

What Can Be Done Now?

Climate action under existing U.S. law BY DAN GALPERN

We will respond to the threat of climate change, knowing that the failure to do so would betray our children and future generations.

— President Obama, Inaugural Address, Jan. 21, 2013

Efforts are mounting to create political space and bolster the president's renewed determination to avert increasingly devastating disruption of our planet's climate system.

To take the most notable example since the inauguration, more than 35,000 protesters converged on the nation's capitol Feb. 17 for a March on Washington for Climate Action. Their call for action without further delay included the specific demand that the U.S. State Department disapprove an exceptionally damaging scheme for a Canada-to-U.S. tar sands pipeline (the so-called Keystone XL project). Lifecycle carbon emissions from use of tar sands substantially exceed those from other oil sources, and NASA's James Hansen has warned that the Canadian tar sands "contain twice the amount of carbon dioxide emitted by global oil use in our entire history."

Three days later, the protesters' overall demand for meaningful climate action appeared to be embraced by John Kerry. In his first major speech as the new U.S.

secretary of state, Kerry declared that "We as a nation must have the foresight and courage to make the investments necessary to safeguard the most sacred trust we keep for our children and grandchildren: an environment not ravaged by rising seas, deadly superstorms, devastating droughts and the other hallmarks of a dramatically changing climate." That statement should herald the right decision soon over the tar sands matter.

But beyond blocking an exceptionally egregious new carbon-intensive project, what can the federal government do now — particularly when the majority in the U.S. House remains beholden to the short-term interests of the fossil fuel industry and deaf or disdainful of the clarion warning of science that further delay imperils broad reaches of our planet, including much of the American West?

In fact, much can be done. Granted, this Congress is unlikely to pass a new, economy-wide limitation on carbon pollution. But existing law — particularly the set of federal and state authorities and requirements embodied in the Clean Air Act — provides exceptionally strong tools to sharply reduce greenhouse gas emissions from most of our major sources.

Precisely how this can be done is the subject of a report out this month by the World Resources Institute (WRI),

entitled, appropriately enough, "Can The U.S. Get There From Here? Using Existing Federal Laws and State Action to Reduce Greenhouse Gas Emissions."

In brief, WRI researchers detail why, under a business-as-usual scenario — one without additional action — the U.S. contribution to the global climate crisis will slowly worsen. However, with strong utilization of existing environmental law, they show that our nation could realize significant short- and medium-term emissions reductions from existing coal and gas power plants and natural gas systems, and phase out certain hydrofluorocarbons that otherwise will efficiently trap atmospheric heat.

Nicholas Blanco, principal author of the WRI study, will be in Eugene to discuss his findings in a panel discussion at the Public Interest Environmental Law Conference, entitled "Without Further Delay: Reducing Climate Pollution under Existing U.S. Law," at 10:30 am Sunday, March 3, at the UO School of Law, Room 142.

In this late hour — at the precipice of runaway, uncontrollable planetary heating — dare we do less than is allowed by law?

Dan Galpern is an environmental attorney with the Law Offices of Charles M. Tebbutt in Eugene.

Makama says that the corporations are predatory and deliberately look for the weakest governments. They violate laws in Africa that they would never violate in their home countries, she says, and it's difficult, if not impossible to pursue them.

She points to a coal mine in Swaziland that was run by the Koch Brothers that had frequent explosions; people died, she says, and now men sit at home, injured and unable to work, but the company pulled out, and said it was too "cash-strapped" to make contributions. "And we all know the Koch Brothers are not struggling," Makama says.

TANZANIA

While Elifuraha Laltaika may live in another region of Africa, Makama, sitting across from him at a table in Eugene, points out that his fight for environmental and social justice in Tanzania is "very similar; what is different is only the location."

She says across Africa, indigenous people are forced off the land not only for preserves, often under the guise of ecotourism, but also for fossil fuel extraction and for fuels whose purpose is to fight climate change — sugarcane and a crop called jatropha are planted to generate biofuels for Europe and ironically have to be shipped long distances to get there.

Laltaika says that the concept of indigenous rights is not one that has been widely used in Africa, but now it has become an important concept. Tanzania and many other African countries have not recognized the legal existence of indigenous peoples; this means people like the Maasai have lacked constitutional, legislative or administrative means to ensure that as indigenous peoples they have rights equal to that of other communities, he says.

Both Laltaika and Makama play down the backlash they themselves have faced for their work advocating for local populations and for the environment. By comparison to Maasai advocates before him, the backlash has been greatly reduced, Laltaika says. "I remember my relatives getting harassed, getting threats," he says. It's the communities themselves, and those people who try to stand up for themselves, that experience backlash from the corporations. They isolate them, target them personally, Makama says.

One company installed a water tap into a community without much access to clean water, but then prevented those who spoke up against the corporation from accessing the water. Another company targeted children by sponsoring



a soccer team but then excluding the kids whose parents were seen as talking to "outsiders" — advocates who might be speaking out against the corporation. "The government sees foreign investors as a panacea for economic growth," Laltaika says.

Hunting preserves are a problem in Tanzania, too, he says, with Maasai herders unable to roam to the lands they have historically retreated to in times of drought. Recreational safaris are not the problem, he says, but closed-off hunting preserves are. "The poor are poachers, but the others are 'sport hunters,'" he says.

Big game hunters, high-ranking government officials, celebrities, Laltaika says, come to Tanzania to hunt lions, antelope, cheetahs and leopards. The royal family of the United Arab Emirates has installed an airstrip in a sanctu-

ary "in total disregard of the livelihood of the Maasai cattle herders," Laltaika says. These evictions of the Maasai off their lands result in cattle dying and conflicts over the land, he says. His nonprofit organization, ALAPA, gives legal assistance and helps protect the human rights of traditional cattle herders and hunter-gatherers. The group works in the courts, but also works to change the laws themselves to allow local populations a say in their own land and environment issues.

"Historically, a lot of harm has been by the government taking land from those vulnerable groups," Laltaika says.

Elifuraha Laltaika and Thuli Makama speak at PIELC at 4 pm Feb. 28 on "Land, Climate Justice and Wildlife Conservation in Africa," and at the 10:30 am March 3 film debut of Unfair Game: The Politics of Poaching. Makama gives a keynote speech at 12:30 pm March 1. See pielc.org for more panels and times.