarantee Indigenous Peoples' right of self-determination and permanent sovereignty over our lands, territories, resources, air, ice, oceans and waters, mountains and forests, we recommend that States, as a matter of urgency, establish effective mechanisms through agreements reached with the Indigenous Peoples concerned, to effectively implement the aforementioned rights consistent with State's obligations under international law, the UN*



*Charter, the Declaration and **Treaties and agreements concluded with Indigenous Peoples and Nations;***

What is in question is not just the inherent right of Indigenous Peoples to free, prior, and informed consent in a culturally appropriate manner regarding projects that impact their territories and human rights. Nor is this issue only limited to the specific treaty concerns of specific Indigenous treaty nations with specific states.

What is in question is the need for the international legal system of the planet to escape the conceptual constraints and the ethical void of the colonial legacy which gave origin to the present international framework, in open violation of the right of self-determination of the Indigenous Peoples, **equal to all other peoples**. Such a geopolitical trajectory could provide an effective strategic repositioning of global ecological concerns vis-à-vis the fractured interests of the states and the corresponding geopolitical blocs of power and competition. A multilateral world that integrated the recognition of **Indigenous Nationhood**, where the rights and responsibilities of the Original Nations of Indigenous Peoples of Mother Earth are acknowledged and respected could provide a possible alternative to the self-destructive modus operandi of the present international regimes of competition, consumption, and finally the fatal degradation of the biosphere.

## **Conclusion**

In consideration of the preceding, we now submit:

On March 20, 2022, a joint Declaration by a Western Hemisphere Alliance of Original Nations of Indigenous Peoples that includes the 1894 Sioux Nation Treaty Council, the Western Shoshone Defense Project, the Consejo de Todas las Tierras Mapuche, and TONATIERRA was submitted to the United Nations Secretary General, the High Commissioner for Human Rights, the Human Rights Council, and the Committee on the Elimination of Racial Discrimination.

This declaration invoked the principles of **UNHRC Resolution 48/7 Negative impact of the legacies of colonialism** and called upon the UN system to address the institutionalized and systemic legacies of discrimination and colonialism **within** the UN system.

(A/HRC/RES/48/7 Resolution adopted by the Human Rights Council on 8 October 2021)

- 1. Stresses the utmost importance of eradicating colonialism and addressing the negative impact of the legacies of colonialism on the enjoyment of human rights;*

2. *Calls for Member States, relevant United Nations bodies, agencies and other relevant stakeholders to take concrete steps to address the negative impact of the legacies of colonialism on the enjoyment of human rights;*

Without the international recognition, respect, guarantees to honor and mechanisms of effective enforcement of the **Treaties** between the states and the Original Nations of Indigenous Peoples within the international legal system of the UN member states, the concept of free, prior, and informed consent for Indigenous Peoples is reduced from an international standard and principle of law to a political phrase with significance derived from the domestic interpretations and bureaucratic policies of the individual states.

In terms of the discussion and debate over NTCP, all of the strategies and plans to address documented threats to the human rights of Indigenous Peoples exacerbated by NTCP projects will be devoid of justice, and instead serve as instrumentalities of even deeper subjugation and colonization in particular for the Treaty Nations.

Therefore, in order to advance a substantive discussion on the processes presented by United Nations Human Rights Council Advisory Committee per UN HRC Resolution 48/14, we respectfully call for the inclusion of the **UN Study on Treaties, Agreements, and Constructive Arrangements** concluded by Special Rapporteur Miguel Alfonso Martinez in 1999 (E/CN.4/Sub.2/1999/20) as fundamental reference to contextualize the issues being brought forward.

*"We, Original Nations and Indigenous Peoples of Mother Earth, assert our right to address all forms and manifestations of colonialism, foreign occupation, including all scourges of racism and racial discrimination, apartheid, crimes against humanity, and genocide on an equal basis to all other peoples and nations in accordance with the United Nations Charter."*

*Joint Declaration from the following Indigenous Nations and Peoples to the United Nations Secretary General, High Commissioner for Human Rights, Human Rights Council, Committee on the Elimination of Racial Discrimination, and the Expert Mechanism on the Rights of Indigenous Peoples  
March 20, 2022*

Signed:

1894 Sioux Nation Treaty Council  
Consejo de Todas las Tierras Mapuche  
Western Shoshone Defense Project  
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